

THE DOMINATION OF ISLAMIC LAW IN CUSTOMARY MATRIMONIAL CEREMONIES

Islamic Values within the Malay Marriage Tradition in Kepulauan Riau

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Abstract

The Malay community has engaged with various traditions, such as those of India, the Middle East, China, and even Europe. Despite that, religion, Islam, has wielded the most significant influence, particularly within the context of marriage life. The process of Muslim Malay marriages consistently adhere to Islamic values, even as these marriage processes are conducted within the framework of local customary practices. This article aims to examine the extent to which these marriage process adopt and synchronize with commonly held

Islamic values. Data was gathered through observation and interviews in the Kepulauan Riau. This article reveals that these marriage processes indeed manifest values well-known within Islam. These values constitute in *merisik* phase symbolizing the principle of *at-ta'aruf*; menyampaikan hajat symbolizing *al-musyāwarah*; menyampaikan belanja being a form of *at-ta'awun*; ajak mengajak representing *as-syirkah*; berbalas pantun signifying *al-mau'izah*; and *do'a selamat* embodying *as-syukr*. These values unequivocally represent the dominance of Islamic Law as the pivotal principles of Customary Law in Kepulauan Riau.

[Dalam lintasan sejarah, masyarakat Melayu telah berinteraksi dengan berbagai tradisi, misalnya India, Timur Tengah, China, dan bahkan Eropa. Terlepas dari sisi geografis di atas, Islam memiliki pengaruh yang paling signifikan, terutama dalam prosesi perkawinan. Pada tataran nilai, tahap-tahap pernikahan orang Melayu Muslim selalu menerapkan nilai-nilai Islam meskipun prosesi perkawinan itu dilaksanakan dalam bingkai acara-acara adat setempat. Artikel ini bertujuan untuk melihat sejauh mana tahap-tahap pernikahan itu mengadopsi dan sinkron dengan nilai-nilai yang umum dalam Islam. Untuk mendapatkan gambaran yang tepat, kami mengumpulkan data dengan cara observasi dan wawancara di Kepulauan Riau. Artikel ini menemukan bahwa sebenarnya prosesi-prosesi tersebut merupakan manifestasi dari nilai-nilai yang selama ini jamak dikenal dalam Islam. Nilai-nilai tersebut antara lain: *merisik*, menyimbolkan prinsip *at-ta'aruf*; menyampaikan hajat menyimbolkan *al-musyāwarah*; menghantar belanja merupakan bentuk dari *at-ta'awun*; ajak mengajak menyimbolkan *as-syirkah*; berbalas pantun, merupakan *al-mau'izah*; and doa selamat merupakan *as-syukr*. Dengan demikian, nilai-nilai tersebut tidak ubahnya merupakan pengejawantahan dari dominasi Hukum Islam sebagai sendi Hukum Adat di Kepulauan Riau.]

Keywords

Malay marriage, Islamic law, customary law, Islamic values

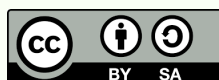
Article History

Received 10 July 2023

Approved for Publication 30 December 2023

To Cite this Article

Asrizal Saiin, M. Hasbi Umar, Badarussyamsi, Moh. Zaidi Hajazi, Maulana Yusuf, "THE DOMINATION OF ISLAMIC LAW IN MATRIMONIAL CEREMONIES: Islamic Values within the Malay Marriage Tradition in Kepulauan Riau" *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (2023): 320-41, <https://doi.org/10.14421/ahwal.2023.16207>.



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Introduction

It is widely known that Malay tradition is closely associated with Islamic values. This is often expressed in the ancient proverb "*Adat bersendikan Syarak, Syarak bersendikan Kitabullah*" (Custom is based on Sharia, Sharia is based on the Kitabullah).¹ This philosophical underpinning elucidates the incorporation of Islamic law (*syara'*) within Malay customs. Moreover, it underscores the intimate interconnection between Islam and Malay traditions.² A parallel integration of Islamic law is evident in the context of traditional Malay marriages within the Kepulauan Riau. Islamic principles seamlessly intertwine with the customary Malay marriage procession, giving rise to a doctrinal framework that shapes the life of the Malay community in the Kepulauan Riau.³

There are three circumstances that elucidate the interplay between Islamic law and customary law. Firstly, the prevailing position of customary law among the Malay people of the Kepulauan Riau persists, despite their adherence to Islam. The expectation is for Islam to effectively reconcile customary law with religious principles, fostering harmony between Islamic legal tenets and the social phenomena and realities within the community. Consequently, examining this phenomenon becomes imperative in light of the evolving religious life issues within the Malay community of the Kepulauan Riau.⁴

Secondly, the traditional Malay wedding practices in the Kepulauan Riau continue to be influenced predominantly by customary instruments. This phenomenon prompts questions about its compatibility with Islamic law. While these traditional instruments are not explicitly addressed in Islamic law, they are adhered to by the entire Muslim Malay

¹ Abd. Malik Al Munir and Neli Hidayah, "Nilai-Nilai Moderasi Beragama Dalam Petuah Melayu: Analisis Buku Tunjuk Ajar Melayu Karya Tenas Effendy," *Jurnal Pendidikan Dan Konseling (JPDK)* 4, no. 2 (2022): 799–814, <https://doi.org/10.31004/jpdk.v4i1.14027>.

² Khairudin Aljunied, "Being Malay in Indonesia: Histories, Hopes and Citizenship in the Riau Archipelag," *Social Analysis: Oxford* 61, no. 3 (2017): 130–31.

