



**THE TRADITION OF MADURESE  
WEDDING CEREMONY:  
Islamic Law and Local Tradition within  
the Framework of *Maqāṣid al-Shari‘a***

**Muhammad Ghufron**

Sunan Ampel State Islamic University (UIN) of Surabaya

Email: [ghufron242@gmail.com](mailto:ghufron242@gmail.com)

**Abstract:** This study explores the encounters of Islamic law and local culture in the wedding ceremony in the villages on Madura, which have been influenced by the former kingdom in the eastern part of the island. This tradition for the village community members is so pivotal that ignoring it is tantamount to inviting calamity. This study applies the theory of *Maqāṣid al-Shari‘a* and liminality of life-cycle by Arnold van Gennep. The ceremony includes several steps, starting from the parade of the groom with his envoy into the bride's house up to the blessing to the newly married couple. Focusing primarily on two precessions in the wedding ceremony, namely *ngiddhe 'tellor sampek bhesa* (stamping the eggs until they break) and *mengghar bhalabhar* (opening rope), this study reveals that these processions mark a new phase in the life-cycle of the couple and entails symbols of meaning. Through the ceremony, the couple experiences separation and inclusion into a new chapter in their life. Because the tradition realizes happiness and fortune and dispells evil for both the couples and their extended family in general, it implies that the tradition also aims to implement the highest objective and principles of Islamic law.

**Keywords:** wedding ceremony, *Maqāṣid al-Shari‘a*, life-cycle, symbolic interactionism

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## **Introduction**

MARRIAGE IS ONE of the important stages in human life. It is interpersonal relation that brings about changes in one's life in relation to his/her couple, parent, family and community. In a particular society, marriage is consummated and celebrated in

ways that hinge on spiritual and social life. It is held publicly to announce that a new union is established and a phase of life is achieved.<sup>1</sup> In the context of Muslim society, marriage tradition exposes not only aspects in the implementation of Islamic family law but also local tradition from which the marriage originates. According to the normative perspective of Islamic law, marriage is encouraged especially for those who can afford to pay for it since marriage is part of the Tradition (*Sunna*) of the Prophet Muhammad. The practice of marriage in Muslim society is very often mixed up with local tradition, consisting of processions or stages that distinguish it from others. Interestingly enough, each procession uses specific medium and symbol or is conducted under particular condition and time that symbolize deep meanings of faith, happiness, bounty and human relations.

This study aims to explore the wedding tradition amongst the rural Madurese Muslim community and analyzes the aspect of Islamic law and its objective in realizing well-being and public good. The study was held in two villages in eastern part of Madura, namely Ellak Daya and Jambu, two areas where the influence of the Royal Kingdom of East Madure still persists.<sup>2</sup> These areas reveal unique marital tradition, which feature different characteristics from the other parts of the island, either in the eastern part, such as Sumenep and Pamekasan, or in the western areas such as Bangkalan and Sampang because they hold different marriage traditions. The data of this research were gathered through observation, interview and documentation. The observation was conducted to look at closely how the marriage and wedding processions were performed. Informants included religious and community leaders as well as the couples who took this traditional procession in their wedding.

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<sup>1</sup> Damanhuri, "Tradisi Perkawinan Anak Perempuan Kedua: Analisis Jender Relasi Kuasa Laki-laki dan Perempuan dalam Parktitik Perkawinan di Sumenep," *Pionir Jurnal Pendidikan* 4, no. 1 (2013): 61.

<sup>2</sup> On the most recent study on the Madurese society, see Yanwar Pribadi, *Islam, State and Society in Indonesia: Local Politics in Madura* (London: Routledge, 2018), and Yanwar Pribadi, "Religious Networks in Madura: Pesantren, Nahdlatul Ulama, and Kiai as the Core of Santri Culture," *Al-Jami'ah: Journal of Islamic Studies* 51, no. 1 (June 15, 2013): 1–32.

Analyses will be focused on two ritual processions namely *ngiddhe 'tello sampek bhesa* (stamping eggs until they break) and *mengghar bhalabhar* (opening the door by passing a rope). It explores such practice and meanings and analyzes these marital processions from the perspective of *maqāṣid al-shari'a* or the high objective of Islamic law that aims to preserve five basic principles and objectives. This analytical effort aims to show the reciprocal relationship between Islamic law and local tradition in realizing the welfare and well-being of the couple and the society. To understand the meanings of the procession, this study adopts the life-cycle approach of Arnold van Gennep and the theory of symbolic interactionism.

