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MJTILP

Aims of the Journal

The principal objectives of the Manchester Journal of Transnational Islamic Law & Practice (MJTILP) are to provide a vehicle for the consideration of transnational forms of Islamic law and practice. Transnationalism in Islamic law is taken broadly as communications and interactions linking Islamic thoughts, ideas, people, practices and institutions across nation-States and around the globe. In recent times, research in Islamic law has shaped narratives based on nation-States, demographics, diasporic communities, and ethnic origins instead of developing around a central core. Contemporary issues of Islamic law are increasingly linked to geographical locations and ethnic or parochial forms of religious beliefs and practices. Expressions like American, European, British, Asian, and Arab Islam have widely gained acceptance.

Despite the growing importance of dialogue to develop shared understandings of issues facing Islamic law and proposing coordinated solutions, the contemporary research and scholarship has not developed harmoniously and remains piecemeal and sporadic. Researchers and practitioners of Islamic law are drawn from a wide variety of subjects and come from various regions of the world but have insufficient institutional support for sharing information and comparing experiences. Innovation in various strands and paradigms of Islamic law and practice is stifled because there are limited spaces where evolutionary, collaborative and interdisciplinary discourses can take place. This in turn hampers the ability to build on past research and record best practices, negatively impacting a consistent and orderly development of the field. There is a need to constitute a world community of Islamic law scholars based on interactions and aspirations moving across linguistic, ethnic, geographical and political borders.

The MJTILP is inspired by the need to fill these gaps. It provides a platform to legal and interdisciplinary scholars and researchers for critical and constructive commentaries, engagements, and interactions on Islamic law and practice that are built upon configurations in contemporary contexts. It welcomes contributions that look comparatively at Islamic law and practice that apprise and inspire knowledge across national boundaries whether enforced by a State or voluntarily practiced by worldwide Muslim communities. We are equally interested in scholarships on encapsulated cultural worlds, diaspora, identity and citizenship that are embedded and circumscribed by religious ties. As it has been the practice of the journal since its establishment in 2005, it also has a specific interest in issues relating to the practice of Muslim States in international law, international law issues that may concern Muslim countries, and all aspects of law and practice affecting Muslims globally.

Contents

Book Reviews:

Acculturation of Islamic Family Values and Bengkulu Local Traditions in Forming a Sakinah Family

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Abstract: Islam is meant to be universal, with the ability to transform local cultures and traditions according to its own values. The goal in family life in Islam is to create a happy and prosperous family through the realisation of a *sakinah* (tranquil) household. This article critically evaluates the acculturation of Islamic family values with the local traditions of the Bengkulu community. The analysis in this article reveals that the relationship between Bengkulu people's traditions and Islamic family values are difficult to separate. The assimilation between Islam and the local culture and traditions gave birth to the acculturation of Bengkulu culture. This acculturation covers almost the entire structure of the Bengkulu community, including family life, starting from attitudes, behaviours, and customs that have been coloured with Islamic values. The process has occurred peacefully and respectfully without friction between the two. The construction of Bengkulu community's acculturated tradition in realising a *sakinah* family covers all aspects of family life, i.e., pre-marriage, in marriage, and after marriage.

Keywords: Acculturation; Local Tradition; Bengkulu Society; *Sakinah* Family

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I. INTRODUCTION

Marriage is an important event in every society. It does not only bring the two persons together as husband and wife, but in many societies it also brings together people in the immediate family and extended relatives. In Muslim societies, every marriage is always considered as something sacred and holy as it connects the customary rules and Islamic religious rules described in the Qur'an. Allah says marry the women you like - two, three or four - then if you are afraid that you will not be able to do justice, marry only one.[1]

At the time when many societies of the likes of Japan, South Korea and Italy among others,[2] are struggling to keep up with their population requirements, the institution of marriage remains one of the most celebrated and effective ways to increase and sustain the number of people on earth. This observation is due to the fact that marriage is a commonly acceptable way to give rise to offspring, and through offspring, a family is created that ultimately develops into a society. While society can be defined as a form of shared life in which there are individuals and groups as members who interact with each other for their survival, family as an institution

