



## REVIEW OF ISLAMIC LAW ON THE TRADITION OF SASAK TRADITIONS IN PANDA JAYA VILLAGE, PAMONA SELATAN DISTRICT, POSO DISTRICT

*TINJAUAN HUKUM ISLAM TERHADAP TRADISI MERARIQ SUKU SASAK DI DESA PANDA JAYA, KECAMATAN PAMONA SELATAN KABUPATEN POSO*

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### ABSTRACT

This research discusses the Merariq tradition of abducted marriage in the Sasak tribe. Discussions related to the marariq tradition in this research include the Merariq (kidnapped marriage) procession in the Sasak tribe and explaining the review of Islamic law on the marariq (kidnapped marriage) tradition of the Sasak tribe. This research uses a type of research method, namely empirical legal research, which is a research method obtained from interviews, and uses a historical approach, namely an effort in the context of research activities to establish relationships with the people being studied or methods to achieve understanding of the problem being studied. The results of the research show that the traditional process of merariq (kidnap marriage) means that there was previously an agreement between the two parties. Merariq, a tradition that usually applies to the Sasak tribe, has its own unique logic. For the Sasak people, merariq means maintaining the self-esteem and virility of a Sasak man because he managed to secretly take the girl he loves. However, the culture of merariq (kidnapped marriage) is a form of tasyabbuh bi al-kuffar (identification with infidels), and Muslims are prohibited from practicing it.

**Keywords:** Merariq Tradition, Sasak Tribe, Islamic Law

### ABSTRAK

*Penelitian ini membahas tentang tradisi Merariq perkawinan penculikan pada suku Sasak. Pembahasan terkait tradisi marariq dalam penelitian ini meliputi prosesi Merariq (pernikahan diculik) pada suku Sasak dan menjelaskan tinjauan hukum Islam terhadap tradisi marariq (perkawinan diculik) suku Sasak. Penelitian ini menggunakan jenis metode penelitian yaitu penelitian hukum empiris, yaitu metode penelitian yang diperoleh dari wawancara, dan menggunakan pendekatan*

sejarah yaitu suatu upaya dalam rangka kegiatan penelitian untuk menjalin hubungan dengan orang yang diteliti atau cara untuk mencapai tujuan. pemahaman terhadap masalah yang sedang dipelajari. Hasil penelitian menunjukkan bahwa proses adat merariq (nikah penculikan) artinya telah ada kesepakatan terlebih dahulu antara kedua belah pihak. Merariq, tradisi yang biasa diterapkan pada suku Sasak, memiliki logika unik tersendiri. Bagi masyarakat Sasak, merariq berarti menjaga harga diri dan kejantanan seorang pria Sasak karena berhasil merebut gadis yang dicintainya secara diam-diam. Namun budaya merariq (perkawinan diculik) merupakan salah satu bentuk tasyabbuh bi al-kuffar (identifikasi dengan orang kafir), dan umat Islam dilarang mempraktekannya.

**Kata-kata kunci:** Tradisi Merariq, Suku Sasak, Hukum Islam

## A. INTRODUCTION

Marriage procedures in Indonesia have different procedures because Indonesia recognizes the existence of religions and beliefs, and the procedures are different; therefore, the Republic of Indonesia, which is based on Pancasila, firmly recognizes the principle of religious freedom (Subekti, 2002). Marriage is a sunnatullah that applies generally to all creatures of Allah SWT, including humans, animals, and plants. One of the verses in the Koran that discusses the purpose of marriage is QS. ar-Rum/30:21, which reads:

أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Translation:

“Among His signs (of His greatness) is that He created partners for you from your own (kind) so that you may feel at ease with them. He created among you feelings of love and compassion. Indeed, in this, there are indeed signs (of the greatness of Allah) for people who think (Ministry of Religion of the Republic of Indonesia, 2019).

The purpose of marriage is to produce peace and tranquility, both physically and mentally. Allah SWT has ordained marriage for humans so that the chaos of their minds and the turmoil of their souls will subside and they will become calm. Therefore, everyone should feel calm next to their partner.