³ Zulkarnain et al., "Indigenous Learning Pantun and Gurindam Traditions in the Malay Community Penyengat Island Tanjung Pinang, Kepulauan Riau, Indonesia," *Proceedings of the 1st International Conference on Continuing Education and Technology (ICCOET 2021)* 589 (2021): 212–16, Atlantis Press, <https://doi.org/10.2991/asschr.k.211101.039>; W E Yudiatmaja et al., "Social Capital of Local Communities in the Water Resources Management: An Insight from Kepulauan Riau," *International Conference on Engineering and Applied Sciences (2nd InCEAS)* 16 (2019): 1–8, IOP Publishing, <https://doi.org/10.1088/1757-899X/771/1/012067>.

⁴ Zelfeni, "Reintegrasi Konsep Maqashid Syari'ah Dalam Adat Basandi Syara', Syara' Basandi Kitabullah," *Juris: Jurnal Ilmiah Syaria* 15, no. 2 (2016): 34–35, <https://doi.org/10.31958/juris.v15i2.499>.

community. This implies that the stages of marriage traditions in the Malay customs of the Kepulauan Riau are not grounded in Islamic law but rather follow cultural norms. These stages include *merisik*, *menyampaikan bajat*, *menghantar belanja*, *ajak mengajak*, *berbalas pantun*, and *doa selamat*. Meanwhile, Islamic law primarily addresses general matters, such as marriage contracts.⁵

Thirdly, the beliefs and worldviews of the Malay people of the Riau Islands concerning traditional instruments in the marriage procession are anticipated to be influential factors supporting the preservation of these instruments in traditional Malay marriages. The Malay community's decision to retain these traditional instruments is motivated, in part, by an effort to safeguard local culture and show respect for their ancestors.⁶ These three situations raise questions about how the contestation between customary law and Islamic law in the practice of Malay customary marriages in the Kepulauan Riau results in the harmonization of these legal frameworks.

In 2020, Humairah discovered that the tradition of giving "uang asap" is a prevalent practice among individuals of Malay ethnicity, particularly in Nusapati Village, Sungai Pinyuh District, Mempawah, West Kalimantan.⁷ In a related study, Ibrahim et al. investigated the components of expenses associated with Malay marriages in Malaysia. Their research affirms that Islam does not forbid the inclusion of elements related to wedding expenses; however, it emphasizes that these should be moderate and not impose undue financial burdens. Similarly, two research studies conducted by Bazarkulova, et al.,⁸ and Yulianto, et al.,⁹ examine the phenomenon of inter-ethnic marriage. They posit that Javanese and Chinese couples cohabit, navigating their daily lives together while effectively

⁵ Sri Astuti, A. Samad, and Munawwarah, "Adat Pernikahan Dan Nilai-Nilai Islami Dalam Masyarakat Aceh Menurut Hukum Islam," *El-Ushrah: Jurnal Hukum Keluarga* 3, no. 2 (2020): 289–302, <https://doi.org/10.22373/ujhk.v3i2.7716>.

⁶ Mahmud Huda and Mutia Izzati, "Hukum Pernikahan Melayu: Studi Tradisi Tepuk Tepung Tawar Menurut 'Urf," *Jurnal Hukum Keluarga Islam* 7, no. 2 (2022): 134–56.

⁷ Siti Humairah, "Preservation of Uang Asap Tradition In Melayu Wedding: Maqāsid Shari'ah Perspective," *SHAKHSIYAH BURHANIYAH: Jurnal Penelitian Hukum Islam* 5, no. 1 (2020): 51–74, <https://doi.org/10.33752/sbjphi.v5i1.1624>.

⁸ D. Bazarkulova and J. Compton, "Marriage Traditions and Investment in Education: The Case of Bride Kidnapping," *Journal of Comparative Economics* 12, no. 2 (2020): 54–61, <https://doi.org/10.1016/j.jce.2020.07.005>.

⁹ J. E. Yulianto et al., "Navigating Tensions in Inter-Ethnic Marriages in Indonesia: Cultural, Relational, Spatial and Material Considerations," *International Journal of Intercultural Relations* 86 (2021): 227–39, <https://doi.org/10.1016/j.ijintrel.2021.12.008>.

managing diverse intercultural tensions within various locales. In the closer topic, Strange¹⁰ and Kling¹¹ delve into the tradition of mate selection in Malay villages. Strange's findings reveal the significance of spouses' educational backgrounds in the process of mate selection and subsequent marriage ceremonies.¹² Kling, on the other hand, identifies interlinkages among three foundational aspects in Malay marriages: the traditional socio-cultural configuration, internally recognized as "adat" (custom), the impact and accommodation of Islamic religious principles, and the influence of British colonial legislative laws.¹³

In the context of the amalgamation of Islamic Law and custom, Darussamin et al. observe the blending of wedding procession traditions that encompass religious values presented in cultural forms within Siak Malay.¹⁴ Regarding marriage procedures among the Malay people, Bachtiar et al. contend that variations in marriage procedures occur across regions in Pelalawan Regency. Their study outlines the diversity and characteristics inherent in Malay Customary Law in Indonesia.¹⁵ The last two studies focus on Malay marriage values as a significant area of investigation. They deduce that religious and cultural elements play distinct roles in various forms within Malay marriages. Building upon the aforementioned studies, this research rigorously examines the interlinkage between Islamic values and Malay Customs. It investigates the extent to which Islamic values dominate and manifest in each marriage procession within the Malay community in Kepulauan Riau.

