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Islamic Law in the Marriage Tradition Banjar Community

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ABSTRACT

This paper was written to study the marriage traditions that exist in Banjar society, then to photograph and study them with Islamic law, especially in the field of marriage law. The results of the study show the existence of marriage traditions in the Banjar community which begin with finding and determining prospective brides and grooms with basasuluh and continued with badatang. Then continued with the tradition of bapayuan and bapatut Jujuran in determining the marriage and then bapatut Jujuran is carried out in determining what and how much the marriage dowry is. After that it is continued with maantar Jujuran and the marriage contract which was previously started with the tradition of manurunakan and maarak the groom to the place of the marriage contract and wedding reception and continued with the tradition of the bridegroom Batatai. These traditions are very much in accordance with the concept of Islamic law; the tradition of basasuluh is in accordance with the concept of ta'aruf, badatang with the concept of khitbah, the tradition of bapayuan and bapatut Jujuran is very much in line with the concept of easy and cheap dowry so as not to hinder marriage. The tradition of maantar Jujuran and the marriage contract is to ensure the existence of a dowry and the amount of dowry given and stated in the marriage contract, while the tradition of manurunakan and maarak the groom and the tradition of the bride and groom are in order to ensure the validity of the marriage that can be witnessed and assessed by the wider community that the bride and groom are not included among those who are hindered and prohibited from marriage.

Keywords: Banjar Society, Tradition, Marriage, Islamic Law

A. INTRODUCTION

The Banjar people are the (indigenous) inhabitants of the South Kalimantan region, namely people who are indigenous to the Banjar tribe, not migrants.¹ Alfani Daud states that the indigenous tribe in most parts of South Kalimantan province is the Banjar tribe, with the exception of those in Kota Baru district.²

Along with the era of globalization and cultural transformation, this terminology has grown wider. Banjar people can be defined as people who live in South Kalimantan in general. The Banjar community is divided into three: the Banjar Pahuluan community, the Banjar Batang Banyu community and the Banjar Kuala community.

The Pahuluan people are basically known as the inhabitants of the river valleys (branches of the Negara river) that lead to the Meratus mountain range. The Batang Banyu people live in the Negara river valley, while the Banjar (Kuala) people live around Banjarmasin and Martapura.³ The language they speak is Banjar, which is basically Malay. The name Banjar was obtained because before it was abolished in 1860 they were citizens of the sultanate. Banjarmasin or Banjar has been the capital city since its inception. The name was fixed or unchanged when the capital was moved to the hinterland at Martapura.

According to Mallinkrodt, the Banjar tribe is a name to refer to Malay tribes, such as those in parts of coastal South, Central, East and West Kalimantan that originated from the Java Hindu Mastery area. Meanwhile, according to J.J. Ras, the Tabalong area was the first concentration of Malay colonies and developed into

¹Alfani Daud, *Islam and Banjar Society: Description and Analysis of Banjar Culture* (Jakarta: Rajawali Press, 1997), pp. 1

²Muhammad Afif Bizri, *The Origin of the Banjar Tribe*, (<https://avivsyuhada.wordpress.com> , 2012), accessed on March 08, 2019.

³Riauone, *History of the Origin of Banjar Tribe*, (<https://riauone.com/global/Sejarah-Asal-Usul-Suku-Banjar> , 2017), accessed on March 08, 2019.

the Banjar tribe. As early as the first century AD the community migrated from Western Indonesia.⁴

The people who live around the sultanate's capital are called the Banjar people, while the people of Pahuluan and Batang Banyu are referred to as the people of the former ancient cities. But if outside the Banjar Land area, they are without exception referred to as Banjar people.⁵

Around the fifteenth and sixteenth centuries, Hinduism/Buddhism entered and spread throughout South Kalimantan, becoming the role model and foundation for the Banjar people.⁶ Around the fifteenth and sixteenth centuries there also came nations that embraced Islam with a higher and more advanced civilization. These newcomers were Arabs, Malays, Europeans, Chinese and others, bringing with them a higher and more advanced culture and civilization, and then they spread to all corners of the country throughout Indonesia. The high culture and civilization of the foreigners was gradually imitated and became a habit and was often used by the Banjar people, and finally King Samudera embraced Islam and changed his name to Sultan Suriansyah. During this period, the culture advanced and developed, including the marriage procession of the Banjar tribe.⁷

The Banjar people consider marriage traditions to be very important. Marriage traditions are ceremonies in the context of marriage that must be fulfilled for the validity of a marriage in addition to following religious rules. If a marriage ceremony is conducted only with a marriage contract, it will be unfavorably evaluated, because according to the Banjar people, a marriage contract without a traditional marriage ceremony raises suspicions from the community. In addition,

⁴M. Idwar Saleh, A Brief History of the Rise and Development of Banjarmasin City and Its Surrounding Areas up to 1950, (Banjarmasin, unpublished manuscript, 1975), p.13.