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[1] Qur'an, Surah Al-Nissa (The Women) 4:3. See also, Tri Khartika Nurry, Emmi Rahmiwita Nasution, and Irda Pratiwi, 'Kedudukan Anak Yang Lahir Di Luar Pernikahan Di Tinjau Dari Kompilasi Hukum Islam' (in Indonesian) ['The position of children born outside of marriage in the review of the compilation of Islamic law] (2020) DE LEGA LATA: Jurnal Ilmu Hukum 208, 209.
[2] See, United Nations Population Division. World Population Prospects: 2022 Revision <https://data.worldbank.org/indicator/SP.DYN.CBRT.IN?most_recent_value_desc=false&year_high_desc=false> accessed 26 February 2023.

is a place for inculcating social and cultural values for its members as social beings.[3] This institution thereafter transfers cultural values, customs, and traditions from generation to generation. On this basis, the institution of family plays an important role in maintaining social order through the process of social and biological reproduction, so that it becomes a place for the accumulation of various forms of capital including economic, cultural, and social,[4] as well as the transfer of this capital from generation to generation in the form of cultural and religious systems.

The element of religion and faith in marriage is recognised in the principles adopted in the Pancasila state law.[5] Article 2 of Law Number 1 of 1974 concerning Marriage (Law No. 1 of 1974) shows that marriage in Indonesia is not solely related to natural personal civil relations between husband and wife. Indeed, the interference of religion or individual beliefs aims to carry out the worship of their respective religions through the marriage. Those not religious but adhering to a belief should maintain that position in marriage, so that there is always a disciplined attitude towards this important social institution. In carrying out personal love and affection, continues the descent of customs and traditions, both local and religious, through the formation of a family.

A family is also a place where values and social actions are maintained together in the face of social pressures between families and the macrocosm.[6] The family is a measure of the strength and weakness of a society - if the family structure is strong and healthy, the community structure will be strong and healthy.[7] Therefore, the family has duties in general social systems including achieving goals, integration and solidarity, and patterns of continuity or maintenance of culture and traditions.[8] Indeed families are formed through marriage with such a noble purpose, but sometimes get heavy trials in making it happen. In essence, the goal in domestic life in Islam is to create a happy and prosperous family. A comfortable and successful family in Islam is created through the realisation of a *sakinah, mawaddah, warahmah* (tranquil, compassionate, and merciful) household.[9] This necessitates that through marriage, peace of mind will be obtained, respect and honour will be maintained, and offspring will be obtained.

In the Bengkulu community,[10] there are series of customs that are expected to be passed when starting the marriage process and throughout the formation of family life. Some consider the implementation of these customs mandatory and even believe that the marriage of those who violate these customary rules will not be happy. Others argue that Islamic rules and values must be adhered in every Muslim society in all circumstances. The question, for the purposes of this

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[3] Muḥammad Sulṭan Shāh and Ayesha Farooq, *Islamic Teachings and Social Structure: Conviction and Contraditction*, (Newcastle-upon-Tyne: Cambridge Scholars Publisher 2022) 142.

[4] Pierre Felix Bourdieu, 'On the Family as a Realized Category' (1996) 13 (19) Theory, Culture, and Society 164.

[5] Ahmad Sudibyo, 'Kebijakan Kriminal Terhadap Tindak Pidana Poligami Dikaitkan Dengan Sistem Hukum Perkawinan Indonesia' (in Indonesian) ['Criminal Policy Against Polygamy Crimes Linked to the Indonesian Marriage Law System'] (2017) DE LEGA LATA: Jurnal Ilmu Hukum 236, 246.

[6] Irwan Abdullah, *Konstruksi dan Reproduksi Kebudayaan* (in Indonesian) [*The Construction and Cultural Reproduction*] (Jakarta: Pustaka Pelajar 2006) 154.

[7] Hasan Langgulung, *Manusia dan Pendidikan* (in Indonesian) [*People and Education*] (Jakarta: Pustaka al-Husna 1984) 4.

[8] Ratna Megawangi, *Membiarkan Berbeda? Sudut Pandang Baru Tentang Relasi Gender* (in Indonesian) [*Let it be Different? A New Perspective on Gender Relations*] (Bandung: Mizani 1999) 69.

[9] The requirement of *Sakinah, mawaddah, warahmah* (tranquil, compassionate, and merciful) household, which is generally referred to as *sakinah* in its short form, is based on Qur'an, Surah Ar-Rūm (The Romans) 30:21 (see, n 14).

[10] Bengkulu is a province of Indonesia located on the southwest coast of Sumatra. Bengkulu is home to various indigenous ethnic groups. The 2010 census found 97.29% of the population as adherents to Islam.

article, then is: how these local traditions can survive alongside their interaction with religion, i.e., Islam.