This research is classified as a form of qualitative research, specifically utilizing a field research methodology. It adopts a descriptive-philosophical approach, focusing on individuals who will serve as informants and research subjects. These individuals must genuinely belong to the Malay ethnic group or be descendants of the Malay ethnic group, residing in the Kepulauan Riau. In the process of collecting empirical data, researchers

¹⁰ Heather Strange, "Continuity and Change: Patterns of Mate Selection and Marriage Ritual in a Malay Village," *Journal of Marriage and the Family* 38, no. 3 (1976): 561–71, <https://doi.org/10.2307/350424>.

¹¹ Zainal Kling, "The Malay Family: Beliefs and Realities," *Journal of Comparative Family Studies* 26, no. 1 (1995): 43–66, <https://doi.org/10.3138/jcfs.26.1.43>.

¹² Strange, "Continuity and Change: Patterns of Mate Selection and Marriage Ritual in a Malay Village."

¹³ Kling, "The Malay Family: Beliefs and Realities."

¹⁴ Zikri Darussamin, Rahman Rahman, and Imam Ghozali, "The Relationship Between Islam and Traditional Marriage of Siak Malay," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, no. 2 (2020): 323–42, <https://doi.org/10.21154/justicia.v17i2.2152>.

¹⁵ Maryati Bachtiar and Widia Edorita, "Marriage Procedures According to Malay Traditional Marriage in Tambak Village, Langgam District, Pelalawan Regency," in *2nd Riau Annual Meeting on Law and Social Sciences (RAMLAS 2021)* (Atlantis Press, 2022), 127–31, <https://doi.org/10.2991/assehr.k.220406.031>.

employed the following methods: a) observation, b) interview, c) documentary. The technique utilized for data analysis in this study is qualitative data analysis, adhering to the conceptual framework presented by Miles and Huberman, encompassing data reduction, data display, and conclusion drawing/verification.¹⁶

Marriage Rules in Indonesia: Among Islamic Law, Positive Law, and Customary Law

Marriage constitutes a legal bond between a man and a woman, recognized as a lasting commitment. Legal perspectives on marriage are predominantly framed within the context of civil relations, as articulated in Article 26 of the *Burgerlijk Wetboek* (BW).¹⁷ Within the framework of Indonesian law, marriage holds a pivotal role as a significant institution within society. Its establishment aims to formalize the legal association between a man and a woman. In essence, marriage encompasses both the internal and external ties between a man and a woman in their roles as husband and wife.¹⁸

Law No. 1 of 1974, serving as the Marriage Law in Indonesia, contends that the institution of marriage is not solely examined from a purely formal standpoint but is also scrutinized through religious and social lenses. The religious dimension establishes the legitimacy of the marriage, while the formal dimension pertains to administrative facets, specifically the registration process at the Office of Religious Affairs (KUA) and civil registration. In the context of Western civil law, marriage is predominantly regarded within the framework of civil law exclusively. The legal system recognizes marriages as "civil marriages," signifying unions solemnized in the presence of a civil registry official.¹⁹ Meanwhile, in accordance with customary law, marriage holds immense significance in the lives of indigenous peoples. This importance extends beyond the union of the individuals designated as the bride and groom, encompassing the involvement and concerns of their

¹⁶ A. Michael Huberman and Matthew B. Miles, *Innovation Up Close: How School Improvement Works* (United States: School Management and Organization, 2013), <https://doi.org/10.1007/978-1-4899-0390-7>.

¹⁷ Article 26 of the BW states that a valid marriage is only a marriage that fulfills the requirements stipulated in the Civil Code.

¹⁸ Emy Rosiana et al., "Case Study: Analysis of Factors Affecting Marriage Satisfaction in Married Couples During Pandemic," *Journal of Family Sciences*, 2022, 68–82, <https://doi.org/10.29244/jfs.vi.36537>.

¹⁹ Mohamad Abdun Nasir, "Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia," *Islam and Christian-Muslim Relations* 31, no. 2 (2020): 131–50, <https://doi.org/10.1080/09596410.2020.1773618>.

parents, siblings, and entire families. Among indigenous peoples, marriage is considered a sacred event, necessitating the participation of ancestral spirits to invoke prayers during its enactment. Customary law, in this context, represents a set of rules ingrained in the daily behavior of the community, having evolved into an established practice. Sanctions within customary law typically take the form of moral consequences.²⁰

In customary law marriages in Indonesia, the term generally encompasses not only a civil commitment but also a 'traditional engagement,' concurrently forming a kinship and kinship agreement.²¹ Consequently, the establishment of a marital bond extends beyond its impact on civil relations alone. It influences various aspects, including the rights and obligations of the spouses, joint property, the status of children, and the rights and obligations of the parents. Moreover, it significantly affects customary relations, family inheritance, kinship, and relationships with neighbors. Traditional and religious ceremonies are also integral components impacted by the occurrence of such marriages.²²

However, Law Number 1 of 1974 does not stipulate the customary rules that individuals must adhere to when entering into a marriage, despite being designated as a marriage law.²³ This implies that the practices and cultural values associated with marriage are subject to the preferences and customs prevailing in the local community. Nevertheless, it is imperative that these practices do not conflict with public interest, Pancasila, and the 1945 Constitution.²⁴ Therefore, in the context of 'traditional engagement,' marriages, even if they involve different customs, are generally less challenging to formalize compared to interfaith marriages. This is because the divergence in customs primarily pertains to societal distinctions rather than differences in beliefs.²⁵ In summary, the description above elucidates that in customary law, marriage represents the habitual or behavioral practices of

²⁰ Ahmad Fahmi, "Konstruksi Hukum Adat Pernikahan Masyarakat Melayu Palembang Berdasarkan Syariat Islam," *Medina-Te: Jurnal Studi Islam* 15, no. 1 (2019): 17–38, <https://doi.org/10.19109/medinate.v15i1.3772>.

