

Elements of Islamic Law in Traditional Banjar Marriage "Jujuran" Viewed from a Historical Perspective

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ABSTRACT

This study examines the jujuran tradition in Banjar society, a cultural practice where the groom's family provides monetary or material gifts to the bride's family during marriage rituals. Rooted in pre-Islamic customs, jujuran persists due to its alignment with Islamic principles when practiced as a cultural tradition. Using qualitative methods, including literature review and field observations, the study highlights jujuran as a symbol of respect, wedding support, and social prestige, distinct from mahr in Islamic law. The findings underscore the significance of jujuran in fostering family bonds and preserving cultural identity amidst modern social dynamics.

Keywords: *Jujuran, Banjar Society, Marriage Tradition, Cultural Heritage, Islamic Law, Mahar, Social Bonds, Cultural Preservation, Modern Dynamics.*

INTRODUCTION

Jujuran is a gift given by the prospective bridegroom to the prospective bride commonly used by the Banjar community in marriage, previously marriage had long been regulated in the Marriage Law No. 01 of 1974 which reads; the physical and mental bond between a man and a woman as husband and wife with the aim of forming a family (household), which is happy and eternal based on the Almighty God, among the arguments that require marriage is in Surah Ar-Rum verse 2:

"And among the signs of His power is that He created for you wives of your own kind, so that you tend to them and feel at ease, and He made between you a sense of love and affection. Indeed, in such things there are signs for those who think.

Islam itself does not prescribe the manner and method in which a marriage should be conducted. Everything is left to the customs of the region concerned. According to Dr. Yusuf Al-Qaradhwani that when Islam came first, people already had different customs and traditions. In line with that, customs or traditions in

Indonesia have long been preserved by the Indonesian people and marriage is one of the cultures covered by customs. Then Islam recognizes the good among them in accordance with *shara'* and the principles of *shara'*. *Shara'* that contradicts Islamic law is of course also rejected, although some of it is corrected and straightened so that it is in line with its direction and objectives. Then there are also many that are left without being updated but left by *shara'* as a field of motion for *al-'urf al-shahih* (good habits). *Adat* is a material representation of society in the form of local wisdom that lives and lives the community in an area. More than that, customs or traditions are a historical and dialectical system. Changes that occur in society from time to time are reflected in *adat*. And it can be said that the loss of custom is the loss of a society.¹

Since the Dutch colonization until independence, studies conducted by jurists have shown the existence of customary law and have given birth to theories that attract each other in seeing its merits.²

In Indonesia, which is an archipelago, there are many ethnicities and various customs, one of which is the Banjar community in the aspect of still holding strong customs, especially in marriage. According to Ahmadi Hasan, the Banjar people are an indigenous ethnic group of South Kalimantan who are classified as the Young Malay group (consisting of the dominant Malay ethnic group and added with Bukit, Ngaju and Maayan elements) who generally live around the coast and adhere to Islam.³

Banjar marriages are based on their Islamic worldview, customs and the environment in which they live. Therefore, when discussing marriage customs, one is talking about the worldview of the Banjar people of South Kalimantan, which has become a recurring pattern of behavior.

In accordance with the above background, the researcher wants to examine more deeply the Islamic Law Aspects of Banjar traditional marriage, namely *Jujuran* Based on Historical Review of how Islamic Law Entered Banjar customs, which consists of How is the description of the procession of *Baatar jujuran* in traditional marriage in Banjar society?, How are the elements of customary law and Islamic law in *baantar jujuran* in traditional marriages of Banjar people?, Islamic Law Review of the Custom of anchoring in marriage.

¹ ZA Nashrullah dkk., “Konstruksi Hukum Perkawinan Di Indonesia: Analisis Komparatif Atas Uu No. 1 Tahun 1974, Kompilasi Hukum Islam, Dan Hukum Adat,” *Indonesian Journal of ...*, no. Query date: 2025-07-03 06:57:07 (2025), <http://shariajournal.com/index.php/IJIJEL/article/view/1144>.

