

THE DOMINATION OF CUSTOMARY LAW IN MUSLIM MATRIMONIAL PROCEDURES

Prohibiting *Khitbah* in the Sade Muslim Community

Arif Sugitanata

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia

Email: arifsugitanata@gmail.com

Muhammad Lutfi Hakim

Institut Agama Islam Negeri Pontianak, Indonesia

Email: muhammadlutfihakim@iainptk.ac.id

Abstract

Betrothal (*khitbah*) prior to marriage is considered a noble practice within Islamic tradition. However, among the Sade Muslim community, there are instances where betrothal is intentionally omitted and even opposed by the society. They practice the tradition of *merariq*, apparently abducting the bride without the prior consent of her family. Only afterward does the groom's family approach the bride's family to negotiate the marriage between them. This practice of 'abducting' prospective brides is not found in any Islamic teachings. This article aims to shed light on the motives behind the betrothal prohibition before the marriage contract (*akad nikah*) among the Sade Muslim community. This research involves fieldwork with ten key informants. The findings indicate that the prohibition of the betrothal process among the Muslim Sade is a longstanding cultural heritage within the society. This tradition is perceived as an emblem of the Sasak ethnic group, intentionally preserved amidst inevitable modernization.

[Peminangan (*khitbah*) sebelum pernikahan merupakan salah satu tahap perkawinan yang dianggap sebagai anjuran mulia dalam tradisi Islam. Namun bagi masyarakat Muslim Sade, ada kalanya peminangan ini sengaja tidak dilakukan dan bahkan ditentang oleh masyarakat tersebut. Mereka bahkan mempraktikkan tradisi *merariq* dengan cara seolah-olah menculik mempelai perempuan tanpa sepengetahuan pihak keluarganya. Barulah setelah itu pihak laki-laki menemui pihak perempuan untuk melakukan proses negosiasi agar dilangsungkan pernikahan antara keduanya. Tradisi 'menculik' calon pengantin perempuan ini tidak ditemukan dalam ajaran Islam manapun. Artikel ini bertujuan mengupas motif di balik larangan meminang gadis sebelum akad pernikahan di kalangan masyarakat Muslim Sade.

Penelitian ini merupakan studi lapangan yang melibatkan sepuluh informan kunci sebagai sumber primer. Hasil penelitian menunjukkan bahwa praktik larangan bagi calon pengantin laki-laki untuk meminang gadis Muslim Sade merupakan manifestasi adat yang telah berlangsung lama. Tradisi ini merupakan ciri khas dari Suku Sasak. Kecenderungan masyarakat Sade melarang khiṭbah dan mempertahankan tradisi merariq bertujuan untuk menjaga identitas budaya adat mereka dari pengaruh modernisasi yang kian tak tertercegah.]

Keywords

Khiṭbah, cultural identity, *merariq* traditions, Sade Muslim community

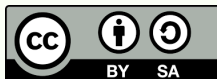
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Introduction

The interaction between religious law and customary law in the practices of Muslim communities entails a complex relationship.¹ On one hand, their interaction proceeds harmoniously,² involving compromise³ and integration,⁴ integral aspects of Muslim

¹ M. Christian Green, *Law, Religion and the Family in Africa*, First Edition (South Africa: African Sun Media, 2021), 53.

² See: Dri Santoso et al., “Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 5, 2022): 199–218; Andi Sukmawati Assaad et al., “Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 458–79; Rosdalina Bukido et al., “Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 16, 2022): 239–54.

community life.⁵ Those deviating from these laws face customary sanctions for potentially dishonoring the communal traditions.⁶ On the other hand, the dominance or superiority of religious law over customary law, and vice versa, implies the neglect of one at the expense of the other.⁷ This relationship is non-hierarchical⁸ and may give rise to new relationships and shifts in values within Indonesia's pluralistic society.⁹ Such shifts are driven by religious conversions, social interactions, and migration to different locales.¹⁰

One everyday practice among Indonesian Muslim communities that integrates religious and cultural values is the practice of *khibbah* or betrothal.¹¹ This practice represents the efforts of prospective spouses to choose, understand, and familiarize themselves with each other's behaviors before the marriage contract (*akad nikah*).¹² Generally initiated by men to women, in certain regions with a matrilineal kinship system, women may undertake the *khibbah*.¹³ Despite originating from Islamic teachings, this practice is prohibited among the Sade Muslim community in Sade Hamlet. Local customary authorities forbid men from

³ Aharon Layish, "Interplay between Tribal and Sharī Law: A Case of Tibbāwī Blood Money in the Sharīa Court of Kufra," *Islamic Law and Society* 13, no. 1 (2006): 63–75.