²¹ Laksanto Utomo, *Hukum Adat* (Jakarta: Rajawali Pers, 2016).

²² E. Djun'astuti, M. Tahir, and M. Marnita, "Studi Komparatif Larangan Perkawinan Antara Hukum Adat, Hukum Perdata Dan Hukum Islam," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 119–28, <https://doi.org/10.37680/almanhaj.v4i2.1574>.

²³ Law Number 1 of 1974 concerning Marriage

²⁴ Triadi, "Proses Perkawinan Menurut Hukum Adat Di Kepulauan Mentawai Sebelum Dan Sesudah Berlakunya Undang Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Ensiklopedia of Journal* 1, no. 2 (2019): 232–36.

²⁵ Tolib Setiady, *Intisari Hukum Adat Indonesia Dalam Kajian Kepustakaan* (Bandung: Alfabeta, 2019).

indigenous peoples during marriage ceremonies. These practices evolve into unwritten positive law applicable solely within specific communities, carrying associated sanctions.

Malay Marriage Procession in Kepulauan Riau: Before, During, and After Marriage

In the rich tapestry of Malay tradition, the intricate fabric of wedding processions is woven with provisions and regulations that lend structure and significance to this cultural event. Specifically, within the Malay customary law of the Kepulauan Riau region, a careful examination of observational data reveals the presence of several distinctive traditional marriage processes. These processes, rooted in cultural norms and legal frameworks, contribute to the uniqueness of Malay weddings in the Kepulauan Riau context. The provisions and regulations governing these ceremonies not only reflect the historical depth of the Malay culture but also play a crucial role in shaping the rituals and practices that accompany the sacred union of two individuals. This intricate interplay of tradition and legal stipulations underscores the profound cultural significance attached to the wedding processions in the Malay community of Kepulauan Riau.²⁶

Merisik

Merisik constitutes the inaugural phase of a marriage ceremony designed to comprehensively assess the attributes of a prospective bride. This scrutiny encompasses both physical aspects, such as facial features, hair, skin, eyes, offspring, skills, and manners, as well as spiritual dimensions, including religious knowledge and character.²⁷ The execution of *merisik* activities follows a family consensus regarding the selection of a groom.²⁸ Nonetheless, the cultivation of amicable relations between the two families remains imperative. Such practices exemplify the beautiful and venerable customs intrinsic to Malay culture. In instances where discussions indicate that the prospective bride is yet uncommitted, the messenger proceeds to articulate the genuine intention, known as

²⁶ Dinas Kebudayaan Provinsi Kepulauan Riau, "Adat Pernikahan Melayu Kepulauan Riau," n.d.

²⁷ Prayogo and Rozanna Mulyani, "Turn Taking Patterns in Merisik Tradition of Malays Batubara Society," *Lingua Didaktika* 15, no. 2 (2021).

²⁸ Prayogo, R. Harahap, and R. Mulyani, "Makna Asosiatif Dalam Pantun Merisik Pada Masyarakat Melayu Batu Bara," *Jurnal Ilmiah KORPUS* 5, no. 2 (2021): 183–91, <https://doi.org/10.33369/jik.v5i2.16521>.

menyampaikan hajat, which entails expressing the desire to formalize the union with their son.²⁹

Instead, they gauge the quality of life based on noble character, internal reflection, and the consensus-driven resolution of all pertinent matters, referencing al-Sunnah as a guiding principle.³⁰ Furthermore, the purpose of *merisik* extends to securing familial blessings for the forthcoming matrimonial activities, particularly from both sets of parents—those of the prospective bride and groom. This approach ensures that every family member, irrespective of gender, gains insight into the character of the young man and woman poised to join the family in the future.³¹

Menyampaikan Hajat

In the context of *menyampaikan hajat* during a customary event, it is noteworthy that the individual conveying the wish is not necessarily the originator but rather delegates this responsibility to a person of higher intelligence or seniority. The discussion surrounding the expression of intentions should delve into the root of the problem. When *menyampaikan hajat* to be carried out, clarity from initiation to conclusion is essential to preclude any potential misunderstanding. Failure to convey the truth in adherence to local customs or engaging in mere pretense is deemed as a lack of respect for local customs.³²

The practice of providing prior notification, as observed in Malay customary etiquette, serves a practical purpose. It enables women to inform their family or relatives in advance, facilitating their collective attendance at the specified event. In other words, this notification ensures that women are adequately prepared to receive the expected guests.³³ The primary objective of *menyampaikan hajat* is to articulate concealed sentiments to the intended recipient. During the execution of event processions involving *menyampaikan hajat*, adherence to local customs is crucial. Violation of these customs may lead to ostracism

²⁹ Ramli, Management of the Kepulauan Riau Malay Customary Institution, interview on 25 March 2023.

³⁰ Sagita, Leader of the Islamic Boarding School and Secretary of the Kepulauan Riau Muballigh Forum, interview on 22 March 2023.

³¹ Firdaus, Lecturer and the Malay Community of the Kepulauan Riau, Interview on 5 April 2023.

³² Devi Anggraeni, Kamaruddin, and Bunari, “Pergeseran Adat Perkawinan Suku Akit Di Desa Berancah Kecamatan Bantan Kabupaten Bengkalis,” *Urmal Online Mahasiswa Fakultas Keguruan Dan Ilmu Pendidikan Universitas Riau* 4, no. 2 (2017): 1–13.