This study reveals that contemporary wedding ceremony for the Madurese community has been influenced by local tradition and wisdom inherited from generation to generation. This practice includes *ngiddhe 'tello sampek bhesa* and *mengghar bhalabhar* performed by the groom in the hope that catastrophe and misfortune will be evaded, the household and family will be happy, the couple will be blessed with children and their life is blessed as this is symbolized in the breaking eggs and melting into soil. Because the tradition aims to preserve the prosperity and well-being of the couple, their children and family, it thus fits to the highest objective of Islamic law laid down in the principle of well-being preservation or *maqāṣid al-shari'a*.

## The Wedding Ceremony in Madura

The tradition of the wedding ceremony in Ellak Daya and Jambu consists of several processions. These include three main stages: engagement, pre-marital preparation and the wedding. A couple who agrees to marriage goes further in the plan by engagement. Upon being convinced by the information about whom he will marry with (*ngangene*), the male couple visits the female couple's parents to introduce himself (*araba pagar*) and to express his intention to marry her (*mar-lamar*). He is accompanied by the envoy of his family and relatives and brings gift, valuable objects and food to his couple and her parent and family (*alamar nyabe jajan* and *ater tolo/teket petton*). The female couple's family will respond and accept, or reject, the gift and the proposal. If

accepted, both parties go further with their plan by discussing and determining the best date and time of the wedding.<sup>3</sup> When the agreement is reached, the next step is pre-marital preparation.

The pre-marriage procession is usually required on the part of the groom to prepare for all needs during marriage and present them to the bride. This may include of Madurese herbs, and skincare, all of which consists of powder, cold powder, fragrant powder, and talcum powder. During this stage, the bride is not allowed to consume water-filled fruits and she must seclude herself for 40 days.

*Third*, the procession of traditional wedding ceremonies. The groom is paraded to the bride's house. Before entering the house, the groom must pass through several stages called *mengghar bhalabhar* (opening rope). When entering it, he must read ancient Madura poetry (*pantun*), fight against the envoys of the bride (*sabung*) and beat them. Only when passing these, can he meet the bride and hit eggs. Accompanied by the bride, he throws coins towards the invitees who will offer the couple an entry to the wedding stage. Following this procession is blessing upon the couple by the respective family and the elders who sprinkle flowered water to the couple asking divine safety (*ngocor*). Then the marriage celebration is continued with three nights reception. Local martial art, dance and performance and public religious lecture are served to the invitees and neighbors in the course of three-days reception.

## Life Cycle and Symbolic Interactionism

In the sociological perspective, culture refers to symbolic elements of social life, especially to social objects and community activities. One element of culture is ritual. It is useful as a symbol of unifying and reforming of social life. In addition, rituals, which contain values and fines for not obeying it, also serves as a tool for

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<sup>3</sup> Venita Nurdiana, *Pangantan Tandhu: Tradisi Perkawinan Masyarakat Legung, Kabupaten Sumenep*, Individual Research (Malang: Jurusan Pendidikan Sejarah Universitas Negeri Malang, 2012), 9–11.

differentiating one community from another.<sup>4</sup> Therefore, the obligatory ritual of law is implemented in a society, be it traditional society and modern society today. Ritual is a process that takes place through several stages in society, and eventually the ritual becomes the character of society. In his *Les Rites des Passages*, Arnold van Gennep perceives of society as combination of individuals. They may be able to change or influence society. Van Gennep looks at it from the point of view of the ritual ceremony, in which there is a transition from human life that differs in detail from one culture to another, but essentially is a universal phenomenon. Therefore, ritual is one important element or reflection of culture.<sup>5</sup>

Rite of the life cycle is a sign of a change in social status within an individual. It contains the social hierarchy, values and beliefs of a culture preserved by society. The life cycle is divided into several phases: birth, initiation, puberty, adulthood, marriage, and death. This is the phase of human life. Furthermore, these phases are divided into pre-liminal phases (rites of separation), the liminal phase (rite of transition), and post-liminal phases (rites of merging). These three rites are not always equal to each other. In every phase of transition, all have a sacred nature, for all transitions are sacred transitions.<sup>6</sup>