The Islamic religion itself pays special attention to marriage. Islam is a religion that is universal and covers all aspects of life; there is not a single problem that is not touched upon by Islamic values, even though the problem seems small and considered trivial. Talking about marriage, Islam provides a lot of direction and guidance,

starting from where to look for the criteria for our future soul mate to how to treat our wife or husband when they are officially or legally married (Nur Yasin, 2008).

Merariq (kidnapping marriage or taking away marriage) is a traditional marriage system carried out in Panda Jaya village. When talking about Sasak tribal marriages, merariq cannot be ignored. This tradition is ingrained among the Sasak tribe, and in its area of origin, namely Lombok, it is normal for a woman to be taken away by a man. However, other people still know little about the Sasak tribe, both regarding their customs and the marriage process, which is known as merariq (kid marriage) (Lalu Lukman, 2006).

The opinion of the Sasak tribe regarding merariq (kidnapped marriage) is generally divided into two groups: some agree and some are against. The traditional leaders of the Sasak tribe certainly support the preservation of this tradition, while the religious leaders are of the opinion that the culture of merariq (kid marriage) is a tradition of Balinese Hindu society that is followed by the Sasak tribe (Ahmad Fathan Aniq, 2012). The culture of merariq (kidnapped marriage) is a form of *tasyabbuh bi al-kuffar* (identification with infidels), and Muslims are prohibited from practicing it. The Islamic Ummah should make it more of a tradition of sermons or proposals rather than running away with each other.

For the Sasak people, merariq means defending and maintaining self-esteem and describes the manly attitude of a Sasak man because he has succeeded in taking (running away) a girl he loves. On the other hand, parents of girls who have been run away also tend to be proud to give their children away if asked normally, because women or girls in the Sasak tribe, especially in Lombok, are highly respected. There is an expression that is usually said in the Sasak language: "*ara'mngendeng anak manok baen*," which means it's like asking for a chicken. So in this context, merariq (kid marriage) is understood as a way to carry out a marriage procession (Nur Yasin, 2008).

In Poso Regency, specifically in Panda Jaya village, there are differences in the marriage customs of the Lombok Sasak tribe and the Bugis tribe. The marriage tradition or custom of the Lombok Sasak tribe is to take away or hide the woman without the knowledge of her family. This tradition is considered bravery for a man when marrying a woman. The process of carrying away a woman is a very complicated one because it must be done at night and must not be known to the woman's family. The marriage tradition of the Sasak tribe is actually different from the marriage tradi-

tion of the Bugis tribe, namely visiting the prospective bride by asking the woman's family to marry her; this tradition is called *mam-manu-manu* (Rusdidaming, 2017).

Many people think that this tradition is not in accordance with Islamic marriage law, but this tradition is still carried out by the Sasak community. Departing from the general public's opinion that merariq (kidnapped marriages) is contrary to Islamic law, it is therefore, according to the author, very necessary to carry out further research in order to obtain more information and knowledge regarding the merariq (kidnapped marriages) tradition, which is then reviewed with Islamic law (Rusdidaming, 2017). In connection with this, the author has prepared it in the form of a thesis with the title: "Review of Islamic Law on the Merar-iq (kidnapping marriage) tradition of the Sasak tribe (Case Study in Panda Jaya Village, South Pamona District, Poso Regency)".

## **B. LITERATURE REVIEW**

Research on the Islamic Law Review of the Merarik Tradition has indeed been carried out several times by several previous researchers. The results of this research really helped the author get an idea of how Islamic law itself views the traditional traditions of the Sasak tribe, namely Merarik. The important things obtained from previous research that have been carried out by previous researchers are very helpful for researchers in this case to carry out further research. Some previous research that is relevant to the author's research is as follows:

Iwan Mulyawan (2009), "The Development of Islam in Lombok. Islamic Studies in Lombok in the 20th Century" This thesis discusses how the people of Lombok accepted Islam very easily in a peaceful manner in the 16th century, so that Islam could develop well without conflict and violence. Islam and local culture negotiate with each other, as seen from the emergence of two local cultures that can live and develop well, namely Islam. However, in subsequent developments, Time Telu Islam (local Islam), which was initially widely embraced by the native Sasak population, was considered "wrong Islamic religious procedures" by Time Lima Islam. Because of this, Islam Tim Lima, from the beginning of its existence, intended to carry out an Islamic mission, or da'wah, towards the Muslims of Tim Telu because it was considered that their Islam was not yet perfect. 13 What this thesis has in common is that it discusses the Sasak tribe, and what makes it different is that this thesis discusses how the Sasak tribe accepted Islam.