In the context of Islam, elements in a traditional culture that are not in accordance with Islamic law must be eliminated.[11] In the context of anthropology, tradition is part of human culture.[12] Traditional culture contains a set of value systems, behaviour systems, security, and welfare providing noble values that must be maintained and preserved from generation to generation.[13] In a phenomenon like this, should the Bengkulu community's long-rooted and practised customs be abolished because they do not exist in the religion of Islam? Or is there a cultural rationality that gives birth to alternatives that can be practised and become a new culture? This article examines a family built by continuing the local traditions alongside carrying out Islamic rules that leads to the ultimate objective of creation of *sakinah* values within the Bengkulu people.

Further discussions and analysis in this article are structured as follows: Part II elaborates requirements of the *sakinah* family; Part III analyses the acculturation of Islamic values with the customary traditions of marriage of the Bengkulu people; and Part IV provides a summary of the analytical outcomes displaying the acculturation of Islamic values in the marriage traditions of the Bengkulu people.

II. THE UNDERSTANDING OF SAKINAH FAMILY

Building a *sakinah* family is the desire and hope of everyone who will and has entered into a marriage. This desire and hope are in line with the purpose of marriage, which is stated in the Qur'an, Surah Ar-Rūm (The Romans):

> "And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought." [14]

Indeed, in line with this goal of family development is the development of community, society, and nation. Because the family is the smallest unit of society, it is no exaggeration to say that the *sakinah* community, society and nation begin with the *sakinah* family. It is therefore rational to say that if a nation wants to have *sakinah*, then the starting point would be to build it from a family.[15]

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[11] Abdul Wahhab Khallaf, *'Ilm Ushul al-Fiqh* (in Arabic) [*The Science of Usul Fiqh*] (Jakarta: Dar al-Qalam 1978) 90.

[12] Soerjono Soekanto, *Sosiologi Suatu Pengantar* (in Indonesian) [*An Introduction to Sociology*] (Jakarta: Raja Wali Press 2013) 149-150.

[13] Muhammad Najamudin Aminullah, 'Akulturasi Islam dengan Tradisi Perkawinan Masyarakat Bangsawan Sasak (Studi di Kecamatan Kopang Kabupaten Lombok Tengah' (in Indonesian) ['Islamic Acculturation with the Marriage Tradition of the Sasak Aristocratic Society (Study in Kopang District, Central Lombok Regency] (2017) Palapa: Jurnal Studi Keislaman dan Ilmu Pendidikan 109, 111.

[14] Qur'an, Surah Ar-Rūm (The Romans) 30:21.

[15] Marwin Amirullah, 'Hukum Keluarga Islam Indonesia Membangun Keluarga Sakinah Pendekatan Integratif Dan Interkonektif' (in Indonesian) ['Indonesian Islamic Family Law Builds a Sakinah Family with an Integrative and Interconnective Approach'] (2017) 1 Jurnal Al Himayah 277, 289.

The *sakinah* family, in terms of *fiqh*, is called *usrah* (family) or *qirabah* (relatives).[16] The term *sakinah* has also been adopted in the Indonesian language.[17] In the Grand Indonesian Dictionary, the family is defined as a basic kinship unit in society, or a mother and father with their children,[18] whilst and the meaning of word *sakinah* is peace, tranquillity, serenity, and happiness.[19] Etymologically, *sakinah* is serenity and peace from the root word *sakan*, to be stay, calm, peaceful, independent, and quiet.[20] The word *sakinah*, which comes from the word *sakana-yaskunu* ordinarily means something which has become calm or steady after moving (*tsubutal-syai' ba'da al-taharruk*). Likewise, Al-Ashfahany stated that the word *sakinah* means something that remains after it moves, which is usually equal to the word occupy,[21] for example, "so and so stay in a place like this."[22] The word *sakinah* in this context is found in the Qur'an 6 times, although it appears in Qur'an for another 63 times in different contexts used in another root form.[23]