Pre-liminal Phase is a separation. The community separates itself from its social environment. This separation makes them unique, because they are special people who join an organized ceremony. The most prominent rite of separation in van Gennep's theory is the death rite. Liminal Phase is transition. This phase is the most important phase because society almost reshapes the social status of the past. This transition period is characterized by actions that are transformative. Van Gennep states that in this liminal phase it is not a ceremonial union, but a preparation

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<sup>4</sup> Steve Bruce and Steven Yearley, eds., "Culture," *The Sage Dictionary of Sociology* (California: Sage Publications Inc, 2006), 111.

<sup>5</sup> Debika Saha, "Ceremonies," in *21st Century Anthropology: A Reference Handbook*, ed. H. James Birx (California: Sage Publications Inc, 2010), 767.

<sup>6</sup> Arnold van Gennep, *The Rites of Passage*, trans. Monica B. Vizedom and Gabriele L. Caffee (Chicago: The University Press of Chicago, 1960), 21, 12, 767, 146, 117, 189.

towards unity. One of these phases appears at the marriage ritual, the adoption of the child. Post-Liminal Phase is a merging phase. There is a ritual that welcomes back individuals in society. With the rite of this phase, it comes to a stage of unification into a new world, which is called the post-liminal rite. Van Gennep analyzes engagements and marriages that are included in the merging phase, because in the past individuals only take care of themselves or are autonomous. After entering this merging phase, individuals enter into a new phase after passing through the transition phase (liminality).

In the preliminary phase, the community is willing to join in the marriage procession ceremony so that they rejoice the procession of the traditional wedding ceremony. The people of these villages follow the process of the rite experience of self-reflection. They follow the transition phase and have collective memories of the events that have occurred in their lives. This phase of separation shows the transformation of normal life, the role and identity of individuals in a society. Meanwhile in the liminal phase is not a ceremony of unity, but a preparation toward unity. The phase of liminality actually finds its identity and reflects the past, present and future circumstances, so that new members of society can make. The marriage procession of "*ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* reflects the stage of searching for the bride's identity to develop and unify with the new world.

These two ceremonies also mirror the process in the merging phase amongst individuals in society. With this merging ritual, it comes to a stage of unification into the new world, which is called the post-liminal rite. The ceremonial series carried out by the local community in marriage is also a real transition from individuals who initially only take care of themselves so that a person enters into a new phase where he/she will be bound by another individual, including a new environment where he/she has come out of the transition phase (liminality). In this phase individuals form a new identity in themselves.

Bell stated that in this phase, individuals have a new status in the community, thus demonstrating that they have gone through

the transition phase well and have been welcomed, and accepted by the community to become an integral part of it.<sup>7</sup> According to Debika Saha, ceremonies or rituals not only function as social glue in society, but also as reflection of spiritual, religious, and natural feelings of humans.<sup>8</sup> In other words, ritual reflects how people are formed, learn and transform in culture. It can give meaning and define its existence in this life.

The second theoretical perspective is symbolic interactionism. It is one of the perspectives in communication studies, which is the most "humanist" in nature.<sup>9</sup> This perspective strongly emphasizes the greatness of the individual values above the influence of all the existing values, which assume that each individual within him/herself has the essence of culture, interacts in the social community, and produces a meaning of "fruit of thought" which is collectively agreed upon. And in the end, it can be said that any form of social interaction done by each individual will consider the individual side.

The symbolic interaction theory emphasizes the relationship between symbols and human interactions. The core of the view of this approach is on the individual. Symbolic interaction exists because basic ideas in forming a meaning comes from the human thoughts (mind) about themselves (self), and their relationship in the midst of social interaction, and the ultimate aim to mediate and interpret meaning in the midst of society (society) where the individual stays. That meaning comes from interaction, and there is no other way to form meaning, other than by building relationships with other individuals through interaction.