² A Sulistyoko dan A Hafidzi, “Tradisi Maantar Patalian pada Perkawinan Masyarakat Adat Banjar Kalimantan Selatan (Telaah Antropologis dan Sosiologis),” *An-Nuha: Jurnal Kajian Islam, Pendidikan ...*, no. Query date: 2025-07-03 06:57:07 (2020), <https://staimadiun.ac.id/ejournal3/index.php/annuha/article/view/327>.

³ A Hasan dkk., “Modern Law Aspect on Procedural Decision of Sultan Adam Law,” *Al-Ahkam*, no. Query date: 2025-07-03 06:57:07 (2019), <https://journal.walisongo.ac.id/index.php/ahkam/article/view/4285>.

METHODS

This research is a normative legal research, using Historical Approach and Conceptual Approach.

Historical approach is an approach taken in order to understand the philosophy of legal rules from time to time, as well as understand the changes and developments in the philosophy that underlies the legal rules. This approach is carried out by examining the background and development of arrangements regarding the legal issues at hand.

Conceptual Approach is an approach that departs from the views and doctrines that develop in legal science. This approach is important because an understanding of the views / doctrines that develop in legal science can be a foothold for building legal arguments when resolving the legal issues at hand. The views/doctrines will clarify ideas by providing legal notions, legal concepts, and legal principles relevant to the problem.

DISCUSSION

The *jujuran* tradition has been a hereditary legacy, it is not known where the original source of this tradition was born, but when viewed from a historical glance it is likely that this tradition already existed from the time before the entry of Islam, and when Islam entered the scholars did not erase or prohibit the community in preserving this tradition, because the scholars saw that this tradition did not violate the teachings of Islam, as long as the intention was only to preserve the tradition, not to believe in a tradition as a determinant of life in the future and so on.

The Banjar community is very obedient to customary law, this can be seen when someone wants to carry out a marriage, it is always carried out with traditional customs that are full of values. In addition, none of the people violate or infringe on these customary rules, even though today's times are more advanced than in the past.

With this tradition, it is seen that the male party appreciates and respects women as well as giving dowry. The community considers that the initial determination of the amount of *jujuran* is based on deliberation between the two sides of the family, this is certainly in line with the values of Islamic teachings.

Jujuran is a property given from the male family to the female family as a gift before the marriage takes place, either in the form of money or something else. The property or money as *jujuran* is given by the male family to the female family

for the purpose of marriage. *Jujuran* property or money functions as a reward or compensation for the efforts of parents who have raised their children.⁴

Before there is talk about the process of determining the *jujuran*, it is generally preceded by the *badatang* tradition. *Badatang* is for the procession of proposals made by the family of the prospective bridegroom to the family of the prospective bride. There are manners in *badatang*, namely asking the family of the prospective bride, whether there is a man previously *badatang* or not. This *badatang* tradition is carried out even though it is known that the two prospective brides were dating before. But it does not rule out the possibility of another man making a previous proposal. If there is another man proposing beforehand, then the conversation should not continue with talk of *jujuran*.

When no other man has proposed before, the *badatang* begins with the proposal and then continues with the *jujuran*. The discussion of the *jujuran* begins with questions from the family of the prospective bridegroom to the family of the prospective bride. The question is not asked in harsh language such as how much is the *jujuran*? Instead, it is delivered in a more subtle language or *sinidiran*, such as how much can we help, or how much do you ask?. Then the bride's family determines the amount of *jujuran* and is then agreed by the groom's side.⁵

The property or *jujuran* in a Banjar marriage serves at least three purposes, namely: 1) In terms of position, i.e. the pillar of marriage in Banjar society. 2) In terms of function, the *jujuran* is a gift given by the bridegroom to the bride to cover the cost of the wedding ceremony and to provide for her future life in the household. 3) In terms of purpose, the *jujuran* is to give prestige (a sign of honor) to the woman if the stipulated amount can be met by the prospective bridegroom and the man agrees to it.⁶

The Jujuran ceremony in Banjar marriages has been performed repeatedly and integrated into the cultural life of the Banjar community, thus becoming a distinctive feature in Banjar marriages. Therefore, a feeling of discomfort naturally arises when the Banjar people abandon one of these traditions, including the *jujuran ceremony*. For the Banjar people when practicing this custom they feel the benefits

⁴ A Hafidzi, "Deliberating Marriage Payment through Jujuran within Banjarese Community," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, no. Query date: 2025-07-03 06:57:07 (2020), <http://www.asy-syirah.uin-suka.com/index.php/AS/article/view/911>.