⁴ See: Khairuddin Hasballah et al., "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community," *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (December 30, 2021): 299–324; Suhairi Suhairi, "The Impact of the Sesan Customary Practice on the Traditional Marriage of the Lampung Pepadun Society in Instilling Sharia Social Values," *Journal of Social Studies Education Research* 12, no. 3 (September 24, 2021): 225–47.

⁵ Subhan Ma. Rahman and Fuad Rahman, "The Dynamic of Malay Islamic Law: The Rise and Practices of Adat Bersendi Syarak, Syarak Bersendi Kitabullah in Jambi," *Journal of Indonesian Islam* 11, no. 2 (December 5, 2017): 389.

⁶ Muhammad Khalilurrahman, Eficandra Eficandra, and Dodon Alfiander, "Sharia-Based Customs in Unregistered Marriage Rules (Case Study in Rambatan Village, West Sumatra)," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 November (December 1, 2022): 579–96.

⁷ RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 16, 2023): 25–48.

⁸ Fatahuddin Aziz Siregar et al., "Merantau in The Ethnic Tradition of Minangkabau: Local Custom Without Sharia Basis?," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (June 16, 2022): 115–38.

⁹ See: Misbahuddin Misbahuddin et al., "Normativism of Islamic Law in the Akkattere Hajj Ritual of South Sulawesi's Ammatoa Community," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 31, 2023): 629–49; Suhairi et al., "Violations of Islamic Law in Male–Female Relations: The Shifting of Nyubuk Tradition of the Customary Peoples of Lampung," *Academic Journal of Interdisciplinary Studies* 11, no. 1 (January 3, 2022): 93–103.

¹⁰ Dian Mustika and Wenny Dastina, "Religious, Economic, and Political Shifting in Inheritance System of Suku Anak Dalam," *AHKAM: Jurnal Ilmu Syariah* 20, no. 1 (June 30, 2020): 49–78.

¹¹ Edy Sismarwoto, "Islamic Ethical Value of Customary Basis of Marriage Proposal Application in Indonesia," *Indian Journal of Forensic Medicine & Toxicology* 14, no. 3 (July 30, 2020): 1879–82.

¹² Oce A. Langkameng and David Samuel Latupeirissa, "Cultural Values of Oko Mama: Marriage Proposal Ritual Speech in Bokong Community- Indonesia," *The International Journal of Language and Cultural (IJOLAC)* 2, no. 01 (March 24, 2020): 48–57.

¹³ Soerojo Wignjodipoero, *Pengantar dan Asas-Asas Hukum Adat* (Jakarta: PT. Toko Gunung Agung, 1995), 109.

proposing to Sade Muslim girls, favoring the enduring tradition of *merariq* (the abduction of the prospective bride by the groom before marriage).¹⁴

Prior researchers have examined pre-marital customary practices, including *khithbah* and elopement (*kawin lari*). Studies analyzing *khithbah* tend to take a normative approach in line with the concept of *urf* (custom) in Islamic law.¹⁵ Meanwhile, studies on elopement for *khithbah* in marriage are often utilized by customary communities to express their freedom in choosing partners,¹⁶ avoid parental arranged marriages,¹⁷ ensnare potential partners (for men),¹⁸ and challenge patriarchal social norms supporting gender asymmetry (for women).¹⁹ This practice remains controversial within Muslim communities as it derives validity solely from customary norms, devoid of religious norms.²⁰ Despite its conflict with Sharia, both men and women exploit this practice, contributing to the emergence of a polygamous culture in East Indonesian *pesantren* (Islamic boarding schools) communities.²¹ The Muslim community's disregard for Islamic law in customary marriage practices is driven by the coexistence of culture and globalization, which has the potential to erode cultural identity.²² This article affirms these findings and argues that the Sade Customary community's prohibition of *khithbah* within Islamic tradition, preserving the practice of elopement (*merariq*), is their effort to safeguard their cultural identity against modernization influences.

¹⁴ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet, April 13, 2023.