³³ Juni, Head of Baznas and Malay traditional leaders of the Kepulauan Riau, interview on 20 March 2023.

within the community.³⁴ Subsequent to *menyampaikan hajat* and the execution of the event, it is advisable to extend apologies for any errors or mistakes that may have occurred during *menyampaikan hajat* or the event itself, especially if the conveyed intentions were of significant depth.³⁵

Menghantar Belanja

Menghantar belanja involves the transfer of money from the man to the woman, symbolizing mutual cooperation between the prospective partners who are about to be united in marriage.³⁶ According to tradition, the marriage ceremony takes place directly at the home of the woman's parents.³⁷ The act of inter-spending in marriage is a way to support the woman's family in organizing their child's wedding ceremony.³⁸ The purpose of *menghantar belanja* in marriage is not only symbolic but also practical, as it contributes to fulfilling the necessary requirements for the wedding ceremony. This act is tangible, allowing it to be seen and touched. The primary objective of *menghantar belanja* in marriage is to provide financial assistance to ensure the completeness of the means required for the wedding ceremony.³⁹

Ajak Mengajak

The process of *ajak mengajak* constitutes an integral part of the preparations undertaken for the execution of tasks within the wedding procession. This involves initiating discussions between families, followed by the coordination of invitations and pick-up arrangements to facilitate the various activities during the wedding ceremony.⁴⁰ It is imperative that this activity be approached with care and in accordance with the principles of kinship, given its

³⁴ Aqmal, Interview on 2 February 2023.

³⁵ Ramli, Interview on 25 March 2023.

³⁶ Aprillia Dwi Putri, Yurismani, and Emzia Fajri, "Prosesi Adat Perkawinan Di Kelurahan Pematang Reba Kecamatan Rengat Barat Kabupaten Indragiri Hulu Provinsi Riau," *Ethnography: Journal of Cultural Anthropology* 1, no. 1 (2021): 1–17, <http://www.journal.isi-padangpanjang.ac.id/index.php/Ethno/article/view/2226>.

³⁷ N. Aisyah, I. Harahap, and H. S. Siregar, "Akulturasi Budaya Dalam Pernikahan Suku Karo Dan Melayu," *ANWARUL* 3, no. 3 (2023): 495–507, <https://doi.org/10.58578/anwarul.v3i3.1167>.

³⁸ Munir and Hidayah, "Nilai-Nilai Moderasi Beragama Dalam Petuah Melayu: Analisis Buku Tunjuk Ajar Melayu Karya Tenas Effendy."

³⁹ Aqmal, Interview on 2 February 2023..

⁴⁰ Atikha Dwi Saputri, Sri Wahyuni, and Emmy Solina, "Traditional Change in Processions Wedding Malay of Lingga Distric," *SOSIOLOGIA: Jurnal Agama Dan Masyarakat* 2, no. 1 (2023): 122–38.

reliance on shared values. Additionally, the execution of *ajak mengajak* holds implications for conferring honors or positions within society, emphasizing the importance of this process in shaping the social standing of individuals.⁴¹

Prior to the invitation event, a consultation is conducted at the bride-to-be's residence to ascertain the individuals who will be extended invitations. This invitation process necessitates meticulous handling to prevent inadvertent errors and ensure that deserving individuals are included. Given the interconnected nature of this task, it holds implications for the appreciation and societal position of the individuals involved. Therefore, the practice of *ajak mengajak* in this context is underscored by high ethical and moral values. It requires a conscientious approach to uphold the dignity and status of individuals within society. The careful execution of this process is crucial in maintaining the integrity of the marriage preparations and preserving the social standing of those involved.⁴²

Berbalas Pantun

One of the distinctive Malay cultural practices in Kepulauan Riau is the tradition of *berbalas pantun*. This traditional Malay poetic form, known as *pantun*, holds a significant and unique role in the life journey of the Malay people. The term *pantun* refers to a pair of interlinked verses that serve as a medium for providing directions, instructions, guidance, and counsel.⁴³ The values embedded in the practice of *berbalas pantun* are deeply intertwined with ancestral culture, representing local wisdom manifested in the form of proverbs, quotes, norms, impressions, and messages. These elements have evolved into a timeless cultural expression. *Berbalas pantun* between the bride and groom, initiated by the man and reciprocated by the woman, carries moral messages and impressions. These messages serve as guidance, laying the foundation for the couple to establish a family rooted in *sakīmah*,

⁴¹ Ali Afdal and Tomi Hendra, "Strategi Komunikasi Ninik Mamak Kepada Anak Kemenakan Kabupaten Solok Selatan," *Jurnal Ilmiah Teknik Informatika Dan Komunikasi* 3, no. 1 (2023): 77–96, <https://doi.org/10.55606/juitik.v3i1.387>.

⁴² Firdaus, Interview on 5 April 2023.

⁴³ Zukha Mega Priyhangka, M.I. Asyarin Hayau Lailin, and Rakhmad Saiful Ramadhani, "Penggunaan Pantun Pada Adat Perkawinan Di Tanjungpinang Kepulauan Riau Sebagai Media Komunikasi," *PAWTRRA KOMUNIKA: Jurnal Komunikasi Dan Sosial Humaniora* 2, no. 2 (2021): 1–11.

mawaddah, and *warrāḥmah* (tranquility, love, and mercy).⁴⁴ Beyond its role in personal relationships, *berbalas pantun* also serves as a valuable educational tool, reviving the cultural heritage of the Indonesian nation that has long been overlooked and forgotten.⁴⁵ *Berbalas pantun* serves as a means to convey well-wishes and positive messages to both partners as they embark on building a household.⁴⁶