Similarly, the word *sakinah* in Islamic faith signifies serenity and peace, specifically the peace of heart, because it is believed that Allah lives (metaphorically) in the heart of every person.[24] But when used in the context of family, the term *sakinah* refers to a condition because of the feeling of security in a place. In technical terminology, the *sakinah* family is a calm and peaceful family, which is harmonious and peaceful. In the *sakinah* family, there is an intimate and balanced relationship between all family members with tenderness and affection. According to Quraish Shihab, the word *sakinah* means calm or the antonym of shock.[25] The tranquillity here is an emotional calm because, in every household, there are times when there is turmoil, which can be overcome only as a family and will give birth to *sakinah*. *Sakinah* is not only seen as outward serenity but must be accompanied by the spaciousness of the heart, subtle manners born of inner calm due to the union of understanding and purity of heart, and the joining of clarity of view with strong determination. The presence of *sakinah* does not just come, but there is a condition for its existence, namely, that the heart must be prepared with patience and piety.[26]

In the decision of the Director General of Islamic Community Guidance and Hajj Affairs Number: D/7/1999 concerning Guidelines for the Implementation of the Development of the Sakinah Family Movement, Chapter III Article 3, it is stated that:

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[16] Direktorat Jenderal Pendidikan Keagamaan, *Ilmu Fiqih* (in Indonesian) [*Study of Islamic Law*] (Jakarta: Departemen Agama 1985) 198.

[17] ibid

[18] Bagian Pengembangan, *Kamus Besar Bahasa Indonesia* (in Indonesian) [*Indonesian Dictionary*] (Jakarta: Balai Pustaka 1988) 413.

[19] ibid 976.

[20] Cyril Glasse, *Ensiklopedia Islam* (in Indonesian) [*Islamic Encyclopedia*] (Jakarta: PT Raja Grafindo Persada 1991) 234.

[21] Al-Raghib Al-Ashfahany, *Al-Mufradat Fi Gharibil Qur'an* (in Arabic) [*Vocabulary in the Qur'an*] (Beirut: Maktabah Nazar Musthafa Al-Baz) 312.

[22] ibid.

[23] Muhammad Fuad Abd al-Baqy, *Al-Mu'jam al-Mufahras li Alfazh al-Quran al-Karim* (in Arabic) [*The Words Index Dictionary of the Holy Qur'an*] (Egypt: Dar al-Kutub 1945) 352. The other form of word *sakinah* used in Qur'an e.g. *askantu, askannahu, masakin, maskanah, maskunah* from root form *askana*.

[24] Muhammad Quraish Shihab, *Tafsir Al-Misbah* (in Indonesian) [*The Interpretation of Quran Al-Misbah (the lamp)*] (Jakarta: Lentera 2008) 11:35.

[25] ibid.

[26] Muhammad Quraish Shihab, *Pengantin Al-Qur'an: Kalung Permata Buat Anak-Anakku* (in Indonesian) [*Bride in Al-Qur'an: Necklace Jewel for My Children*] (Jakarta: Lentera 2007) 80–82.

"A *sakinah* family is a family that is fostered by legal marriage, capable of fulfilling spiritual and material needs in a proper and balanced manner, filled with an atmosphere of affection between family members and their environment in harmony, peace, and able to practice, appreciate and deepen the values of faith, piety, and noble character."[27]

From the definitions above, it can be concluded that the *sakinah* family is the smallest unit information of society, consisting of a father, mother, and children living in harmony, filled with love, fulfilled material and spiritual rights, and in its tranquillity, peace, and practice of religious teachings while realising noble character.

The terms *mawaddah* (compassion), *rahmah* (mercy) are also mentioned in the same verse of Surah Ar-Rūm in Qur'an alongside the term *sakinah*.[28] The term *mawaddah* comes from the word *al-waddu* (compassion or loving something). According to Ala-Maududi, *rahmah* implies the spiritual relationship which gradually develops in the matrimonial life, by virtue of which they become kind, affectionate and sympathetic towards each other.[29] Imam al-Qurthuby stated that a family would proceed to produce *mawaddah* and *rahmah* if it is filled with tranquillity and peace of mind, and prosperity in divine pleasure.[30] Yunasril Ali stated that *sakinah* family in the perspective of the Qur'an and Hadith are families who have *mahabbah* (love), *mawaddah* (compassion), *rahmah* (mercy), and trust.[31]