⁵ A Hafidzi, "Deliberating Marriage Payment through Jujuran within Banjarese Community," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, no. Query date: 2025-07-03 06:57:07 (2020), <http://www.asy-syirah.uin-suka.com/index.php/AS/article/view/911>.

⁶ Fathurahman Azhari dan Hariyanto Hariyanto, "Jujuran dalam Perkawinan Masyarakat Banjar di Kabupaten Banjar Kalimantan Selatan," *Rajawali Prees*, 2020, <https://idr.uin-antasari.ac.id/id/eprint/15273>.

for their real life such as, the benefits for the bride's life in building a household, the relationship between the two families of the bride and the groom getting closer. The giving of *jujuran* is a custom that is of great interest to many people because the ceremony will be attended by extended family, relatives and neighbors. After agreement between the two families at the previous ceremony with the proposal and regarding the amount and items such as complete women's clothing and so on.⁷

Jujuran in the culture is not a dowry, but a gift to help with the cost of the wedding reception, for beauty equipment and clothing for the woman who is made a wife. *Jujuran* therefore does not determine whether a marriage is valid or not, nor is it a religious obligation. Therefore, it is not a religious obligation and the marriage is still valid. However, this is the culture of the Banjar people when they want to get married, which has been going on for generations.

The terms dowry and *jujuran* have the same meaning, that is, they are both obligations in the marriage process. However, when viewed from the submission and understanding of the two terms, they are clearly different. The dowry is an obligation in Islamic teachings that is pronounced in the marriage contract, while the *jujuran* is an obligation according to Banjar community custom.⁸

Jujuran is an important part of the Banjar marriage tradition. This tradition involves the giving of a sum of money by the prospective groom or his family to the family of the prospective bride. The amount of money given is agreed upon in advance and is usually used to help finance the wedding *walimah* or thanksgiving ceremony. In fact, without *jujuran*, the marriage is considered invalid by the local community. This obligation is often equated with the obligation to provide a dowry, although both have different meanings and functions.

Although *jujuran* and dowry are often considered as one, *jujuran* is not actually part of the dowry. *Jujuran* is given to the bride's family to support the wedding ceremony, while the dowry is a special gift from the husband-to-be to the wife-to-be as a symbol of respect in Islamic teachings. This tradition reflects the

⁷ M Anisah dkk., “Tinjauan Khulu Dalam Kitabun Nikah Syekh Arsyad Al-Banjary Dan Implikasinya Terhadap Hukum Keluarga Islam,” *Indonesian Journal of Islamic ...*, no. Query date: 2025-07-03 06:57:07 (2025), <https://mail.shariajournal.com/index.php/IJJEL/article/view/1207>.

⁸ Azhari dan Hariyanto, “Jujuran dalam Perkawinan Masyarakat Banjar di Kabupaten Banjar Kalimantan Selatan”; Rifqi Akbari, “jujuran dalam adat banjar (Kajian etnografis Hukum Islam Dalam Perkawinan adat Banjar)” (B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2018), <https://repository.uinjkt.ac.id/dspace/handle/123456789/41086>.

combination of custom and religion in the Banjar community's wedding procession, although there are differences in function between the *jujuran* and the dowry.⁹

Jujuran or *baantar jujuran* is a tradition that has been passed down from generation to generation among the Banjar people and may have taken place during the Hindu era before the introduction of Islam among the Banjar people. When Islam entered the Banjar community, there were no scholars who prohibited or even abolished the *jujuran* tradition, because the scholars were of the view that nothing violates the provisions of Islamic teachings, as long as the intention is to preserve the tradition, not to believe that this tradition is decisive in the future.