Doa Selamatan

The ritual tradition of *doa selamatan* in marriage customs is a common practice within the Malay community of Kepulauan Riau. It serves as a prayerful ceremony, expressing hopes and aspirations for the safety, particularly of the bride and groom. *Doa selamatan* takes the form of a thanksgiving event, involving the invitation of relatives or neighbors to partake in the celebration.⁴⁷ The enduring popularity of *doa selamatan* can be attributed to a steadfast belief system rooted in values and customs that have been transmitted across generations.⁴⁸ Despite certain changes over time, it is important to note that these alterations do not necessarily alter the fundamental meaning of the tradition. At its core, the practice of *doa selamatan* remains a heartfelt effort to lift prayers to Allah SWT, seeking safety and protection from calamities. This tradition's continued observance underscores its significance in expressing gratitude and seeking divine blessings for the well-being of the newlyweds.⁴⁹

The Existence of Islamic Values within Malay Marriage Procession: Domination of Islamic Law

As previously indicated, each traditional Malay wedding procession in Kepulauan Riau incorporates Islamic legal principles. In essence, this signifies that, in practice, Islamic law is

⁴⁴ Zulkarnain et al., “Indigenous Learning Pantun and Gurindam Traditions in the Malay Community Penyengat Island Tanjung Pinang, Kepulauan Riau, Indonesia.”

⁴⁵ Yani, Wuriyani, and Harahap, “Makna Simbolik Tradisi Berbalas Pantun Pada Perkawinan Adat Melayu Langkat.”

⁴⁶ Aqmal, Interview on 2 February 2023.

⁴⁷ R. Muasmara et al., “Menggali Nilai-Nilai Moderasi Beragama Pada Tradisi Doa Makam Di Kampung Gisi Desa Tembeling,” *Jurnal Pengabdian Dan Pemberdayaan Masyarakat Kepulauan Riau (JPPM Kepri)* 2, no. 1 (2022): 22–33, <https://doi.org/10.35961/jppmkepri.v2i1.331>.

⁴⁸ Firdaus, Interview on 5 April 2023.

⁴⁹ Sagita, Interview on 22 March 2023.

inseparable from Malay customary law. The coexistence of Islamic Law and Customary Law is observable within the context of the Malay Marriage Procession. Consequently, it is evident that, during the practice of customs, the Malay people of Kepulauan Riau adhere to Islamic laws that are integral and cannot be disregarded. This integration implies that, simultaneously, the Malay community in Kepulauan Riau, while engaging in customary practices, is bound by Islamic laws that hold inherent significance. The practical manifestation of this integration lies in the fact that traditional values derived from Islam persist and undergo refinement, while concurrently interfacing with customary practices during the procession. This interrelation is further exemplified by the philosophical foundation or way of life of the Malay community, encapsulated in the principle of *adat bersendikan syara', syara' bersendikan kitabullah*. This principle elucidates that the customary law of the Malay community is rooted in Islamic law, originating from the Qur'an and the Hadith of Rasulullah.⁵⁰

As commonly acknowledged, the traditional marriage practices of the Malay community in Kepulauan Riau are imbued with robust traditional values. Grounded in the theory of living law, legal principles are discernible directly within the lived experiences of customary law communities. This is achieved through an examination of the evolving social norms, habits, and factual occurrences adhered to by the local community, constituting a set of regulations that govern human behavior.⁵¹ Given the predominant Muslim identity of the majority of the Malay population in Kepulauan Riau, it becomes imperative to assess the extent to which traditional processions encapsulate Islamic legal values.⁵²

In connection with Islamic law, the Malay people of Kepulauan Riau continue to uphold the jurisprudential principles of the four main schools of thought (Maliki, Hanafi, Shafi'i, and Hanbali) when applying legal norms to their traditional marriage processions. This adherence is rooted in their dual identity as indigenous people and Muslims, obligating them to observe Islamic law meticulously. Notably, the Maliki scholar, Al-Qarafi, as cited by Awad, discourages fatwas that conflict with the customary law of the community, as

⁵⁰ Munir and Hidayah, "Nilai-Nilai Moderasi Beragama Dalam Petuah Melayu: Analisis Buku Tunjuk Ajar Melayu Karya Tenas Effendy."

⁵¹ Sofyan Hadi, "Hukum Positif Dan The Living Law, Eksistensi Dan Keberlakuannya Dalam Masyarakat," *DiH Jurnal Ilmu Hukum* 13, no. 26 (2017), <https://doi.org/10.30996/dih.v0i0.1588>.

⁵² Dinas Kebudayaan Provinsi Kepulauan Riau, "Adat Pernikahan Melayu Kepulauan Riau."

such judgments undermine the consensus system.⁵³ Conversely, the Hanbali scholar, Al-Jawziyyah, as quoted by Fauziah, acknowledges that changes in time, place, circumstances, and customs can lead to alterations in fatwas.⁵⁴ In terms of positive law, the Malay people of Kepulauan Riau reference marriage laws as a guiding framework for conducting marriages. Consequently, the traditional Malay marriage procession in Kepulauan Riau is expected to comply with the standards of customary law, Islamic law, and positive law to ensure its validity.⁵⁵

Upon the completion of data collection, it was discerned that Malay traditional marriages in Kepulauan Riau embody both Islamic legal values and customary legal values simultaneously. This convergence is notably evident in the *merisik* procession, a fundamental element of Malay custom, where the Islamic principle of *at-ta'aruf* (knowing each other) is incorporated. *Merisik* serves as the preliminary phase of a marriage ceremony, with the objective of thoroughly investigating the prospective bride's physical and spiritual attributes. According to Qardawi, it is permissible for a prospective husband to attentively observe his future wife, aiming to gain a clear understanding of her situation. This process allows the prospective husband to develop genuine interest, minimizing the likelihood of regrets after marriage.⁵⁶ Consequently, the incorporation of the *merisik* procession in Malay custom aligns with the Islamic value of *at-ta'aruf*. Moreover, the *merisik* procession serves as an opportune moment to cultivate strong bonds of friendship. Consequently, this particular marriage procession illustrates the coexistence of Islamic law and customary law within Malay marriage traditions.