To encourage the realisation of the *sakinah* family, the Indonesian Ministry of Religion, through one of its activities, conducts the selection of the *sakinah* family.[32] This is based on the fact that the family will shape the character and influence the overall environment in the community and society. If the family base is good, it will have a good effect on the social environment; and consequently, if not, it will have a bad impact on the social environment. The *sakinah* family character will also have a larger influence and become a national character. The society built from *sakinah* families is the Marhamah community which in turn forms a nation that is *baldatun thayyibatun warabbun ghafur* (a good town under the forgiving God). This is important because the example will be imitated, followed, and imitated by the wider community, and this will have a good impact on the creation of good national character amid widespread cultural influences that may not be following the noble values of religion and morality. Seven factors become characteristics of the *sakinah* family, namely straight intention (*islâh al-niyyah*) and strong relationship with God (*quwwatu shilah billâh*); love; open to each other (*musharahah*); polite and understanding (*mu'asyarah bil ma'raf*); communication and

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[27] Tim Penyusun, *Petunjuk Teknis Pembinaan Gerakan Keluarga Sakinah* (in Indonesian) [*Technical Instructions for Development of the Sakinah Family Movement*] (Jakarta: Kementerian Agama 2011) 21.

[28] Qur'an, Surah Ar-Rūm (The Romans) 30:21.

[29] Sayyid Abul Ala Maududi, *Tafhim al-Qur'an* (in Urdu and English) [*The Meaning of the Qur'an*], Surah Ar-Rūm 30:21, para 30.

[30] Henderi Kusmidi, 'Konsep Sakinah, Mawaddah Dan Rahmah Dalam Pernikahan' (in Indonesian) ['The Concept of Sakinah, Mawaddah and Rahmah in Marriage'] (2018) 7 El-Afkar: Jurnal Pemi kiran Keislaman dan Tafsir Hadis 63, 70.

[31] Abdul Kholik, 'Konsep Keluarga Sakinah, Mawaddah Dan Rahmah Dalam Perspektif Hukum Islam' (in Indonesian) ['The Concept of Sakinah, Mawaddah and Rahmah Families in the Perspective of Islamic Law'] (2019) Masile: Jurnal Studi Ilmu Keislaman 108, 114.

[32] Direktur Jenderal Bimbingan Masyarakat Islam Kementerian Agama, *Petunjuk Pelaksanaan Pemilihan Keluarga Sakinah Teladan* (in Indonesian) [*The Guidelines for the Selection of Exemplary Sakinah Families*] (Jakarta: Dj.Ii/191 Tahun 2011) 7-13.

deliberation; tolerance and forgiveness (*tasamuh*); fairness and equality; and patience and gratitude.[33]

In the Bengkulu community, efforts are made to ensure the creation of a *sakinah* family. Family resilience is carried out through traditional institutions, formation of tribes, and other family forms. This effort is carried out in the form of pre-marital development, in the marriage bond, and after marriage. This shows a process of relation to local community traditions regarding the importance of fostering a *sakinah* family. However, there are still failures in family development, namely the breakup of marriages. The official dissolution of marriages through religious courts continues to increase yearly, not to mention divorces outside the court.[34]

Between January – December 2019, cases of dissolution of marriage at the Bengkulu Religious Court reached 1010 out of total 1202 cases decided. The other cases were also in the form of general litigation over family disputes. This shows that the dissolution of marriage dominates the cases heard at the Bengkulu Religious Court, which has been the case in previous years too.[35]

Meanwhile, there are numerous traditional values in Bengkulu concerning family integrity, as well as the existence of customary *syara* (Shariah chief), and other religious institutions that always support family integrity. Wise sayings such as "don't be unclean, spread the world"[36] are symbolic for the resolution of turmoil in the household wisely within the family before it leaves the house, which, if become known to the public, is generally considered to have brought disgrace to the family.

III. ISLAMIC ACCULTURATION OF MARRIAGE TRADITIONS IN BENGKULU

In Indonesia, there are various forms of marriage. Most of them in the Indonesian Muslim community are done by proposal. This method is widely used, such as in Java and Kalimantan. However, some do it by elopement or in customary law.[37] Marriage traditions are closely related to a nation's high and low culture and customs. Civilisation and culture are formed from noble and sacred values by local community institutions. These noble and sacred values are passed down from generation to generation. The norms of life that evolve in society are important to maintain a balance in the order of life, and these values and standards are formed according to the needs of the local community, which eventually become customs. And these customs are realised in the form of ceremonies where each region has its customs according to its geographical location. With all their calculations, the value system and customs are based

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[33] Siti Chadijah, 'Karakteristik Keluarga Sakinah Dalam Islam' (in Indonesian) ['Characteristics of the Sakinah Family in Islam'] (2018) Rausyan Fikr: Jurnal Pemikiran dan Pencerahan 117 <https://jurnal.umt.ac.id/index.php/RausyanFikr/article/view/676> accessed 26 August 2022.