¹⁵ See: Yuni Roslaili, "Kajian 'Urf tentang Adat Ranub Kong Haba dan Akibat Pembatalannya di Aceh (Study of 'Urf on The Custom of Ranub Kong Haba and its Cancellation in Aceh)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 3, no. 2 (November 20, 2019): 417–37; Aliyu Alhaji Rabiu, Dahiru Inuwa Ibrahim, and Jaafar Sa'ad, "Islamic Principles on Khithbah and Courtship Versus the Effects of Social Media on Muslim Marriages in Northern Nigeria," *Jurnal Syariah* 27, no. 1 (April 28, 2019): 113–44; Eko Siswanto and A. Ubaidillah, "Marriage Tradition of Tobati Tribe: In Perspective on Islamic Law," *ADDIN* 14, no. 1 (February 1, 2020): 141–64.

¹⁶ Chanelle Delameillieure, "Partly with and Partly against Her Will': Female Consent, Elopement, and Abduction in Late Medieval Brabant," *Journal of Family History* 42, no. 4 (August 29, 2017): 351–68.

¹⁷ Jone G. Lurgain and Carola Eyber, "Understanding Female Adolescent 'Runaways' and the Implications of Their Decisions in Tigray, Northern Ethiopia," *Child Abuse & Neglect* 129 (July 2022): 104125.

¹⁸ Arif Sugitanata et al., "Violation of Women's Rights: The Kawin Magrib Tradition of the Sasak Muslim Community in Lombok, Indonesia," *Journal of Islamic Law (JIL)* 4, no. 2 (August 27, 2023): 197–217.

¹⁹ T. Mjaaland, *Beyond the Coffee Ceremony: Women's Agency in Western Tigray, Northern Ethiopia*, vol. Beyond the Coffee Ceremony: Women's Agency in Western Tigray, Northern Ethiopia (Oslo: Betwixt and Between, 2004), 71–77.

²⁰ Hamzah Hasan et al., "Londo Iba: Elopement and Bride Kidnapping amongst the Muslims of Monta, Bima, Indonesia," *Cogent Social Sciences* 8, no. 1 (December 31, 2022): 2023973.

²¹ Bianca J. Smith, "Stealing Women, Stealing Men: Co-Creating Cultures of Polygamy in Pesantren Community in Eastern Indonesia," *Journal of International Women's Studies* 15, no. 1 (2014): 118–35.

²² Syahril Jamil et al., "Changes in Islamic Legal Culture in Customary Marriage at Uluan Musi Community," *Journal of Population and Social Studies [JPSS]* 32 (2024): 107–29.

This article is a qualitative research study with a socio-legal approach. Fieldwork was conducted over five months, from December 2022 to April 2023, in Sade Hamlet, Lombok, Nusa Tenggara Barat, Indonesia. Primary sources for this research include ten key informants, comprising a prominent Sade Customary figure who also serves as the Head of Sade Hamlet (KS), a Secretary of Rembitan Hamlet (WH), three Muslim girls of Sade ethnicity (Y, SA, and A), four men of Sade Customary ethnicity (D, E, I, and H), and a Sade Customary figure in Praya (S). In-depth interviews were conducted with these ten key informants to gather data related to the practices and motivations behind the betrothal prohibition to Sade Muslim girls by the local customary community. To maintain the confidentiality of informants, we anonymized their identities. Additionally, secondary sources in this study include various archives, research findings, scholarly journals, books, and other academic works. The collected data were qualitatively analyzed using Emile Durkheim's functionalism theory.²³

Highlight of Religious and Social Structure of the Sade Muslim Community

Several Islamic sultanates entered Lombok in the 17th to 18th centuries, playing a crucial role in the spread of Islam in the region. One such sultanate is the Gowa Sultanate, which had significant influence in 17th-century Lombok.²⁴ Traders from Gowa introduced Islamic principles and played a vital role in spreading the religion across the region.²⁵ In the 19th century, Lombok became a battleground between the Lombok Sultanate and the Dutch. The prolonged conflict spanning decades brought significant changes to the island, especially in the realm of religion. During this period, the Dutch gained control of Lombok, implementing substantial transformations.²⁶ However, Islam, particularly in Sade Hamlet, remained a crucial foundation for the Sasak people. Despite undergoing transformations with the advent of Islam, the Sasak community preserved certain aspects

²³ Whitney Pope, "Durkheim as a Functionalist," *The Sociological Quarterly* 16, no. 3 (June 1, 1975): 361–79.