A brief definition of the basic ideas of symbolic interaction suggests<sup>10</sup> that mind is the ability to use symbols that have the same social meaning, in which each individual must develop their thoughts through interaction with other individuals. The theory maintain that self is the ability to reflect each individual from the

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<sup>7</sup> Catherine Bell, *Ritual Perspectives and Dimensions* (USA: Oxford University Press, 2009), 36.

<sup>8</sup> Saha, "Ceremonies," 768.

<sup>9</sup> Elvinaro Ardianto and Bambang Q. Anees, *Filsafat Ilmu Komunikasi* (Bandung: Simbiosa Rekatama Media, 2007), 40.

<sup>10</sup> Ibid., 136.

judgment of the point of view or the opinion of others, and the theory of symbolic interactionism is one of the branches of the sociological theory which expresses itself (The-Self) and its outer world. The theory further argues that society is a network of social relationships which is created, built and constructed by each individual in the community. Each individual is engaged in behaviors they choose actively and voluntarily, which ultimately leads human being in the process of role taking in the community. There are three themes of concepts and assumptions required to construct a discussion of the theory of symbolic interaction according to George Herbert Mead. These include the importance of meaning to human behavior, the importance of self-concept and the relationship between individuals and society.

Based on the theory of symbolic interactionism, the two Madurese wedding ritual, namely "*ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar*", reveal the ability of the people of Ellak Daya and Jambu Villages to use symbols in the marriage tradition. The tradition of breaking eggs on the ground and jumping over the rope mean that the bride gets happiness, blessings and children and also lots of fortune and safe from danger wherever the bride dwells. Focusing on the importance of shaping meaning for human behavior in the theory of symbolic interactions it cannot be separated from the communication process, because initially the meaning is meaningless, until finally it is constructed by individuals through the process of interaction, to create a mutually agreed meaning. Of course it cannot be done except in the celebration of marriage. Thus between the individuals who perform it (the family of the bride and the groom) with other individuals (the invitees/ local community) interaction will occur, either directly (action) or indirectly (meaning process/ meaning) from the symbol used in the ritual marriage of local Madurese custom. Thus the intent of the existing symbol is agreed that there is no other meaning except for the goodness of the brides and their family in the future.

Interactively, by the presence of a marriage ritual with that symbol, it means that human being have acted upon and with other human beings based on the meaning that others have given

them. Meaning is created in the interaction among humans and then the meaning undergoes modification so that there is someone who must carry out that forms of ritual although he/she does not understand it fully and but does it solely for the sake of unity in the community. Besides, they perform the ritual because they understand it and expect the true meaning in symbols which are delivered and understood by the audiences.

The theory of symbolic interaction focuses on the importance of self-concept. The symbolic interaction here emphasizes on the development of self-concept through the individual actively based on the social interaction with others. Then it forms an important motive for behavior. In this case, it enters into the actions of the parties which are directly involved in the procession of the marital tradition. The breaking the egg by the groom and the jumping over the rope to open the door shows an important motive of a man who wants to marry the female partner who is ready to face all possibilities in the future. Thus it will also present the assessment or giving meaning from individual others as reflection on the actions taken by the groom. In the theory of symbolic interaction, this refers to the ability to reflect each individual from the judgment of point of view or the opinion of other people on him with the symbol that he has used for in the ritual.

Symbolic interaction relates to the relationship between individual's freedom and society, where this assumption recognizes that social norms restrict the behavior of each individual, but ultimately each individual determines the choices that exist in the society. The tradition of *ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* are forms of cultural influence that exists in Ellak Daya and Jambu since this local marriage tradition have been handed down to the present day. Evidence of the traditional marriage ceremonies (involving elements of tradition/ culture) is a proof that human beings/ people of Ellak Daya and Jambu villages are especially influenced by the social cultural processes that exist whether they do it actively or passively or even forced to allow the existence of cultural elements in a local marriage. The existence of cultural ritual element in a marriage cannot be separated from the existing structures of society because the social culture forms the society so that the celebration of marriage with the ritual of *ngiddhe*

*'tellor sampek bhesa* and *mengghar bhalabhar* cannot be done if the structure in society do not support it.