Hudalinnas (2012), "The Merarik (elopement) tradition in the Sasak Lombok community from the perspective of Islamic law." This thesis discusses the Merarik procession, and if viewed from an Islamic legal perspective, the research concludes that there is a gap with the provisions of Islamic law, whether they are reviewed from a normative and welfare point of view. Therefore, from the perspective of Islamic law studies, the Merarik tradition is a bad tradition, even though the marriage contract is valid because it fulfills the pillars and conditions of marriage according to Islamic law and has received legality from the state. 14 What this thesis has in common is that it discusses how Islamic law views the merariq tradition (kidnap/elope marriage), and what makes it different is the place of research.

Kaharuddin (2006), "The Merarik (Elopement) custom of the Sasak people from the perspective of Islamic marriage law in West Nusa Tenggara." This thesis discusses several reasons why Merarik is carried out, one of which is to show sincerity and courage, like a knight of the man. boy against girl.

Merariq Practice: The Social Face of Sasak Society, written by Muhammad Harfin Zuhdi, This book discusses the marriage customs of the Sasak tribe in Lombok, which have been deeply rooted and carried out from generation to generation and are now mostly understood as silariang (elopement).

Alif Lam Mim: The Wisdom of the Sasak People, written by John Ryan Bartholomew. This book discusses the marriage customs carried out by the Sasak tribe, namely the merarik tradition in Lombok, especially in Demen Village.

## C. METHOD

The method that the author uses in this research is: This type of research is called field research, which is qualitative research where the researcher directly observes and participates in research conducted by observing local culture. The reason the researcher used this type of field research was because the researcher went directly to the field to research the Sasak tribe community, which had carried out the Merariq (kidnapping marriage) tradition. The research approach used in this research is a normative, sociological, and historical approach (M. Deden Ridwan, 2001). To make it easier for researchers to collect data, there are three techniques used: observation, interview, and documentation. Several techniques used in data management in this research are: editing (data checking), classification, and conclusions.

## D. RESULT AND DISCUSSION

### **The Marariq Traditional Procession of the Sasak Tribe and the History of its Traditions**

Marriage is an important event that every person goes through. Marriage is the basic structure found in every society. Marriage is a relationship between a man and a woman formalized according to customs and traditions, positive law, and religious law.

The implementation of marriages for the Sasak tribe applies the principle of freedom; marriages are carried out based on their own will and freedom of choice from both parties. Even if there is a marriage that is carried out based on the wishes of the parents, this is very rare, so customs and traditions open up wide opportunities for young men and women to get to know each other more about each other's existence and to be able to freely make choices regarding their soul mate (Koetajangrat, 2005).

In the customs and traditions of the Sasak tribe, marriage is called *me-rariq*; etymologically, the word *merariq* comes from the word "*lari/malarian*," meaning to run away. Elopement (*kawin culik*): elopement is a system of customs and traditions of marriage that is still applied in the Lombok area; elopement in the Sasak language is called *merariq* (Solichin Salam, 1992).