العوائد التجارية بين الخلق بما ليس في نفسه و لا إثباته دليل شرعي

"Customs that prevail among people and for which there is no Shari'ah evidence to negate them (prohibit them) or to apply them (legalize them)."

Customs, according to Imam Syatibi, are also sometimes, even many, that have not received a response in the view of Shari'ah. So an '*Urf* when viewed in terms of its validity is divided into two, namely '*urf shahih* and '*urf fasid*.¹⁰

1. '*Urf shahih* is a good custom, which is in line with the text of the Qur'an and Hadith and brings benefit to society. So the custom is considered correct.
2. '*Urf fasid* is a custom that is not good and contradicts the text, so that it can make haraam things become legalized.

'Urf or customs can even be used as a basis for law, if there is no verse or hadith that explains the law, according to Imam Syatibi. Even al-Sharakhshi mentioned the rule quoted by Muhammad Abu Zahra: الثابت بالعرف كالثابت بالنص (something decided through '*urf* is of the same value as that decided through the text).¹¹

If you look at the history at the time of the Prophet Muhammad about dowry and gifts in marriage in the form of variations, forms, small amounts to large ones that have long been applied, such as the Prophet's friend who married his wife with a dowry of iron rings, also once the Prophet married a friend with a dowry to teach 20 verses of the Koran to his future wife. And a large number is the Messenger of Allah married Khadijah with a dowry of 20 red camels, some narrate 100 heads, red

⁹ A Hafidzi, "Urang Banjar Philosophy: Education and The Social Affairs of The Community," *Al-Insyiroh: Jurnal Studi Keislaman*, no. Query date: 2025-07-03 06:57:07 (2020), <https://ejournal.kopertais4.or.id/madura/index.php/alinsyiroh/article/view/3915>.

¹⁰ Ismadilah Ismadilah dkk., "Praktik Uang Jujuran Perspektif Al '*Urf* pada Suku Banjar," *Hamalatul Qur'an: Jurnal Ilmu Ilmu Alqur'an* 4, no. 2 (2023): 175–83.

¹¹ Faiz Zainuddin, "Konsep Islam Tentang Adat: Telaah Adat Dan '*Urf* Sebagai Sumber Hukum Islam," *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 9, no. 2 (2015): 379–96.

camels were the best vehicles at that time, plus several goats and 12 *uqiyah* of gold which if calculated 1 *uqiyah* is 7.4 dinars.

The giving of *jujuran* in the Banjar tradition is an obligation which means that if there is no *jujuran* then there is no marriage, so that *jujuran* is considered to be on the same level as the dowry which is an inseparable unit in a marriage. *Jujuran* is usually given by the male party to the female party for the purpose of the reception and buying household necessities.

The purpose of this *jujuran* among the Banjar community is threefold: *firstly*, it is a pillar of the Banjar marriage. *secondly*, it is a gift from the man to the woman. *thirdly*, it is a sign of respect for the woman if the *jujuran* is met.¹²

Generally, the nominal amount of *jujuran* that a man has to fulfill is quite expensive for those with middle class economies, the lowest being around Rp. 5,000,000 and sometimes the woman sets a price of Rp. 10,000,000 and above. What is interesting is that if the nominal is small then the invitation is also small.

In accordance with the agreement of the scholars that the dowry is a condition of the validity of a marriage¹³, as Allah says in surah An-Nisa verse 4

"Give the dowry to the woman (whom you marry) as a willing gift".