[34] See <https://putusan3.mahkamahagung.go.id/pengadilan/profil/pengadilan/pa-bengkulu.html> accessed 20 March 2023.

[35] See <https://putusan3.mahkamahagung.go.id/direktori/periode/tahunjenis/putus/pengadilan/pa-bengkulu.html> accessed 05 March 2023.

[36] Sarwit Sarwono, *Bunga Rampai Melayua Bengkulu* (in Indonesian) [*Bengkulu Malayan Anthology*] (Bengkulu: Dinas Pariwisata Propinsi Bengkulu 2004) 46.

[37] Daeng Sani Ferdiansyah, 'Akulturasi Nilai-Nilai Islam Dalam Tradisi Merariq Melalui Pola Komunikasi Tokoh Agama di Lombok Timur' (in Indonesian) ['Acculturation of Islamic Values in the Merariq Tradition Through Communication Patterns of Religious Leaders in East Lombok'] (2019) KURIOSITAS: Media Komunikasi Sosial dan Keagamaan 17, 198.

on natural conditions, astrology, religious conditions, and philosophy of life.[38] The process of marriage is required or determined by several conditions simultaneously regulated by traditions and religious norms that apply in people's lives. Therefore, it will have the meaning and impression of respecting or having religious means so that life will be honourable in the midst of community.

In Bengkulu society, marriage is part of the life cycle ritual in customs. Originally, the people of Bengkulu only knew 'honest' marriage. In the 'honest' marriage, the man must offer something 'honest' to the bride with the aim to release her from the membership of her parents' clan and inclusion in the groom's clan. In this marriage, men have an important and decisive role in all matters. Honest marriage functioned in three phases: a change in the clan membership of the bride in legal terms; economically bring a shift in wealth of the family and socially the act of honest submission meant that the woman had a respected position.[39] In this type of marriage, payment of a high bride price was a prominent characteristic.[40] The indigenous people practised patrilocal post-marital residence and male primogeniture in inheritance. The bride was 'taken' from her group and the children 'belonged' to the groom's group. House and land passed to the elder son who was then responsible for the care of the parents and unmarried siblings.[41] The size of the bride price and the marriage party was negotiated in accordance with the status of the family in the community. The higher the status, the higher the bride price payment. Larger wedding parties required more buffaloes to be slaughtered and more meals to be served. Having inherited none of their parents' property, after marriage the younger brothers worked on their own farms to provide their families with food, a sturdy house, and enough resources to pay for the brideprice and the wedding party when their sons got married.[42]

In contrast, marriage in the native Semendo[43] people involved no brideprice payment, uxorilocal post-marital residence, and female primogeniture for inheritance (*tunggu tubang*). The *tunggu tubang* stipulates that the eldest daughter inherits the parents' property, usually the house and land. Among the Pasemah, the Semendo people were the earliest to convert to Islam, and in later developments the form of Semendo marriage has emerged which is caused under the influence of Minangkabau customs and Islam. Cultural discourse and Islam influencing each other in the Malay realm of Indonesia has been a natural process. There were at least two major powers that entered Bengkulu with the influence of Islam around the 16th century, namely the Sultanate of Banten and the Sultanate of Aceh Darussalam.[44] Islamic culture that entered Bengkulu then naturally began to influence the original culture of Bengkulu, one aspect

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[38] Andi Octamaya Tenri Awaru. *Sosiologi Keluarga* (in Indonesian) [Family Sociology] (Bandung: Media Sains Indonesia 2021) 45-46.

[39] Ni Nyoman Sukerti and I Gusti Agung Mas Rwa Jayantiari, 'Unique Marriage *Nyentana* in Balinese Traditional Law' (2020) 9 (7) International Journal of Science and Research 359.

[40] See, Ahmad Kusworo, *Pursuing Livelihoods, Imagining Development*(Chapter 3: Creating a 'Wealthy Zone': Sumber Jaya and the Way Tenong Highland) (Australian National University Press) <https://press-files.anu.edu.au/downloads/press/p272661/html/ch03.xhtml?referer=&page=9#toc_marker-10> accessed 26 February 2023.