In the history of the emergence of the tradition of elopement on the island of Lombok, there are two views that emerge, namely:

1. The originality of *merariq* kidnap/escape marriage is considered to be local culture and an original ritual of the ancestors of the Sasak community, which was practiced by the community before the arrival of the Balinese and Dutch colonialists. According to Nieuwenhuzhen, as quoted by the Depdikbud Team (Department of Education and Culture), many Sasak customs and traditions have similarities with Balinese tribal customs, but the customs and traditions, especially Sasak marriages, are actual Sasak customs and traditions.
2. *Merariq* acculturation, kidnapping, or escape marriage is often considered an imported culture, not native to the ancestors of the Sasak community, and was not practiced by the community before the arrival of colonial Bali. This opinion is supported by some Sasak communities and was pioneered by religious figures. In 1955, at the West Lombok Bengkel, TGH Saleh Hambali abolished abduction and eviction marriages because they were considered a manifestation of Balinese Hinduism and were not in accordance with Islam. The same thing can be found in villages that are the base of Islamic activities in Lom-

bok, such as Pancor, Kelayu, Anjani, and others. A Dutch researcher, Liefimek, supports the opinion of religious figures; according to Jhon Ryan Bartolomew, the practice of kidnapping or running away from marriages was borrowed from Balinese culture. The historical anthropological analysis carried out by Clifford Geertz in his book *Internal Convention in Bali* (1973) and James Boon in his book *The Anthropological Romance of Bali* (1977), as quoted by Bartolomew, strengthens the view of Balinese and Lombok cultural acculturation in Merariq. Solihin Salam emphasized that the practice of elopement in Lombok is influenced by caste traditions in Balinese Hindu culture.

Meanwhile, on the other hand, the parents of the girl who was run away also refused to give their child away if asked normally; they thought that their daughter was something valuable; if asked normally, it would be like asking for something that is not valuable. There is an expression that is usually said in the Sasak language: Ara'm ngendeng anak manok baen (like asking for a chick), so in this context, Merariq is understood as a way to carry out a wedding procession (Zara Febrianto, 2022).

According to M. Nur Yasin, there are at least four basic principles contained in the practice of elopement on the island of Lombok, namely:

1. The prestige of a woman's family. Kidnapping or running away marriages are understood and believed to be a form of respect for the dignity of a woman's family. On the basis of this belief, a girl who runs away is in no way considered a default (unilateral violation) by the man's family over the woman's family. but instead it is considered an achievement of a woman's family. A girl who is taken away feels that she has certain special qualities, so she attracts the hearts of men. There is an opinion that is deeply rooted in the memory and mental structure of certain communities in Lombok that being run away means that their daughter has a high economic bargaining value. Consequently, a woman's family feels insulted if the girl's marriage is not abated or run away (M Nur Yasin, 2006).
2. The superiority of men and the inferiority of women: one thing that cannot be avoided in a kidnapping or elopement marriage is that a man appears to be very strong, controlling, and able to tame the social psychological condition of the prospective wife, regardless of whether it is done consensually and has been planned beforehand. or not previously planned.

3. Egalitarianism in kidnapping marriages creates a sense of togetherness among the entire woman's family, not only the father and mother; the girl's brothers and sisters, uncles, aunts, grandfathers, grandmothers, all relatives, and close friends also encourage the family to participate. complete the continuation of kidnapping and elopement marriages. Togetherness involves a large community of people in the local environment. The process of completing a kidnapping or escaping marriage does not always end with a marriage; sometimes it ends with no marriage taking place because there is no agreement between the prospective husband's family and the prospective wife's family.
4. Commercial: the occurrence of an elopement almost always continues with the pisuke bargaining process; the negotiation process is related to the amount of the pisuke, which is usually carried out at the mbait wali event, with consideration of the economic aspect, which is the strongest and dominant throughout the mbait wali event. There are strong indications that a guardian feels he has raised his daughter from childhood to adulthood. For all these efforts, quite a lot of money has been spent. As a result, an attitude arises from parents who want the costs of raising their daughter to be reimbursed by their future son-in-law. The higher the educational and social level of the child and parents, the higher the bargaining value of the girl; conversely, the lower the educational and social level of the child. girls and their parents, the lower the economic value offered.

The procedure and description of the Sasak tribe's traditional merariq procession, such as marriage, is considered a way of achieving a peaceful, serene, and peaceful life as a couple (*mawaddah-warahmah*) as well as a means of continuing generation (getting offspring); therefore, marriage does not only unite a man with just one woman, but at the same time it has the meaning of uniting the relationship between two large families, namely male relatives and female relatives, based on this big goal, so there are three types of marriage in Sasak society, namely:

1. A marriage between a man and a woman with one heir is sometimes called a pisa marriage.
2. Marriage between a man and a woman who are related by family ties is called sambunguwatbe-nang marriage (to strengthen family relations).