⁵ Muhammad Afif Bizri, *The Origin of the Banjar Tribe*, (<https://avivsyuhada.wordpress.com> , 2012), accessed on March 07, 2019.

⁶Mursimah Dimayati, *Banjar Traditional Marriage and Banjar Bridal Makeup from Time to Time*, (Banjarbaru: PT Grafika Wangi Kalimantan), p. 5. 5.

⁷*Ibid.*, pp. 6-7.

traditions or customs will distinguish and characterize each ethnic group. Thus, the importance of these traditions or customs and marriage ceremonies is considered a noble thing, a legacy of the ancestors that must be obeyed, which will bring order and prosperity to the people who carry it out.⁸

B. Marriage Traditions of the Banjar Community

The practice of marriage in South Kalimantan, especially the Banjar community, clearly has its own culture and customs that are part of the identity and characteristics of a society.

The Banjar people's worldview is based on three elements, namely: Islam, local customs, and the environment in which they live. Therefore, when we talk about marriage customs, we are talking about the integration of these three elements, because that is the pattern of behavior, and that behavior is repeated over and over again.⁹

According to Banjar custom, in the marriage process the parents play an important role, they hold the initiative for the marriage to take place. Thus parents also have goals and interests when marrying their children. As for the purpose of marriage for the Banjar people, it can be summarized as follows:¹⁰

- a. Marrying off children for the Banjar people means that parents will be able to continue their offspring, parents want not only to have children, but they also want their offspring not to be cut off until their children alone, but will continue.
- b. Marrying off children for the Banjar people means that the parents have fulfilled one of their obligations and responsibilities towards their children, they have shown them the right path and prevented them from doing things that are prohibited by religion.

⁸M. Idwar Saleh, et al, *Customs and Marriage Ceremonies of the South Kalimantan Region* (Department of Education and Culture, 1991) p. 13. 13.

⁹*Ibid.*, pg. 19.

¹⁰*Ibid.*, p. 20.

- c. Marrying off children for the Banjar means that parents build a happy household based on Islam for their children. Therefore, if the child is not yet able to stand on his or her own feet, the parents will always help in the form of material or advice in building a household according to Islamic teachings.
- d. Marrying off children for the Banjar people means not only bringing two different families together, but also strengthening the existing fraternal relationship between the parents. Marrying their children causes the families of the man and the woman who marry to become an extended family with their children as the bond.

In conducting a marriage there are a number of stages and processions in the form of customs that must be passed, some of which are carried out before or during the marriage. These customs are as follows:

a. *Basasuluh*

Basasuluh, derived from the word *suluh*, is the process of searching for information about the desired girl, which is done secretly by the male party. In the past, marriages were usually arranged or chosen by the parents, so this kind of tradition was a must. This process is the first orientation in order to find a mate for the child or family he represents, this is done before making a formal proposal. As for some of the main data sought are, her offspring, her beauty, her wealth, and her religion, and certainly whether the girl already has someone who binds her in an engagement or promise, if there is no then it will be continued with an official proposal event.¹¹

As for the process, the messenger sent by the man's parents usually consists of an old woman from either a close family or an elder, who will make an unofficial visit to the place where the girl's parents will be proposed to, and will be done in the afternoon. A dialogue is then held with the woman's parents as if

¹¹*Ibid.*, p. 48.

they were ordinary visitors without any notice of the process of finding information about the woman.