²⁴ Jamaluddin Jamaluddin, "Kerajaan Selaparang Sebagai Pusat Pemerintahan dan Pusat Perdagangan pada Abad XVI Berdasarkan Data-Data Arkeologis dan Manuskrip Sasak," *Manuskripta* 11, no. 2 (2021).

²⁵ Muslimin AR Effendy, "Diskursus Islam dan Karakter Politik Negara di Kesultanan Bima," *Al-Qalam* 23, no. 2 (2017).

²⁶ Ahsanul Rijal, "Proses Islamisasi Melalui Jalur Perniagaan di Lombok: Sebuah Analisis Historis," *Kalijaga Journal of Communication* 1, no. 2 (n.d.): 125–38.

of their native beliefs and customs, integrating them into a distinct Islamic pattern, which they continue to uphold.²⁷ The introduction of Islam to the Malay-Indonesian world (Nusantara), especially Lombok, was propelled by Muslim traders and explorers.²⁸

The majority of the Sade community adheres to Islam.²⁹ Before the arrival of Islam in the Lombok, the indigenous population predominantly practiced animism and dynamism.³⁰ The Sade people held profound beliefs in the existence and importance of their ancestors, believing that the spirits of their forebears were present and influential in daily life. Engaging in various rituals and ceremonies, the Sade people paid homage to their ancestors, sought blessings, and addressed natural occurrences believed to be manifestations of spiritual entities.³¹ Over time, the Sade community underwent a transformation in their beliefs, ultimately embracing Islam. The Islamization of Sade Hamlet occurred gradually, facilitated by interactions with traders, adventurers, and scholars of the past.³² Despite being predominantly Muslim, the Sade community continues to uphold and maintain a communal structure known as *bebanjar*. *Bebanjar* is a form of reciprocal assistance in communal efforts such as celebrations (*begawe*), circumcisions (*kbitanan*), and funeral ceremonies. These traditions are practiced and facilitated by various communal structures in Sade Hamlet.

Presently, the condition of Sade Hamlet has undergone minimal change. Viewing Sade Hamlet in relation to other villages, it can be asserted that Sade Hamlet has successfully preserved the authenticity of its traditions and culture within the Sasak cultural context. This is evident in the presence of various elements, including *alang* (*lumbung*), historical remnants such as traditional buildings like *bale rumput tinggal* (*bale gunung rate*), and the existence of *berugak* and cultural ritual ceremonies (*ritual mole monte*). These elements collectively contribute to the formation and preservation of the Sade community's ethnic

²⁷ Heri Zulhadi and M. Mohsi, "Pandangan Hukum Islam terhadap Adat Perkawinan Endogami Masyarakat Sade," *Ulumuna: Jurnal Studi Keislaman* 5, no. 1 (2019): 78–92.

²⁸ Mohamad Iwan Fitriani, "Kepemimpinan Kharismatis-Transformatif Tuan Guru dalam Perubahan Sosial Masyarakat Sasak-Lombok melalui Pendidikan," *Al-Tabrir: Jurnal Pemikiran Islam* 16, no. 1 (2016): 175–95.

²⁹ "Archive of Rembitan Village Profile Year 2023."

³⁰ Ahmad Amir Aziz, "Islam Sasak: Pola Keberagamaan Komunitas Islam Lokal di Lombok," *Millah: Jurnal Studi Agama*, 2009, 241–53.

³¹ Muh Sya'rani and Muh Zakaria, "Dinamika dan Problematika Pendidikan Agama Masyarakat Minoritas Islam Wetu Telu di Lombok Nusa Tenggara Barat," *Jurnal Penelitian Tarbawi: Pendidikan Islam dan Isu-Isu Sosial* 4, no. 2 (2019): 24–43.

³² KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

identity. To date, Sade Hamlet consistently attracts visitors, both local and international, making it a renowned tourist destination.³³

Betrothal Prohibition and the Tradition of *Merariq*: Safeguarding Cultural Identity

The practice of prohibiting betrothal to Sade girls in Sade Hamlet represents a customary phenomenon deeply rooted in Sasak society. This practice prohibits a man from openly expressing his desire to marry a Sade woman. The prohibition applies to both members of the Sade community and individuals outside the Sade group. Violating this prohibition results in social consequences, such as exclusion from the community as a means of upholding norms. Despite the majority of the Sade community embracing Islam, the enforcement of this rule has been in place since 1907. This ritual persists to this day, indicating a cultural history that has been preserved over time despite the presence of Islam.³⁴

Based on interviews with several informants, particularly Sade customary authorities who also serve as the head of Sade Hamlet and the secretary of Rembitan Hamlet, three motives behind the customary prohibition of betrothal to Sade girls were identified: preserving the distinctive characteristics of Sasak customary ethnicity, preventing indecency, and adherence to customary law. Although *kehibab* is a part of Islamic teachings, the Sade Muslim community prefers to uphold the tradition of *merariq* rather than practicing *kehibab*. Thus, Sade customary figures and the Sade Muslim community play a crucial role in preserving the cultural identity of their community, reflecting adaptation and preservation of traditions in the context of modernization.