3. A marriage between a man and a woman who are not related by marriage (kinship) is called a peg-aluh gumi (expanding area or territory) marriage. Thus, it becomes increasingly clear that the purpose of marriage according to Sasak custom is to continue offspring, strengthen kinship ties, and expand family relationships (Mulyati, 2023).

The procedures for the traditional Sasak wedding procession can be classified into two main stages, namely pre-wedding and post-wedding. The following description will describe several processions that prospective Sasak male and female couples must go through on their way to the marriage gate, including:

1. Pre-marriage In general, every marriage is usually preceded by an introduction between a man and a woman. In the Sasak community, this tradition is known as beberayean or bekeme-lan, meaning it is the initial process leading to marriage in the Sasak community's customs. The purpose of berayean is almost the same as the concept of taa-ruf, namely a means to get to know each other between two young couples as provisions for building a household in the future. There are several kinds of activities carried out by young women during beayean to get to know each other better, even with the woman's family and the community, namely:
  - a. Midang is visiting a girl's house with the intention of meeting her on the basis of love. If you come to a girl's house, it's not just because of love; it's not said to be midang, but rather because you're visiting for friendship or playing around (bekedek). Each Lombok region has its own customs and traditions regarding the time for midang. It is held in the evening at 20.00–23.00 WITA, and if it exceeds these provisions, the girl's parents will definitely reprimand her, but if she comes during the day, it is not considered acceptable. midang because during the day is the time to work. There are several awing-awing rules regarding midang that generally apply to the Sasak tribe, namely:
    - 1) All men who are not mahrams can come to the midang, whether they are single or married, rich or poor. If, by chance, the midangs come at the same time, then they are not allowed to be jealous of each other. Everyone sits cross-legged or on chairs at a distance from where the girl is sitting, and none of them are allowed to feel more intimate inside and then serve the others drinks or anything else; unless it is done by the girl alone, those who

come first must be willing. and have the courage to say goodbye first, even if you don't really feel satisfied.

- 2) Midang is carried out in the evening after Isha (20.00–23.00), and if the girl is at home, she is obliged to meet the performer without favoritism, and the parents must also separate themselves, either going to a neighbor's house or waiting in front of the house. If the time limit has passed and he has not come home, then it is the right of the parents and the community to reprimand or even expel him.
- b. Merewehan means giving; prewehan means gift. Prewehan is usually given for two motives: the first is purely on one's own initiative with the intention of making one happy or proving the seriousness of one's love. Second, because there is a request from the girl, in Sasak custom, the first prewehan is considered an ordinary prewehan, while the second prewehan is proof of the seriousness of the love of both parties and also acts as a binding or promise that will lead her to merariq (Sainun, 2006).
- c. Merariq is the initial process in a series of marriages. Merariq, meaning carrying away a woman by a man to marry, is the method most often used by the Sasak tribe in several places in Lombok from the past until now for marriages that have been carried out in the Sasak tribe. There are several merariq awing-awing (rules) that generally apply to the Sasak tribe, namely as follows:
  - 1) The prospective bride who wanted to be taken was truly willing to marry and even made a promise before running away from home.
  - 2) The prospective bride must be taken to her parents' house and cannot be taken to her family's house, in the rice fields, or in other places.
  - 3) It must be done at night after sunset until 12:00 and is considered despicable for those who perform merariq during the day.
  - 4) This must be done in a polite and wise manner, not through coercion, violence, or other methods.
  - 5) You must include the girl's mahram, be it an uncle, aunt, or older sibling, to avoid unwanted things.
  - 6) The prospective female bride who is taken must be taken to the house of one of the man's family members, even in another village, or to the house of the head of the hamlet

or village that governs the area, in order to avoid the anger of the man's parents because they do not agree and the woman does not agree. listening to the bad words coming from her future in-laws. In this place, the prospective bride must be accompanied by another woman from the man's family and can only go home to the man's parents after the merariq process is complete.