Furthermore, within the traditional Malay wedding procession, there exists a simultaneous integration of Islamic legal values and customary legal values. Specifically, in the *menyampaikan hajat* ceremony, the principle of *at-ta'aruf* (knowing each other) in Islam is evident. This is manifested in the coming together of families who, although previously unfamiliar, are now connected through shared kinship as fellow Muslims. The act of

⁵³ S. Awad, *At Har Al-'urf Fi Al-Tasyri' Al-Islami* (Kairo: Dar al-Kitab al-Jami', 1996).

⁵⁴ Fauziah, "Konsep 'Urf Dalam Pandangan Ulama Ushul Fiqh, Tela'Ah Historis," *Jurnal Nurani* 14, no. 2 (2014): 13–25, <https://doi.org/10.19109/nurani.v14i2.107>.

⁵⁵ D. Suryantoro and A. Rofiq, "Nikah Dalam Pandangan Hukum Islam," *AHSANA MEDIA: Jurnal Pemikiran, Pendidikan Dan Penelitian Ke-Islaman* 7, no. 2 (2021): 38–45, <https://doi.org/10.31102/ahsanamedia.7.02.2021.38-45>.

⁵⁶ Yusuf Qardawi, *Ijtihad Kontemporer* (Surabaya: Risalah Gusti, 1995).

conveying intentions (*menyampaikan hajat*) in tradition signifies the sincere intention of all families and communities to mutually benefit one another. This reflects a collective decision-making process and consensus-building among the involved parties. Consequently, this procession serves as a demonstration of the legal harmonization between Islamic law and customary law within the framework of Malay wedding traditions.

Moreover, the traditional Malay wedding procession seamlessly integrates both Islamic legal values and customary legal values, particularly evident in the *mengbantar belanja* ceremony, which embodies the Islamic principle of *at-ta'āwun* (mutual help).⁵⁷ The tradition of *mengbantar belanja* involves providing sincere assistance to the woman's family, who are responsible for organizing all wedding events and receptions, typically in the form of financial contributions. The practice of offering assistance to others, as reflected in the tradition of *mengbantar belanja*, aligns with Islamic teachings advocating for mutual help, a concept applicable in both affluent and challenging circumstances.⁵⁸ Islamic law encourages individuals to expend their wealth to support their fellow human beings, irrespective of their financial conditions, emphasizing the importance of contributing according to one's capacity. Consequently, this wedding procession underscores the legal harmony between Islamic law and customary law in the context of Malay traditions.

Moreover, the traditional practice of *mengbantar belanja* aligns with Islamic law, which promotes the principle of mutual assistance (*at-ta'āwun*) in performing virtuous deeds. This is rooted in the understanding that marriage itself is an act of kindness. The inclusion of the *mengbantar belanja* ceremony signifies a shared perspective and common will between the families of the groom and the bride, showcasing a collaborative effort and mutual assistance (*at-ta'āwun*). In Islamic teachings, the emphasis on helping one another is paramount, especially within the context of family and relatives. Assisting one's family and relatives is a significant lesson aimed at fostering brotherhood and unity among Muslims.⁵⁹ Consequently, the presence of the *mengbantar belanja* procession highlights the coexistence

⁵⁷ Siti Aisyah, "Literasi Al-Qur'an Dalam Mempertahankan Survivalitas Spritualitas Umat," *AL-IMAN: Jurnal Keislaman Dan Kemasyarakatan* 4, no. 1 (2020).

⁵⁸ Djun'astuti, Tahir, and Marnita, "Studi Komparatif Larangan Perkawinan Antara Hukum Adat, Hukum Perdata Dan Hukum Islam."

⁵⁹ Benny Agusti Putra, "Transformasi Budaya Islam Melayu Jambi, Dari Masyarakat Tradisi Hingga Masyarakat Urban" (UIN Raden Fatah, Palembang, 2019).

of Islamic law and customary law within the cultural practices associated with Malay weddings.

The traditional Malay wedding procession incorporates both Islamic legal values and customary legal values concurrently, particularly evident in the practice of *ajak mengajak*. In Malay custom, this embodies the value of *as-syirkah* (togetherness) in Islam. This is grounded in the principle of *berat sama dipikul, ringan sama dijinjing*, emphasizing shared burdens and mutual support without creating undue hardships, fostering a ceremony conducted with mutual sincerity. Furthermore, the *ajak mengajak* procession in Malay tradition is indicative of the Malay people's genuine concern for one another, serving as the fundamental basis of the ceremony. Such an act aligns with the value of *as-syirkah* (togetherness), evident in the collaborative and cooperative nature of the *ajak mengajak* procession, where the community comes together to ensure the proper execution of the wedding ceremony.⁶⁰

The subsequent ritual in a traditional Malay wedding encapsulates both Islamic legal values and customary legal values simultaneously, specifically in the practice of *berbalas pantun*, where the value of *al-mau'izah* (good advice) is evident. *Berbalas pantun* serves as an occasion for exchanging expressions that inherently contain sentences of *al-mau'izah* or good advice. This practice is primarily directed towards the bride and groom, aiming to provide encouragement, offer prayers for well-being, seek blessings, and fortify them for the journey of married life. In essence, *berbalas pantun* serves as a form of expression intended to empower the bridal couple, enabling them to navigate and overcome the trials and challenges that may arise in both the present and future of their marital journey. This tradition reflects the intertwining of Islamic and customary values within the context of Malay wedding ceremonies.⁶¹