Preserving the Distinctiveness of the Sade Customary Community

The implementation of the betrothal prohibition to Muslim Sade girls is viewed as a preventive measure aimed at preserving the characteristics of the Sade community during customary marriage practices.³⁵ The Sade community exhibits its own distinctiveness in matrimonial customs, notably the tradition of *merariq*. This practice involves the clandestine

³³ "Archive of Rembitan Village Profile Year 2023."

³⁴ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

³⁵ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

abduction of prospective brides by prospective grooms. The *merariq* tradition serves as an identity marker for the Sasak community, particularly for the Sade residents. If a man wishes to marry a Muslim Sasak girl from Sade, he must resort to abducting the prospective bride instead of proposing to her, as per Islamic teachings. Although some Sasak customary communities outside Sade no longer practice *merariq*, the Sade community adheres to this customary law to safeguard the Sasak customary identity. Preserving culture and heritage across diverse communities is an essential endeavor that requires attention, as it is crucial to safeguard their legacy and ensure its continuity for future generations.³⁶ KS expressed:³⁷

Merariq has been practiced and prevailed in Sade, indeed becoming our identity in the Sasak community. Sade is known for its adherence to customs, so even though many practice the procession of proposing to Muslim girls before marriage outside Sade, we maintain this *merariq* custom, as I mentioned earlier, as our distinctive feature as the Sasak community.]

The *merariq* tradition, distinctive to the Sasak community in Sade, serves as a differentiator between the Sasak community in Sade and other ethnic or communal groups. This is affirmed by some original Sasak community members who argue that many Sasak customary traditions have been abandoned by their communities and relegated to mere stories.³⁸ To preserve the distinctiveness of the Sasak community in Sade, the *merariq* tradition must be upheld, as the Sade community has long been known for its adherence to customary law. They disagree with the practice of *kehitbah* in marriage and prefer to preserve the *merariq* tradition.³⁹ The *merariq* tradition demonstrates that prospective grooms display courage, and the act of abducting the prospective bride signifies the groom's responsibility towards her as a consequence of the abduction event.⁴⁰

The data above indicates that the Sade community is aware of the *kehitbah* tradition in Islamic teachings, but they choose to prioritize the *merariq* tradition as a form of

³⁶ André Lecours, "Theorizing Cultural Identities: Historical Institutionalism as a Challenge to the Culturalists," *Canadian Journal of Political Science / Revue Canadienne de Science Politique* 33, no. 3 (2000): 499–522.

³⁷ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

³⁸ I, Interview with Muslim Male of the Sasak Tribe, February 7, 2023.

³⁹ See: D, Interview with Muslim Male of the Sasak Tribe, January 30, 2023; E, Interview with Muslim Male of the Sasak Tribe, February 7, 2023.

⁴⁰ H, Interview with Muslim Male of the Sasak Tribe, March 19, 2023.

commitment to the customary laws prevailing in Sade. In this context, the identity of the Sade community faces challenges arising from the shifts in contemporary society, introducing values aligned with Islamic principles, such as the practice of *khitbah*.⁴¹ Nevertheless, the Sade community continues to uphold the *merariq* practice as a dedication to long-standing customary rules. This showcases their aspiration to preserve cultural heritage and principles embedded in the *merariq* tradition, while reinforcing their collective identity as a community that values traditional values.⁴²

Despite the prohibition of *khitbah* practice in the Muslim Sade, in some ethnic groups in Indonesia, these practices are carried out as part of their religious teachings and traditions. Commonly known as “*peningset*” among the Javanese, “*beleban*” in Bojonegoro, East Java, “*neundeun omong*” among the Sundanese, “*merisik*” in the Malay-Riau community, “*marbusip*” among the Batak people, “*maminang*” in the Minangkabau community, and “*mappetuada*” among the Bugis. In practice, the *khitbah* tradition have undergone shifts and acculturation with various traditions in their respective ethnic groups. In some regions, courtship traditions are accompanied by the giving of dowries in the form of money or livestock. These rituals are maintained as communal customs and preserved to this day.⁴³