- 7) If a prospective bride is taken, she must notify her family, tepesejati, and tepeselabar of her whereabouts and condition immediately.
- 8) The male's family visits the female's family sincerely for a maximum of 3 days; if it exceeds 3 days, then they will be fined for violating existing customs or traditions.

The abducted marriage method (merariq) is carried out at night, and there is an agreement between the prospective husband and wife, preceded by an agreement between the prospective husband and prospective wife that has been made verbally beforehand. They agree to run away at a predetermined night and hour; this method is carried out by couples who like each other because of their own choice or as arranged by their parents (Sainun, 2006).

There are two reasons for escaping at night, namely:

- a. To follow customary provisions.
- b. To keep their escape process secret.

Meanwhile, agreements are made for reasons, namely:

- a. To avoid disobedience.
  - b. The prospective husband and wife want to have each other immediately.
  - c. To facilitate the implementation of customary or traditional procedures.
2. *Besejati and beselabar* is an information process that is presented to the village government (the village where the bride-to-be comes from) to notify the village head. This information is then continued to the hamlet head or traditional authority in the village and then to the bride's parents. Selabar means spreading the news; this selabar is carried out before the besejati process. This selabar process can be carried out with the parents and relatives of the prospective bride through the keliang as the family companion and the person in charge in the hamlet or village (Jumarim, 2002).

*Beselabar and handover of pisuke*: the Sasak tribal community is beselabar, and beselabar is a process of notifying the public, especially those with the most authority, namely the woman's parents

as the owners of the missing girl and the head of the village where the girl lives as the person in charge of the area. *Besejati* *beselabar* must be carried out as soon as possible, namely the day after *merariq* for those in the village and no later than three days after *merariq* for those outside the village. If *merariq* is not accompanied by *besejati* and *selabar*, then it is called theft or kidnapping, and it violates customs and traditions and even violates statutory law. Some true rules and traditions of the Sasak tribe are as follows:

- a. Real rules
  - 1) Each party, both men and women, immediately reports to the head of their village regarding the loss of their daughter and regarding the taking of the woman (*merariq*) for the man.
  - 2) The men's side must also immediately send someone to the head of the women's hamlet to inform them for certain about taking their residents for marriage (*merariq*).
  - 3) If you are still in the same village, the genuine event must be carried out immediately without a day's distance from the *merariq* process. Meanwhile, between villages, there can be relief with a time gap, no later than 3 days from the *merariq* process.
- b. Collaboration rules:
  - 1) After the genuine process is complete, it must immediately be followed by a distribution, namely sending a messenger from the man to the woman's house mediated by the hamlet head to inform them about the *merariq*.
  - 2) The number of delegates is at least (the most common) two people. However, for tens of people, these delegates had to wear complete traditional Sasak clothing as a distinction from most other people.
3. The messengers had to bring several devices, namely yellow *tuleweng* (*talam*) and, on top of it, a yellow *peninang* (a piece of white and black cloth arranged in white at the bottom and black at the top, then tied with a red thread). *Leweng* is a sign of self-abasement to excuse oneself, meaning it is a symbol of the existence of two people who are bound by marriage, where the black cloth on top means the bride and groom have not yet had a marriage contract, whereas when '*sorongserah*' the white cloth on top shows that a sign that the bride and groom have entered into a marriage contract (Okte Susilawati, 2020). All attitudes and behaviors, such as how to carry and position the

envoy's luggage, will be carefully observed by traditional leaders, and if an error occurs, a fine will be imposed.

4. *Betikah*, or marriage contract, before the marriage contract is carried out. The men had previously been ready to present the woman's parents as guardians and also the village marriage registrar (VAT); therefore, the men's family, since the merariq process, had to immediately contact the village teacher (ky-ai/religious figure) or report to PPN and seek confirmation of the willingness of the woman's parents to be present as guardians. If everything is ready, the marriage contract can take place on the day that has been agreed upon by all parties, and the implementation may be carried out in a mosque, prayer room, or anywhere other than the home of both parties, because traditionally both parties are not allowed to visit each other beforehand. Not until the event is finished through a public decision (M. Harfin Zuhdi, 2012).