After that, if the messenger has succeeded in obtaining the core information, if the woman does not yet have a fiancée, then the real purpose of his arrival is conveyed, followed by determining when the day for *badatang* or proposing officially, usually the grace period between *basasuluh* and *badatang* is around three days, but again according to the agreement of both parties.¹²

b. *Badatang*

This is an official proposal event by the family of the prospective groom consisting of women and men, but among those who must participate is a messenger who has been given a mandate when *basasuluh* so that it is continuous with the previous discussion. In this event there is a dialogue in banjar language and some are filled with rhymes between the two families, such as " *apa dicari dating kamari, katuju bajalan malam, apa dicari datang kamari, kami manuntut janji sumalam* " which is the essence of the rhymes as entertainment and relates to what has been discussed during *basasuluh*.¹³

As for the answer regarding acceptance or rejection of the proposal, there are those who do not answer directly, but are given a grace period of about three to fifteen days after the day of the *badatang*, this is reasoned in order to negotiate the entire family, in this case the prospective bride is not asked for her opinion, only limited to parents and family, moreover this concerns the pride of the woman's family as if they really want to marry the man if the answer is immediately delivered at that time. Therefore, there will be another meeting called *bapapayuan* or *bapuputusan* to convey the answer and discuss the *jujuran*, the date of marriage, and so on.¹⁴

¹²*Ibid.*, pp. 49-50.

¹³*Ibid.*, pp. 50.

¹⁴*Ibid.*, p. 238.

In addition, for some people there are those who give answers directly, usually everything related to *badatang* has been discussed and even agreed upon during the *basasuluh* process, so that at the time of *badatang* it is only inaugurated, then if the answer is conveyed directly, it will be discussed about determining the *jujuran* or dowry, the date of marriage, and related matters in the event later, meaning that the *badatang* and *bapapayuan* processions are carried out at one time.

c. *Bapapayuan* or *Bapatut Jujuran*

In this event will be conveyed related to the answer of the proposal made by the male party previously at the *badatang* event, if the proposal is accepted then it will be continued with the determination of the *jujuran* or dowry, usually this event is carried out at night and attended by family, relatives, and religious leaders, after that as a sign so then given *patalian*, meaning as a binder in the form of enough money or a ring. But if the answer is not accepted then it ends here without any further procession.¹⁵

Some communities carry out the *bapapayuan* tradition at the same time as the *badatang*, this is because the answer from the woman's side is immediately conveyed during the *badatang* event without asking for time to deliberate again, usually this is because the bride and groom already know each other, as well as their parents. However, if the woman asks for time, then the answer will be deferred for about three to fifteen days, so the *bapapayuan* tradition is held at a different time.

d. *Maantar Jujuran*

After getting an agreement between the two sides of the family at the previous ceremony, *badatang* and *bapapayuan* about the amount of *jujuran* as well as *pangiring* or *hantaran* objects such as complete women's clothing,

¹⁵*Ibid.*, p. 51.

cosmetic tools, and so on, the *maantar jujuran* ceremony is held which is usually carried by a group of mothers who each carry one of these *pangiring* items.

In the past, these items were presented during the *bapapayuan* ceremony, meaning that they were included with the *patalian* as a token, but now this tradition is a separate ceremony that is quite lively by inviting family, relatives, and many people. It is also used as an announcement that she will soon be getting married.¹⁶

e. The marriage ceremony

As with all marriage contracts, the Banjar community also follows the rules of Islam by having a guardian and witnesses present, as for the time, it is usually agreed upon by calculating the Arabic day and month, and takes place in the mosque or at the bride's house with only male relatives present.

f. *Manurunakan* and *Maarak of the Groom*

Manurunakan and *Maarak Groom* is an event at the groom's family home to be prepared to be brought to the bride's house to hold a wedding reception. Beginning with prayers and small salvations, then the groom descends outside the house while saying a prayer of safety accompanied by shalawat to the Prophet Muhammad SAW. by the elders and sprinkling yellow baras as an antidote to bad luck and danger. Then the *bridal* party consisting of women, men, and even children goes to the bride's residence. A few tens of meters in front of the bride's house, various kinds of arts will be displayed to welcome the groom's party. Among them, *Sinoman Hadrah* (mass dance art while playing flags accompanied by tambourine blows). The groom passes through the line of *sinoman hadrah*, protected by jellyfish umbrellas that will continue to spin around protecting the bride and groom as the group moves towards the bride's house.

g. *Bride Batatai*

¹⁶*Ibid.*, p. 53.

The arrival of the groom to the bride's house for the *batatai* or sitting together is the highlight of every Banjar traditional wedding reception. This event consists of several versions based on the customs of each sub-ethnic group. What happens in most Banjar regions is that when the groom enters the bride's house, he is greeted with the Prophet's blessings and sprinkled with yellow rice, the bride is standing at the door, then they are brought together to sit side by side in the *Balai Patataian* (aisle) which is usually located in the middle room.