Forms of Impropriety towards Tradition

The betrothal prohibition to Sade Muslim girls is considered an effort to adhere to standards of decency in the social ethics of the Sade community. In this context, impropriety refers to behavior contrary to customary practices and ethics prevailing in Sade Hamlet. The betrothal prohibition can be seen as a response to impropriety occurring when the betrothal process is carried out openly. The aim of this customary norm is to uphold morality and ethics in social interactions by limiting betrothal actions, thus preventing impropriety conflicting with local beliefs.

Customary leaders and the Village Secretary, KS and WH, emphasize the importance of adhering to customary rules, deemed non-negotiable. This statement underscores the

⁴¹ Mukhamad Sukur, “Perbandingan Hukum terhadap Status Barang Akibat Pembatalan Khitbah Secara Sepihak Menurut Empat Madzhab,” *Abkam: Jurnal Hukum Islam* 6, no. 1 (2018).

⁴² WH, Interview with Secretary of Rembitan Hamlet, December 23, 2022.

⁴³ Fathonah K. Daud and M. Ridlwan Hambali, “Living Law dalam Khitbah dan Lamaran Perspektif Sosiologi Hukum,” *LISAN AL-HAL: Jurnal Pengembangan Pemikiran dan Kebudayaan* 16, no. 1 (2022): 92–107.

crucial role of customary leaders in preserving traditions and cultural values, demonstrating their firm authority in this matter. Violations of established norms can lead to substantial social consequences, such as shame or disgrace within the community. This highlights the use of social norms to regulate behavior and maintain social cohesion in society. The term “impropriety” clearly indicates that actions deviating from social norms are not only morally wrong but also socially insulting. The relationship between culture and social rules is evident in their joint influence on the behavioral norms of society. KS, as the customary figure in Sade, states:⁴⁴

The customs in Sade have become a consensus and must be strictly adhered to. If you don't want to follow the customs of *Leq Sade*, do not marry a Muslim girl in Sade. Accepting even one betrothal automatically nullifies this tradition. So, I emphasize once again that this custom is non-negotiable. If forced against it, that is undoubtedly a form of disrespect towards the existing customs in Sade.

In this context, WH, serving as the Secretary of Rembitan Village, provides his perspective by highlighting the consequences of non-compliance with customary rules in Sade. He details that if customary rules are disregarded, the community might lose its connection with its cultural roots, especially in understanding authentic Sasak traditions. WH emphasizes that Sade plays a vital role in maintaining the authentic social order of the Sasak community. The use of the term “*kurang ajarm*” reflects the view that non-compliance with customary rules is not only seen as a norm violation but also as an inappropriate act. Customary rules, including the betrothal prohibition to Muslim girls, are considered an integral part of the authentic social fabric of the Sasak community. WH reminds that adhering to customary rules is an obligation to preserve the identity and social order that has existed in the Sasak community for a long time.⁴⁵ Thus, his statement highlights the importance of maintaining cultural continuity and the social order inherited from ancestors.

Adhering to the customary rule of prohibiting betrothal to Sade Muslim girls in Sade is considered crucial due to its significant social impact, including shame or disgrace within the community. This is based on the statement above highlighting the role of social norms in regulating behavior and maintaining social unity. The term “impropriety” refers to

⁴⁴ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

⁴⁵ WH, Interview with Secretary of Rembitan Hamlet.

Domination of Customary Law

activities contrary to societal norms and is considered morally reprehensible and socially degrading. The existence of the customary rule prohibiting betrothal to Muslim Sasak girls in Sade Hamlet serves as a standard of behavior and a protector of the ongoing Sasak culture and communal identity.⁴⁶ Adhering to customary rules is a way to show respect to ancestors and the Sade community.

On the other hand, while Sade Hamlet enforces the betrothal prohibition to Muslim Sasak girls, the practice of betrothal is accepted and carried out by women to men in the Jatisari Community, located in Senosi District, Tuban Regency. This is a deeply rooted tradition encompassing belief systems, values, and norms. This cultural phenomenon has become an integral part of the collective consciousness of the community across generations, guiding the lives of the Jatisari community. The Jatisari group follows a legal culture formed by their collective behavior.⁴⁷ This difference emphasizes cultural diversity among various cultures and how individuals interpret and respond to societal standards in the framework of daily life. Essentially, these findings illustrate the significant influence of social norms and customary rules in shaping individual identity and behavior, and how these perspectives may differ among other social groups.