Basically, the tradition or one of the rituals in the tradition of marriage in Ellak Daya and Jambu is not required to be conducted by every individual who will hold a marriage. Due to close community relationship and establishment of the tradition for generations there will be social sanctions for those who do not perform it. The sanction can be either in the form of gossip in the community or seclusion from the social interaction. The negligence of the tradition is also tantamount to throwing away the ancestors' legacy. It is indeed up to each individual of how to interpret the ritual, but the value or meaning that I found is that breaking eggs on the ground is a symbol of prayer to the bride's step wherever she wants to go she will be also safe and happy. Meanwhile jumping over the rope symbolizes as the groom's readiness to be responsible to the woman he marries with. In fact, every individual may acquire a different meaning in the tradition but the real intended meaning as it is understood by the local community themselves. As interactive symbol, it is very important that a meaning in the actions are embedded in human behavior and contribute to a concept in the individuals who then determine the relationship with the community.

### **The Wedding Ceremony: Life Cycle, Symbolic Interactionism and *Maqāṣid al-Shari‘a***

As Van Gennep explains, there are some life cycles or phases in human life. One of the phases is reflected from the separation process in a given community through ritual or ceremony. People who willingly join in the ceremony of marriage procession follow the process of the rite. They experience a self-reflection of life, which is in a transitional phase, and have collective memories of events occurring in the past life. The ritual of wedding ceremony marks such life cycle from the pre-marital life to the wedlock.

There will be another phase in which the individual and society will be involved in a preparation toward a unity. In this case, the marriage procession offers a way of rediscovering identity and reflecting on the past, present and future

circumstances, where new community members are formed. All these processes can be observed from the marriage procession of *ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* held by Ellak Daya and Jambu communities. The bride's experience of unification with society creates a new meaning for her. These two processions also reflect the phase of merging between individuals within society. Individuals will be bound by another individual, including the new environment in which he/she has exited from the transitional phase (liminality), so that the individual forms a new identity. Within these phases, there will give birth to many things, both individual and group such as the rise of the meanings, values, norms, and beliefs in a series of local *adat* marriage procession. According to Mead's theory of interactionism, our behavior is not only influenced by social environment or social structure. Mead believes that we as part of the social environment have also helped create the environment. Therefore, in order to understand social behavior, what must be assessed is not only on the external aspect (behavior) alone, but also the internal one (mental).

In the perspective of interactionism that examines social interaction two or more individuals potentially issue a meaningful symbol. The person's behavior is influenced by other people's symbol. *Ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* are cultural symbols that have been realized for a long time and influenced every generation who performed them. Through symbols, the society of Madura especially in Ellak Power and Jambu expresses their feelings, thoughts, and intentions. By way of reading the symbols revealed by others, people capture thoughts and feelings of others and become accustomed with them.

The interaction between some parties will continue to run smoothly without any interruption when the symbols issued by each party are shared, so that all parties are able to interpret them well. This may happen because the individuals are involved in the interaction that come from the same culture, or have previously solved the difference of meaning between them. So according to this view, individuals/communities of Ellak Daya and Jambu in particular have negotiated a behavior that is implemented in the series of tradition of marriage, to match the behavior of others

which are also implemented in a series of similar ceremonies. Now, let me ask a question that this study concerns. How does *maqāṣid al-shari‘a* explain this wedding ceremony?

Shari‘a is broadly defined as the divine rule prescribed by God to humans. It contains general norms and doctrines of Islam such as faith and law.<sup>11</sup> Contemporary Muslim scholars, such as Thahir Ibn Assyria, defines *maqāṣid al-shari‘a* as meanings and wisdoms that have been noticed by Allah in all provisions of sharia law. While 'Allal al-Fasy defines *maqāṣid al-shari‘a* as the goals and secrets that God has established in His law. According to Muhammad al-Yubi, *maqāṣid al-shari‘a* is the meanings and wisdom that have been established by God in the shari‘a either it is special or general which aims to realize the welfare of humans.<sup>12</sup>

There are three levels of meaning of *maqāṣid al-shari‘a* according to the majority of scholars:<sup>13</sup>

- 1) *Daruriya*. The level of needs that must exist or which is called the primary needs. If this level of need is not fulfilled, it will threaten the safety of mankind both in the world and in the hereafter.
- 2) *Hajjiya*. The secondary needs which, if not realized, do not threaten the safety, but will create difficulties.
- 3) *Tahsiniya* or the level of needs that if it is not met, thi does not threaten the life and will not cause difficulties. This is complementary needs.<sup>14</sup>

According to al-Shathibi, *maqāṣid al-shari‘a* can be seen from two points of view: God's purpose and the purpose of persons where law applies to them.<sup>15</sup> While Ibn 'Ashur (1393 H) defines

<sup>11</sup> Majmu' Lughah al-'Arabiyyah, *Mu'jam al-Wasit*, 4th ed. (Egypt: Maktabah Shurūq al-Dawliyyah, 2004), 509, 738.