### **Review of Islamic Law on the Merariq Tradition of the Sasak Tribe**

Marriage is an important event in human life; marriage is also nature for humans, given by Allah SWT. Because Islam views marriage as a basic human need, it is also a sacred agreement between a man and a woman.

Where the ulama also provide different definitions, including the 4th ulama (four schools of thought) as well as contemporary ulama, according to the Shafi'iyah ulama, the definition of marriage quoted by Amir Syarifudin has a formula that can be used to understand that marriage is a contract or agreement. which contains the intention of allowing sexual relations (Rania, 2023).

Allah also commands his servants to marry, for example, in QS. An-Nur Ayat/24:32, which reads:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۖ إِن يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Translation:

“And marry those who are still single among you, and also those who are worthy (to marry) of your male and female servants. If they are poor, Allah SWT will empower them with His grace. And Allah is all-encompassing (His gifts), all-knowing.”

The Compilation of Islamic Law (KHI) formulates that the purpose of marriage is to create a household life that is sa-kinah and warahmah, namely a household that is peaceful, full of love, and

happy physically and mentally. However, in the civil law article 332, it is explained that:

1. A woman guilty of running away is threatened with prison:
  - a. With a maximum prison sentence of seven years, anyone who takes away a minor girl does not do so with the will of her parents or guardian, but with the woman's own will with the intention of having the woman either by marriage or by unmarried.
  - b. With a maximum prison sentence of nine years, anyone who takes away a woman by deception, violence, or threats with the intention of having the woman, whether married or unmarried.
2. Prosecution is only carried out based on complaints. The complaint was made:
  - a. If at the time the woman was taken away, she was not yet an adult, by the woman herself, or by someone who had to give her permission if she wanted to marry.
  - b. If a woman who is taken away is already an adult and marries the woman she took away, and the rules of the civil law code apply to that marriage, then no crime can be imposed before the marriage is declared annulled (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2018).

Marriage in Sasak Merariq (kidnapping marriage) means that there has been an agreement between the two parties beforehand. For example, before carrying out this tradition, the man first informs the woman; if they agree, the man will carry out this tradition at night and be taken to the house of one of the traditional or religious figures to be used as a hiding place for the woman. Then this man returned to his own house after carrying out this tradition, and the woman, who was in a different place, was closely guarded by several people to avoid anything untoward. After that, the male party, whether the hamlet or village head, went to the woman's village to inform the woman's hamlet head that one of his residents had been stolen by his residents. After that, a deliberation was held between the man's family and the woman's family to discuss the pisuke money and panaik money, as well as the contract and reception.

This tradition does not conflict with any regulations because Merariq has rules that do not lead to bad things. In Ushul Fiqh, abducted marriages (merariq) can be said to be Urfsahih, which are Urfkhas, namely: customs that are repeatedly carried out and accepted by people. many and do not conflict with religion, good man-

ners, and noble culture; this habit is carried out by a certain group of people at a certain time; it does not apply in all places and at any time (Dedy Efendi, 2023). It's just that for the general public, merariq (kidnapped marriage) is considered contrary to the teachings of the Islamic religion, of course, because it departs from the meaning of kidnapped marriage, or what is usually called runaway marriage.

Islam recognizes the existence of customs and traditions, provided that they do not contain elements of mafsadah and do not conflict with the propositions of sharia', so that the rule "al-adatu muhakamah" applies and that customs can be the basis of law, which means that customs that are generally implemented are decisions. law, but customs that are recognized as law must fulfill several requirements, namely:

1. Muftarid, carried out repeatedly, consistently doing the same thing regarding one particular action.
2. Munaqis, carried out by many people; the community, not carried out by one person.
3. Tahqiq, this benefit is not imaginary.
4. Muwafiqial-syari, in accordance with and not in conflict with the rules and teachings of the Islamic religion, especially those contained in the holy books Al-Qur'an and Hadith.