[41] Agus Setyanto, Heri Supriyanto, *Wanita dan Tradisi Kedudukan dan Peranan Wanita dalam Sistem Perkawinan Adat Jujur di Bengkulu pada Abad xviii-xix* (in Indonesian) [*Women: the Positional Tradition and Role in the Honest Traditional Marriage System in Bengkulu in the XVIII-XIX Centuries*] (Bengkulu: Fakultas Ilmu Sosial dan Ilmu Politik Universitas Bnegkulu 1998) 16.

[42] ibid.

[43] Semendo is the name of a sub-group of Pasemah people inhabiting highland Palembang in the province of South Sumatra. Compared to other sub-groups of Pasemah, the Semendo were said to have their own distinct characteristics of social organisation.

[44] Abdullah Sidik, *Sejarah Bengkulu 1500-1990* (in Indonesian) [*History of Bengkulu 1500-1990*] (Jakarta: Balai Pustaka 1998) 8.

of which being the customs of marriage. This Islamic influence, in turn, shifted the influence of animism and dynamism that had previously existed in Bengkulu. As stated by Tuanku Luckman Sinar, for the influence of Islam in Malay Indonesian culture:

> "The customs/culture he received from the animism, Hinduism, Buddhism era were gradually adapted to things that Islam did not prohibit, so that Malay culture became a part of Civilization, Tamaddun Islam."[45]

The form of honest marriage is gradually replaced by this new form of Semendo marriage where the tradition in the Minangkabau realm is amalgamated with Islamic nuances. So, directly or indirectly, the form of marriage now is marriage Semendo,[46] which is practised in the tribal culture of the Bengkulu people under the influence of Islam. The following sections elaborate the influence of Islamic rules and values on this form of traditional marriage.

A. Acculturation of Islamic Values with Bengkulu Traditions

The traditional wedding procession can play important role to preserve customs and culture at local, regional, and national levels. Indeed, local cultural preservation will have implications for the resilience of regional and national culture in three ways: by creating regional cultural identity and increasing awareness of cultural; by increasing awareness that any changes to local culture should not violate the originality of regional and national culture; and by preventing the penetration of foreign cultures. Acculturation between Bengkulu culture and Islam can be seen in the customary examples below:

1. Pengantin Bercampur

Pengantin Bercampur is a meeting between the groom and the bride at the bride's residence after the marriage contract. This procession is a place for publicity for the bride and groom that they are a legally married couple, as well as for asking for blessings from the audience. At this event, the groom accompanied by his family arrives at the gate of the bride's parents' house and stops there. At the same time, they are accompanied by the strains of the trumpet drum music, symbolising that the groom is preparing to meet the bride with deep joy. The bride is accompanied by two women walking out of the bridal chamber and the parents and closest relatives walk close to the groom. The groom's party conveys the petition to enter, which is answered by the bride's party. After going through several stages of blocking by the family of the bride, the groom is finally invited to enter and meet the bride to sit side by side, witnessed by the families of both the bride and groom and invited guests.[47]

In Islamic tradition, when the marriage contract (*Nikah*) has been carried out, the groom is allowed to meet the bride without having to have any such event or ceremony. However, the custom of *Pengantin Bercampur* has continued without any religious reservations.[48]

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[45] Tengku Mira Rozanna Sinar, *Pemikiran Kebudayaan Tengku Luckman Sinar (1933-2011)* (in Indonesian) [*Tengku Luckman Sinar's Cultural Thought*] (Medan: Repository Universitas Sumatera Utara 2015) 1.

[46] Departemen Pendidikan dan Kebudayaan RI, *Adat dan Upacara Perkawinan Daerah Bengkulu* (in Indonesian) [*Bengkulu Regional Customs and Marriage Ceremonies*] (Jakarta: Direktorat Sejarah dan Nilai Tradisional 1995) 37.

[47] Dinas Pendidikan Nasional Provinsi Bengkulu, *Upacara Perkawinan Suku Lembak* (in Indonesian) [*Lembak Tribe Marriage Ceremony*] (Bengkulu: Museum Bengkulu 2003) 25.

[48] Badan Musyawarah Adat Kota Bengkulu, *Adat Kebiasaan pada Daur Hidup dalam Masyarakat Kota Bengkulu* (in Indonesian) [*Customary Habits in the Life Cycle in Bengkulu City Society*] (Bengkulu: Setda Kota Bengkulu 2005) 122.