Adherence to Customary Law

The betrothal prohibition to Sade Muslim girls is not merely a current customary rule but has deep roots as a cultural practice since the ancestors' times. This practice plays a central role in the lives of the Sasak Sade community, considered an obligation to be followed as a form of respect for their ancestral history. In the context of the betrothal prohibition to Muslim girls in the Sasak Sade community, any violation of this norm sparks social impacts, including feelings of embarrassment within the group. Therefore, the betrothal prohibition not only functions as a practical rule but also serves as a symbol of a long-standing tradition with profound significance in the daily lives of the Sade community.

In his statement, KS, a customary leader and village head in Sade, emphatically states that the betrothal prohibition in Sade has been part of a long-standing tradition. He

⁴⁶ WH, Interview with Secretary of Rembitan Hamlet.

⁴⁷ Ihda Shofiyatun Nisa, Abdul Mufidi Muzayyin, and Ali Muhrizam, "Analisis Budaya Khitbah Nikah oleh Perempuan Kepada Laki-Laki di Desa Jatisari Senori Tuban," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 2 (2021): 137–51.

emphasizes that this customary rule is not only a legacy from ancestors but also reflects his responsibility as a guardian or trustee for women in his community. The statement illustrates that customs in Sade are not just social norms but a form of identity and collective responsibility for the sustainability of the original Sasak culture. KS explains that these customs not only create behavioral norms but also act as guardians of the authentic tribal identity, highlighting the importance of preserving traditions and cultural values in the social context of the Sade community.⁴⁸

KS's statement receives strong support from WH, who serves as the secretary of Rembitan Village. WH asserts that the betrothal prohibition in Sade has become an integral part of long-established rules, and the Sade community is renowned for its adherence to customs. He emphasizes that this adherence is not just rhetoric but has been proven through the Sade community's compliance with various customary rules, including the betrothal prohibition to girls. WH also describes that compliance with these customary rules is tangible evidence of Sade's community's consistent adherence to prevailing norms. He notes that many other customary rules are still enforced in Sade, indicating serious consequences for those who violate these rules. Furthermore, WH mentions that Sade is not only recognized as a symbol of Lombok but also a prominent tourist destination, especially in the Central Lombok region. His statement reflects how compliance with customary rules in Sade not only plays a role in preserving cultural identity but also contributes to the tourism appeal in the region. WH states:⁴⁹

The Sade community is also known for its adherence to customs; this adherence is crucial and has been proven by the Sade community through existing customary rules up to the present.

Moreover, we also explored information regarding the enforcement of the customary rule prohibiting betrothal to Muslim girls from the Sade community. From interviews, it was revealed that this rule is still strictly upheld by the local community, with all three informants emphasizing their compliance with this norm. Interestingly, in marriage preparations, they actively convey information about this prohibition to prospective husbands, demonstrating collective awareness and responsibility in preserving the

⁴⁸ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

⁴⁹ WH, Interview with Secretary of Rembitan Hamlet.

customary tradition.⁵⁰ These findings depict that the betrothal prohibition is not just a customary formality but has been internalized as an integral part of the social identity of the Sade community, highlighting the crucial role of customary rules in preserving cultural heritage and ethnic identity amid social changes.

This data confirms that the betrothal prohibition is not merely a customary norm but also serves as a social barrier representing the customs and sacred heritage of the Sasak Sade tribe. This prohibition plays a constructive role in efforts to preserve local culture and attracts tourists. In line with the effort to maintain traditions, the village of Kalipait also enforces a prohibition on marriages, *weton geyeng*. The term “*geyeng*” refers to the meeting of two people with an imbalanced alignment of *weton wage* and *pahing*, indicating incompatibility. Marriages that occur without considering this alignment tend to be short-lived and at risk of separation. In addition to being a customary norm, the prohibition on marriage, *weton geyeng*, is also implemented as a form of respect for ancestors,⁵¹ indicating the complexity of cultural values highly regarded by the Sade community.