In the matter of Mu'amalah, as long as there is no sharia prohibition, the punishment is permissible; if it contains aspects that are prohibited, then it is not permissible. In carrying out the practice of Merariq (kidnapping), which is understood by the Sasak community as an effort to respect someone who has a girl child and does not violate Islamic law and custom/tradition rules, there are several important processions that must be carried out at the time of a kidnapping marriage, as follows:

1. Midang, which aims to keep away from things that smell bad and not invite bad desires (keep away from adultery) (Mulyati, 2023).
2. Merariqini is carried out because, in the view of the Sasak community, asking nicely for their daughter to marry can offend the girl's parents because something that is asked for is likened to a worthless item, so it must be kidnapped so that it is considered very valuable, so the term merariq is carried out. In the Sasak language, it means to run away, but in the process of carrying away the girl or kidnapping in Islam, the priority is to protect someone's feelings and not offend them (Juriah, 2023).
3. *Besejatil* *Beselabar* is the time to discuss the price of the pisuke and the price of the dowry, what is violated in customary

law when carrying out the merarik, and finally, the time or date for the process of continuing the marriage, such as the marriage contract, party, and so on. Selabar, or negotiation, also aims to reach an agreement between the parties to the dispute or in order to seek peace. As stated in the Civil Code (KUHPerdata) Article 1851, peace is an agreement with which both parties, by handing over, promising, or retaining an item, end a pending case, or prevent a case from arising (Civil Code, 2008).

4. Before the marriage contract (betikah) is carried out, the man is previously prepared to present the woman's parents as guardians and also the village marriage registrar (VAT). This is regulated in Law No. 1 of 1974 concerning marriage, Article 2, which reads, "Registration of marriages of those who enter into marriage according to the Islamic religion is carried out by a registrar as intended in Law No. 32 of 1954 concerning the registration of divorce and reconciliation marriages" (Constitutional Court: Law No. 1 of 1974 concerning marriage, Article 2). Therefore, since the merariq process begins, the male family must immediately contact Tuan Guru (a religious figure) and seek confirmation of the willingness of the female parents to be present as guardians (demand a guardian). If everything is ready, the marriage contract can be carried out; don't hesitate. The marriage contract process must follow the pillars and conditions in accordance with Islamic law, such as:
  - a. The presence of the bride and groom.
  - b. There is a guardian.
  - c. There were two men as witnesses.
  - d. There is a Kabul agreement.
  - e. The presence of a marriage registrar.

In Article 1 of Law Number 1 of 1974 concerning Marriage (Marriage Law), it is explained that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a family. Furthermore, Article 2 of the Marriage Law states that:

1. Marriage is valid if it is carried out according to the laws of each respective religion and belief.
2. Every marriage is recorded in accordance with applicable laws and regulations" (Constitutional Court: Law No. 1 of 1974 concerning marriage article 2).

Law No. 16 of 2019 concerning marriage is an amendment to Law No. 1 of 1974 concerning marriage, which only contains one

(one) special article amending the provisions of Article 7 to read as follows: "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years." From a legal perspective, according to the Compilation of Islamic Law (KHI) article 14, it is stated that the pillars of marriage are four, namely:

- a. Future husband.
- b. Future wife.
- c. Marriage guardian.
- d. Two witnesses.

## E. CONCLUSION

Based on the previous discussion, the following conclusions can be drawn:

1. Marariq (kidnapped marriage) in the Fiqh proposal of kidnapped marriage (Marariq) can be said to be authentic Urf, which is a typical Urf, namely: A custom that is repeated over and over again, is accepted by many people, and does not conflict with religion, manners, or culture. This habit is carried out by a certain group of people at a certain time, and it does not apply in all places and at any time.
2. The traditional process of merariq (kidnap marriage) means that previously there was an agreement between both parties between the male and female candidates. However, on the other hand, there is a value that is slightly contradictory to the verse of the Qur'an, which recommends asking permission from the woman's parents; however, if the village community carries out the practice of Merariq, this is a sin that should be avoided because Islam recommends rejecting that. It's called taking benefits.

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