C. Islamic Law in the Banjar Community Marriage Tradition

The Banjar community is known as a religious or Islamist community. This is due to the adherence of Islam to the Banjar community. In addition, the Banjar community's fanaticism towards Islam is also the reason why the Banjar community is known as a religious community. The Banjar people believe that Islam has an important position and is the only source of law in the kingdom.

The Banjar kingdom applied Islamic law and this was in line with the establishment of the Banjar Islamic kingdom and the appointment of Sultan Suriansyah as the first king who embraced Islam on Wednesday, September 24, 1526. The establishment of the Banjar Islamic kingdom succeeded in changing the Daha State, which was originally Hindu, and changing Hindu law into Islamic law.

Based on these facts, Islamic law has its own position in society, long before the Dutch established their power in Indonesia. Because Islam is an independent law, Islamic law has existed in society, grown and developed in this archipelago, including in the issue of marriage which is the first step in family formation.

Marriage in reality is not an individual matter, between a man and a woman, but involves many parties because the event is a combination of many aspects of culture, custom, religion, law, politics, tradition, economy and others, almost every religion has rules about marriage.

In the implementation of marriage in the Banjar community, there are many stages and processions that must be passed which are customs in the Banjar community, some of which are carried out before or during the marriage.

The marriage traditions of the Banjar community are of course inseparable and always touched by the values and religious laws that they adhere to. Like the *basasuluh* tradition, which is the initial tradition before the marriage is held, this tradition is the first step to find a match for a child or family. This tradition is carried out before an official proposal is made, the tradition is related to the concept of *ta'aruf* or recognizing prospective partners. This tradition is in line with the *hadith* of the Prophet (SAW):

حَدَّثَنَا الْحَسَنُ بْنُ أَبِي الرَّبِيعِ أَنَّنَا عِنْدَ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ ثَابِتِ الْبُنَانِيِّ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ أَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرْتُ لَهُ امْرَأَةً أَحْطَبُهَا فَقَالَ ادْرَهْ. فَانْظُرْ إِلَيْهَا فَإِنَّهُ أَجْدَرُ أَنْ يُؤَدِمَ بَيْنَكُمَا فَاتَيْتُ امْرَأَةً مِنَ الْأَنْصَارِ فَحَاطَبْتُهَا إِلَى أَبَوَيْهَا وَأَخْبَرْتُهُمَا بِقَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَأَنَّهُمَا كَرِهَا ذَلِكَ قَالَ فَسَمِعْتُ ذَلِكَ الْمَرْأَةَ وَهِيَ فِي خَدْرِهَا فَقَالَتْ إِنْ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمَرَكَ أَنْ تَنْظُرَ فَانْظُرْ وَإِلَّا فَأَنْشُدَكَ كَأَنَّهَا أَعْظَمْتُ ذَلِكَ قَالَ فَتَنَظَّرْتُ إِلَيْهَا فَتَرَوُجْتُهَا فَذَكَرَ مِنْ مُوَافَقَتِهَا "Al-Hasan ibn Abu ar-Rabī reported: 'Abdurrazāq reported from Ma'mar reported from Šābit al-Bunāni reported from Bakr ibn 'Abdullah al-Muzani reported from al-Mugīrah ibn Shu'bah reported : "I went to the Prophet (peace be upon him) and mentioned a woman to whom I was going to propose, and he said: "Go and see her, it will make your household last." "After that I went and proposed to her through her parents ,and I told them about the Prophet's words .But it seems that they both disliked her." Al Mughirah said" ,The conversation was overheard by her daughter who was behind the *satir*, so she said ,If indeed the Prophet SAW ordered you to look, then look. But if not, then I will swear at you!" as if the woman really thought highly of the matter. Al-Mugirah said" ,So I looked and married her" .Al Mugirah then mentioned her consent."¹⁷

In choosing a partner, you should look at the prospective wife before proposing to the woman you want so as not to make the wrong choice so that it is feared that later it can damage the marriage relationship, as well as for the woman.¹⁸

While the tradition of *badatang* in other terms is called by proposing which is an official proposal event by the family of the prospective groom which in *fiqh*

¹⁷Ibn Majah, *Sunan Ibn Majah*, Juz V (CD ROM. Al-Maktabah al-Syamilah) *hadith* no. 1856, p. 467. 467.