Prohibition of *Khiṭbah* and the Dominance of Customary Law

The betrothal prohibition in Sade, plays a crucial role in creating the unique identity and characteristics of the Sasak tribe.⁵² Despite being Muslims, the Sasak community in Sade is advised by Islamic teachings to engage in *khiṭbah*. However, this recommendation is forbidden in the customary law of the Sasak tribe in Sade. Instead, they are required to participate in the *merariq* tradition, a practice passed down through generations by their ancestors.⁵³

The inclination of the Muslim Sasak community in Sade to preserve the *merariq* tradition rather than *khiṭbah* practice before marriage in Islam indicates that customary law is given more prominence than Islamic law. This preference arises due to sanctions imposed on the Muslim Sasak community in Sade for violating these customary provisions,

⁵⁰ See: Y, Interview with Muslim Female of the Sasak Tribe, January 12, 2023; SA, Interview with Muslim Female of the Sasak Tribe, January 12, 2023; A, Interview with Muslim Female of the Sasak Tribe, January 15, 2023.

⁵¹ Eko Setiawan, “Larangan Pernikahan Weton Geyeng dalam Adat Jawa,” *Journal of Urban Sociology* 5, no. 2 (2022): 81–90.

⁵² WH, Interview with Secretary of Rembitan Hamlet.

⁵³ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

while the implementation of *kehibab* before marriage in Islamic law is merely a recommendation (*sunnah*). Violating this prohibition results in social penalties, including ostracism from the community as a means of upholding norms. This also has significant consequences, including shame or disgrace within the society.⁵⁴ The disregard of the Muslim community for Islamic law in this customary marriage practice is attributed to the coexistence of culture and globalization, which has the potential to erode cultural identity.⁵⁵

In addition to customary sanctions, the implementation of the *merariq* tradition is an effort by the Sade to preserve the cultural identity of the indigenous community. The betrothal prohibition and the requirement for prospective grooms to kidnap prospective brides are ways to safeguard the distinctive characteristics of the Sasak tribe from the influences of social change and modernization. Those who violate these customary laws are considered by their community to display disrespect for traditions that have become an integral part of their customary society. The oversight conducted by customary leaders is crucial in upholding traditions and customary regulations. The Sade community earnestly strives to uphold the uniqueness and principles they hold dear. To preserve their identity and cultural uniqueness, they adhere to customary regulations, such as the betrothal prohibition to Muslim girls.

The differences in marriage practices between the Sade community and the Praya region highlight the cultural heterogeneity among the Sasak tribes in Lombok. In the Praya region, proposing to women is considered common, indicating diversity in the implementation of traditions among different subgroups within the Sasak community.⁵⁶ Unlike traditions in several regions in Indonesia, the low popularity of *kehibab* in Sudan is explained as a result of the perception that it would delay marriage, and the cancellation of engagements is seen as something to be avoided and feared.⁵⁷

Conclusion

This research underscores the cultural significance of the betrothal prohibition to Muslim women in the Sade Village as a crucial element in the cultural identity of the Sasak

⁵⁴ KS, Interview with Sasak Customary Figure and Head of Sade Hamlet.

⁵⁵ Jamil et al., "Changes in Islamic Legal Culture in Customary Marriage at Uluan Musi Community."

⁵⁶ S, Interview with Sasak Customary Figure in Praya, April 22, 2023.

⁵⁷ Abdallah el Tayeb, "The Changing Customs of Riverain Sudan: IV: Marriage," *Sudan Notes and Records* 2 (1998): 17.

community. Despite the majority of the Sade population embracing Islam, this prohibition is upheld as a form of respect for ancestors and an expression of the continuity of traditional practices. The cultural identity of the Sasak tribe in Sade is reflected through the *merariq* practice, a ritual involving the abduction of prospective brides, becoming a distinctive feature that sets Sade apart from other tribes, demonstrating the dedication of the Sade community in preserving their cultural heritage.

Research findings also indicate that the Sade community places high value on adherence to customary law as an effort to preserve their cultural identity. The betrothal prohibition serves as tangible evidence of compliance with marriage norms among the Sasak tribe, playing a preventive role in maintaining cultural attributes, such as *merariq*. The importance of adhering to these established norms extends beyond safeguarding their tribal identity to maintaining social cohesion in the face of societal changes and modernization. Despite the presence of Islamic rules, such as *khitbah*, as options, the Sade community chooses to uphold the *merariq* practice as a commitment to customary law. This research explains the complex domination of custom over religion, and modernity. Despite the challenges posed by globalization and the spread of universal Islamic values, the Sade community remains steadfast in preserving their local customs, which have become an integral part of their identity as members of the Sasak tribe in the Sade Village.

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