<sup>12</sup> Muhammed Sa‘id al-Yubī, *Maqāṣid al-Shari‘ah al-Islāmiyyah Wa ‘Alaqatuhu bi al-‘Adillah al-Shari‘iyah* (Riyad-KSA: Dār al-Hijrah, 1998), 188.

<sup>13</sup> Abū Ishaq Ibrāhīm ibn Mūsā al-Gharnātī al-Shātibī, *al-Muwāfaqāt fī Uṣūl al-Shari‘ah*, vol. 2 (Beirut: Dār al-Ma‘rifah, n.d.), 89.

<sup>14</sup> Other scholars that discusses *maqāṣid* in detail include Kamali and Auda. Mohammad Hashim Kamali, *Maqāṣid Al-Shari‘ah: The Objectives of Islamic Law* (Islamabad: Islamic Research Institute, 1999), and Jasser Auda, *Maqāṣid Al-Shari‘ah as Philosophy of Islamic Law: A System Approach* (Kuala Lumpur: Islamic Book Trust, 2010).

<sup>15</sup> al-Shātibī, *al-Muwāfaqāt fī Uṣūl al-Shari‘ah*, 2:3.

*maqāṣid* as the insights and wisdom that emphasize in all or largely Islamic legislation. It is not only devoted to certain laws.<sup>16</sup> He explains *maqāṣid 'amma* (general objective) as maintaining regulatory, attracting kindness, resisting evil, respecting humans, dignifying law and justice and so on. He defines *maqāṣid khaṣṣa* (special purpose) as methods 'for the realization of human need or maintenance of their common interest. For example, establishing a household system and family in a marriage contract and rejecting harms.

Marriage as part of the law in general has a noble purpose for the benefit of humans. So, if a marriage is valid with its fulfilled condition, then the rights and obligations of each partner have been attached. One of the purposes is to realize a happy family as the main goal of marriage. The family is the embryo of sustainable living, from married couples to children, from children down to grandchildren and so on. Thus, the purpose of maintaining offspring, guarding themselves from adultery, channeling lust in a way that is justified by Islam and keeping the affection between families will be realized properly.<sup>17</sup> So the purposes of marriage in Islamic law is to realize such objectives, as this can be also observed from the wedding ceremony amongst the people of Madura. So long as the tradition is able to maintain such purpose, then, according to Islamic the tradition itself can become a source of law ('urf/adat). According to Abdul Wahab al-Khallaf, 'urf refers to tradition. It is tradition that is good and lawful and is not against the shari'a. According to scholars, there is no difference between 'urf and tradition.<sup>18</sup>

The majority of scholars agree that the main source of Islamic law consists of the Qur'an and Sunnah. The other sources include *ijmā'* (consensus), *qiyās* (analogy) and 'urf (tradition).<sup>19</sup> There are

<sup>16</sup> Muhammad al-Tāhir Ibn 'Āshūr, *Maqāṣid al-Shari'ah al-Islāmiyyah* (al-Bashā'ir li al-Intaj al-'Ilm, 1998), 171.

<sup>17</sup> Mukhtar Kamal, *Asas-asas Hukum Islam tentang Perkawinan* (Jakarta: Bulan Bintang, 1993), 12.

<sup>18</sup> Abdul Wahab Khalaf, *Ilmu Ushul Fiqih* (Jakarta: Pustaka Amani, 2003), 117.