The traditional Malay wedding procession encompasses both Islamic legal values and customary legal values, particularly evident in the *doa selamatan* ceremony, where the value of *as-syukr* (expressing thanks to Allah) in Islam is prominent. Within the Malay

⁶⁰ Daeng Sani Ferdiansyah, "Akulturasi Nilai-Nilai Islam Dalam Tradisi Merariq Melalui Pola Komunikasi Tokoh Agama Di Lombok Timur," *Kuriositas: Media Komunikasi Sosial Dan Keagamaan* 12, no. 1 (2019): 17–46, <https://doi.org/10.35905/kur.v12i1.775>.

⁶¹ Munir and Hidayah, "Nilai-Nilai Moderasi Beragama Dalam Petuah Melayu: Analisis Buku Tunjuk Ajar Melayu Karya Tenas Effendy."

community, the observance of *doa selamatan* is considered essential, even in its simplest form. Sharia recommends the *doa selamatan*, especially for married couples. The primary objective of this ceremony is to express gratitude for the blessings of the wedding and the various joys experienced by the newlyweds, shared with the invited guests. In the Malay customs of Kepulauan Riau, holding a *doa selamatan* aligns with Islamic law not only as an expression of gratitude but also as a means to reinforce social sensitivity within society. The act of conducting the *doa selamatan* brings people together, fostering connections and gatherings in a single location. This practice underscores the coexistence of Islamic law and customary law within the Malay community of Kepulauan Riau, ensuring the continued observance of the *doa selamatan* tradition.⁶²

The fervor imbued in the spirit of gratitude not only enriches a tradition but also serves as a demonstration to others.⁶³ The legal harmonization between customary law and Islamic law, as evident in the practice of *doa selamatan*, lies in the enthusiasm exhibited by the Malay community for the blessings bestowed upon them by Allah SWT. The act of holding a *doa selamatan* and inviting relatives and friends becomes a tangible expression of gratitude for the joy experienced.⁶⁴ This enduring practice of *doa selamatan* has become deeply ingrained within the Malay community of Kepulauan Riau, reflecting the positive appreciation for the development of this tradition. The harmonization values showcased through this tradition exemplify the coexistence of cultural and religious values, contributing to the cultural richness and social cohesion within the community.⁶⁵

It is recognized that the incorporation of processions in Malay marriage customs underscores the profound significance of marriage ceremonies for the Malay people of Kepulauan Riau. The continuous presence of processions in traditional Malay marriages serves not only as a repository of Malay cultural heritage but also as a manifestation of legal harmonization between Islamic law and customary law. Marriage holds paramount importance in Islamic law, and the same is mirrored in the high regard placed on marriage

⁶² Surtina, "Nilai Budaya Dan Nilai Agama Pada Upacara Pernikahan Adat Melayu Desa Benan Kecamatan Senayang Kabupaten Lingga Provinsi Kepulauan Riau" (Universitas Maritim Raja Ali Haji, Kepri, 2014).

⁶³ Saputri, Wahyuni, and Solina, "Traditional Change in Processions Wedding Malay of Lingga Distric."

⁶⁴ Zulkarnain et al., "Indigenous Learning Pantun and Gurindam Traditions in the Malay Community Penyengat Island Tanjung Pinang, Kepulauan Riau, Indonesia."

⁶⁵ Saputri, Wahyuni, and Solina, "Traditional Change in Processions Wedding Malay of Lingga Distric."

processions by customary law. Therefore, it is imperative to approach each Malay traditional marriage procession with perspectives that imbue both traditional and Islamic values. Such intentions aim to foster a nuanced understanding and appreciation for the intricate legal harmonization between Islamic law and customary law within these cultural practices. In articulating these intentions, the hope is that this legal harmonization will persist and be perpetually upheld in every traditional Malay wedding procession in Kepulauan Riau.

Conclusion

After going through several explanations that have been discussed, it can be concluded that the traditional Malay wedding procession in the Kepulauan Riau is carried out in several processions, namely; *merisik*, *menyampaikan hajat*, *menghantar belanja*, *ajak mengajak*, *berbalas pantun*, and *doa selamatan*. In the traditional Malay marriage procession of the Kepulauan Riau, there are Islamic legal values and customary legal values in it at the same time, namely; in the *merisik* procession there is the value of *at-ta'aruf* (knowing each other), in the *menyampaikan hajat* procession there is also the value *at-ta'aruf* (getting to know each other) and *al-Musyāwarah* (deliberation), in the *menghantar belanja* procession there is the value of *at-ta'awun* (mutual help), in the *ajak mengajak* procession there is the value of *as-syirkah* (spirit of togetherness), in the *berbalas pantun* procession there is the value of *al-mau'izah* (good advice), and in the *doa selamatan* procession there is the value of *as-syuker* (giving thanks to Allah).

The holding of various processions at traditional Malay weddings, apart from being a form of Malay customs, also serves to maintain the tradition of 'mutual cooperation' among the Malay community. The principle of mutual cooperation is one of the fundamental values of Malay civilization and culture. Malay customs and traditions highly uphold the principle of mutual cooperation in living together. So, it is famous for the Malay proverb; "*duduk sama rendah, tegak sama tinggi, berat sama dipikul, ringan sama dijinjing, mendapat sama berlabu, hilang sama merugi*". This proverb is able to create cooperation and overcome various problems that occur in Malay society.

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