An-Nihlah in the verse according to Ibn Zaid's explanation is an obligation, it is not allowed to marry a woman except with an obligation in the form of a gift, according to Ibn Abbas "*An-Nihlah*" means dowry.¹⁴

Although there are similarities in the understanding of dowry and *jujuran* in the form of things that are mandatory for the man who is getting married to give to the woman in the form of something of value, there is actually a fundamental difference between dowry and *jujuran*. In fact, in today's application of *jujuran* there are differences between then and now, in the past everyone mentioned the amount of *jujuran* given during the marriage contract, and it became the right of the woman just like the dowry. As confirmed in the Compilation of Islamic Law (KHI) in Article 32 Chapter V, namely, the dowry is given directly to the prospective bride since it becomes her right. The community calls it the same as the term dowry, but now in its application a man does not mention the amount of *jujuran* during the

¹² Gusti Muzainah, "Baantar jujuran dalam perkawinan adat masyarakat Banjar," *Al-Insyiroh: Jurnal Studi Keislaman* 5, no. 2 (2019): 10–32.

¹³ Ibn Rushd and M. bin A. bin M., *Bidāyatu Al-Mujtahid wa Nihāyatu Al-Muqtaṣid* (Dār Al-'Alamiyyah, 2016).

¹⁴ Ath-Thabari and M. bin J., *Jami' Al-Bayan Fi Ta'wil Ayat al-Qur'an* (Muassis Ar Risalah, 2010).

marriage contract. Thus, today the *jujuran* is not the same as the dowry in Islamic law, because it is not mentioned in the marriage contract or even only a small part of it, for example at the *badatang* ceremony, the agreed *jujuran* is Rp. 25,000,000, but when the contract is mentioned only Rp. 100,000 and the remaining 25,000,000 is only a gift that has no legal force.

Regarding the law of gifts is *mubah* (permissible) as long as there is no sharia prohibition such as giving haram objects, even recommended. As the Hadith of the Prophet SAW:

"Has told us Musaddad, he said: has told us Isa ibn Yunus from Hisham from his father from Aisha R.A, he said: the Messenger of Allah SAW received a gift and also returned it".¹⁵

So the author can conclude that today in its application, *jujuran* in Banjar traditional marriage is only a gift from the male party to the female party, this is because the amount of *jujuran* is not mentioned in the contract. Therefore, *the jujuran* cannot be asked back by the male party if something undesirable happens, namely if the wife divorces and does not want to be interfered with by her husband.

CONCLUSION

The *jujuran* tradition is an important element in the Banjar marriage culture. Although it does not have the same legal basis in Islam as dowry, *jujuran* is still respected as part of the custom that enriches the wedding procession. This research emphasizes the importance of preserving traditions that are in line with religious values and adaptations to remain relevant in changing times. This study aims to understand the meaning, function and relevance of the *jujuran* tradition in Banjar weddings, as well as its relation to customary values and Islamic religion. The main findings include: Origins and Sustainability of the Tradition: The *jujuran* tradition dates back to pre-Islamic times and is still preserved because it does not contradict Islamic teachings as long as the intention is to maintain the tradition. Meaning and Function of *Jujuran*: *Jujuran* is a gift from the male party to the female party as a form of respect, support for reception costs, and a symbol of social honor. Relationship to *Mahar*: *Jujuran* differs from dowry in Islam, as it is not mentioned in the marriage contract and is not a valid condition of marriage. However, traditionally, *jujuran* is considered obligatory by the Banjar community. Process and Social Value: The process of giving *jujuran* is preceded by family discussions and the *badatang* tradition. Its social values include strengthening

¹⁵ Ahmad ibn Muhammad ibn Hanbal ash-shibani, *Musnad imam ahmad ibn hanbal* (Beirut: Muassasah ar-risalah, 1421), 15679.

inter-family relationships and respect for women.

Conformity with Islamic Law: Jujuran is accepted by scholars because it fulfills the principle of the fiqh rule *al-'adatu muhakkamatun*. As long as it does not contradict the Quran and Hadith, this tradition is considered valid to be preserved.

- Shifting Meanings: In the past, jujuran was often mentioned in marriage contracts, but now it is more often seen as a gift that does not have the force of shar'i law.
- Social and Economic Dynamics: The amount of jujuran agreed upon reflects the social status and economic capabilities of the male party. However, this practice can be burdensome for the middle and lower economic groups.

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