<sup>19</sup> Ruqayyah Tāhā Jābir al-'Awānī, *Athar al-'Urf fi Fahmi al-Nuṣūṣ: Qadāya al-Mar'ah al-Namudhajiyān* (Beirut: 'Alam al-Kutub, n.d.), 52.

some arguments for 'urf as a source of Islamic law.<sup>20</sup> For example, the customs of human both in the form of deeds and words go according to the rules of human life and needs. Another argument stems from the tradition of the Prophet, which states that "What is considered good by the people of Islam, then it is good also to God".

This shows that all correct customs of Muslims are also good from the divine view. *Ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* are part of the cultural product in the Madura community and are preserved until now. A tradition has a function of community control and regulation as well as control over the patterns of behavior of local community members. The implementation of this tradition in the society will be binding and mandatory. When the tradition becomes established, it will become a binding rule in the community where "law as tool of social control."<sup>21</sup> This is because *ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* are rooted deeply and firmly in the society of Madura and regarded as a necessity to achieve life of the brides. Development and the existence of a tradition cannot be separated from the fundamental role of customs or local tradition. Legal anthropologist Hartland in his book titled "Primitive Law" published in 1924 emphatically stated that the law is actually an overall understated customs of a tribe. If interpreted narrowly, the myth that contains prohibitions and suggestions and things - other matters related there, is also used as a social practice in the other is a law.<sup>22</sup>

In the perspective of Islamic law, tradition is considered to be the custom of the surrounding community. A long-standing habit can be legal. In this case there are fiqh rules, which states:

العادة شريعة م合法ة

Meaning: tradition can become source of shari'a law.

<sup>20</sup> H. A. Dzazuli and I. Nurol Aen, *Usul Fiqih: Metodologi Hukum Islam* (Jakarta: Raja Grafindo Persada, 2000), 186–187.

<sup>21</sup> Soerjono Soekanto, *Antropologi Hukum* (Jakarta: Rajawali Pers, 1984), 113.

<sup>22</sup> Ibid., 114.

The tradition of *ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* has in fact become a series of local marriage ceremonies passed down through generations and is performed continuously when there is a marriage ceremony by most of the people, so that tradition becomes part of their life. Skipping this tradition will entail social sanction because this will be counted as disobeying living law. Violating or abandoning this tradition may be not good for the life of the couple and stimulate social and other problems.<sup>23</sup>

Because al-Shari's aim in spreading the *maṣlaḥa* for his legislation is certainly absolute and comprehensive, not bound in the case/ particular object. *Maṣlaḥa* is spread absolutely in all the basic principles and units of the particularistic case of Islamic law (sharia). Islamic law or Shari'a is entirely *maṣlaḥa*, whose representation may be in the form of omission of *mafsada* (destruction) and may also take the form of the manifestation of expediency. Strictly speaking, there is no law that contains al-madarra (danger) but ordered to stay away from it, and there is no law that contains *maṣlaḥa* but ordered to make it happen.

The tradition of *ngiddhe 'tellor sampek bhesa* and *mengghar bhalabhar* imply goodness besides a good goal. This is, therefore, relevant to the Islamic legal maxim "*dar' al-mafāsid wa jalb al-maṣāliḥ*" namely to attract the benefit and reject all forms of damage. Imam Izzuddin also said, to realize the pure good and refuse the pure damage, is good and praiseworthy. Likewise, taking strong benefit and resist worse damage are also good and commendable. All these principles can be seen the wedding ceremony among the people of Ellak Daya and Jambu.

## Conclusion

The marriage circle and ceremony in the rural villages of Sumenep Regency in Madura consists of several stages, which reveal the life-cycle pattern since the beginning with pre-marriage and continues to the procession and post-procession. Those who take or perform the procession must follow all of the procedure of ritual because each is closely and meaningfully closed to each

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<sup>23</sup> Mbah Ji, Interview, Jambu village August 27, 2017.

other. The symbol and performance of the wedding acquire deep meanings which call for goodness and decline misfortune.

This suggests that the wedding ceremony is not only part of the preservation of local tradition but also keeps the spirit and objective of Islamic law, as outlined in the principle of "*dar' al-mafāsid wa jālb al-maṣāliḥ*" that is attracting benefit and reject all forms of damage. The bride and groom are blessed, the integrity of the family is maintained, and the sustenance of the household is achieved. At the same, the ritual aims to dispel misfortune, evil, accident, hardness and quarrels.

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