¹⁸Abdul Rahman, *Marriage in Islamic Law* (Jakarta: PT. Rineka Cipta, 1996) pp. 13-14.

terms is called *khitbah*, this stem tradition is also in line with the *hadith* above, so with the *basasuluh* tradition and continued with the *badatang* tradition in accordance with the instructions prohibiting proposing on the proposal of others, as explained by the Apostle SAW. in a *hadith* narrated by Ibn 'Umar r.a.:

وَلَا يَخْطُبُ الرَّجُلُ عَلَى خُطْبَةِ أَخِيهِ حَتَّى يَتْرُكَ الْخَاطِبُ قَبْلَ لَهُ أَوْ يَأْذَنَ لَهُ الْخَاطِبُ¹⁹

"And let no one propose to his brother until he has abandoned it (canceled it), or he has been given permission by the first suitor."

The next tradition is *bapayuan* and *bapatut jujuran* is an effort to facilitate the implementation of marriage which is the recommendation of the Prophet SAW.

This tradition is related to the answer to the *badatang* tradition on the proposal made by the previous man, if the proposal is accepted then it will be continued with the determination of the *jujuran* or dowry, the tradition of *bapayuan* and *bapatut* is in order to facilitate marriage, *bapayuan* means that the prospective bride agrees to the proposal of the prospective groom and *bapatut* means with the agreed dowry according to ability. This tradition is very much in line with the principle of dowry in marriage, as explained in the *hadith* of the prophet SAW. From 'Aisha ra. She said, that the Messenger of Allah SAW, said:

حَدَّثَنَا عَفَّانُ، قَالَ حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، قَالَ أَخْبَرَنِي ابْنُ الطُّفَيْلِ بْنُ سَخْبَرَةَ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِنَّ أَعْظَمَ النِّكَاحِ بَرَكَهً أَيْسَرُهُ مُؤَنَةً.

"Affān narrated to us, he said, 'Hammād ibn Salamah narrated to me Ibn al-tufail ibn Sakhbarah, from Qāsim ibn Muḥammad, from 'Āisyah, that the Messenger of Allah said: "Indeed, the most blessed marriage is the easiest dowry."²⁰

Then it continues with the *Maantar Jujuran* tradition, a tradition carried out after the *bapayuan* and *bapatut* traditions for the agreed dowry, then the dowry is handed over to the bride as its owner, this tradition usually coincides with the

¹⁹ Bukhari, Imam. No Year. *Shahih Bukhari*, Beirut: Dar Ihya al-Turats al-'Arabiyy, no. 5142.

²⁰H.R. Imam Ahmad in *al-Musnad* volume VI, pp. 82, 145. Hakim in *al-Mustadrak* volume II, pp. 178. Quoted in Sayyid Sabiq, *Fikih Sunnah* 3, Jakarta: Cakrawala Publishing, 2008, p. 414.

marriage contract tradition. The marriage ceremony is carried out in one assembly of *ijab* and *kabul* and must be attended by a minimum of 4 (four) people, namely the prospective groom or his representative, the guardian of the bride who represents him, and two witnesses.²¹

It is during the pronouncement of the contract that the value of the dowry is mentioned and given by the bridegroom to the bride as his wife. Before the marriage contract tradition is carried out, it begins with the *Manurunakan* and *Maarak* tradition for the groom to go to the place where the marriage contract is held, with this tradition the community can witness and at the same time assess who the prospective groom is, thus avoiding the marriage from something that makes the marriage defective.

Then after the marriage contract is carried out, it is continued with the *batatai* tradition, juxtaposing the bridegroom and bride to sit together in an aisle. With tradition, it clarifies and emphasizes the validity of the marriage because then all the community can witness and assess the validity of the marriage.

D. CONCLUSION

Based on the description above about the process and tradition of marriage in the Banjar community, it can be concluded as follows:

1. The Banjar community has a hereditary tradition in marriage, both before and during the marriage, namely by carrying out the tradition:
 - a. *Basasuluh*
 - b. *Badatang*
 - c. *Bapapayuan* or *Bapatut Jujuran*
 - d. *Maantar jujuran*
 - e. *Marriage ceremony*
 - f. *Manurunakan* and *Maarak Pengantin*

²¹Zainuddin Ali, *Islamic Civil Law in Indonesia* (Jakarta: Sinar Grafika, 2006), pp. 12-21.

g. Batatai bride.

2. The marriage traditions of the Banjar community grew out of the beliefs and beliefs of the community and are very compatible with philosophical values and Islamic law in the field of marriage.

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