2. *Kawin Ganti Tikar*

According to Bengkulu tradition, if a wife dies, the husband can propose the wife's unmarried sister. This marriage is called *Kawin Ganti Tikar*, which is a form of continuation of family relationships that have been fostered and show harmony as the deceased wife's sister, who is likely to be very close to her sister's children, takes up the parenting responsibility.[49]

This kind of marriage shows how the two families still want the continuity of the family relationship. This Bengkulu tradition has continued, because it does not violate Islamic law of marriage as it is permissible to marry a sibling of your spouse in Islam.

3. *Cuci Kampung*

Cuci Kampung (purifying the village) is a Bengkulu tradition that is carried out when there is a moral violation that brings disgrace to a village. Examples of these acts include committing obscenity or acts of fornication (voluntary sexual intercourse between unmarried people) and adultery (voluntary sexual intercourse between a married person and a person who is not their spouse). The couple is immediately given a sanction to purify the village where the incident occurred by having to buy a goat to be slaughtered, cooked, and eaten together by community. This is accompanied by prayers by traditional leaders or religious leaders with the aim that the area would be avoided from disaster and distress.[50]

In Islam, when a person commits an obscene act such as adultery, the punishment can be 100 whiplashes (for unmarried person) or by stoning to death (for married person), subject to the satisfaction of highest level of proof required in Islamic law.[51] In Bengkulu tradition, whiplashing and stoning are not enforced, but the Bengkulu tradition of *Cuci Kampung* has continued in its different forms.

B. Acculturation and Building of Sakinah Family

Cultural preservation generally requires resilience in the use and form of, among other things, language, religion, art, family, and kinship.[52] However, some interactions between local and foreign culture are unavoidable, especially when they are influenced by change in religious beliefs or practices. In a Muslim society, religious values make one of the most crucial factors to influence and change local cultures. Acculturation of Islamic values with local traditions of Bengkulu people, which is primarily with the objectives of forming a *sakinah* family, has added the following values to Bengkulu culture:

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[49] Departemen Pendidikan dan Kebudayaan RI, *Adat dan Upacara Perkawinan Daerah Bengkulu* (in Indonesian) [*Bengkulu Regional Customs and Marriage Ceremonies*] (Jakarta: Direktorat Sejarah dan Nilai Tradisional 1995) 42.

[50] Departemen Pendidikan dan Kebudayaan RI, *Adat dan Upacara Perkawinan Daerah Bengkulu* (in Indonesian)[*Bengkulu Regional Customs and Marriage Ceremonies*], (Jakarta: Direktorat Sejarah dan Nilai Tradisional, 1995) 55.

[51] The proof of adultery requires the presence of four eyewitnesses who, according to the Muslim law, must have witnessed the sexual act and relate the same descriptions, which is virtually impossible. On the other hand, an unproven accusation is considered an offense titled *Qadf* in Qur'an which is punishable by 80 lashes (Qur'an 24: 4-9).

[52] Sri Astuti Abdul Samad and Munawwarah Munawwarah, 'Adat Pernikahan Dan Nilai-Nilai Islami Dalam Masyarakat Aceh Menurut Hukum Islam' (in Indonesian) ['Marriage Customs and Islamic Values in Acehnese Society According to Islamic Law'] (2020) El-Usrah: Jurnal Hukum Keluarga 289, 293.

1. Value of Faith

Family is a place where one is usually introduced to faith. For a child, family provides the first educational institution. Parents have the responsibility to set a good example, advise, and guide children. Likewise, parents in an Islamic family introduce their children to the teachings of Islamic faith. This criterion of faith is based on Qur'an, Surah Luqman

> "And [mention, O Muhammad], when Luqman said to his son while he was instructing him, "O my son, do not associate [anything] with Allah. Indeed, association [with him] is great injustice.[53]

> "And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination."[54]

According to Hamka's interpretation,[55] these verses provide the basics of education for a Muslim and provides a source of inspiration that regulates the basics of education for Muslim children. It also includes the main point of *aqidah* (faith) in Islam, namely the belief in monotheism in God. In addition, the verse also contains the main basis for establishing a Muslim household, namely an attitude of respect, love, and affection from children to their parents. Life guidelines are also given when there is a conflict of opinion between parents and children. The respect for parents will not change even if they are not Muslims and the child has embraced Islam, but love for parents must not overpower faith in Islam. Here we are told to act *ma'ruf* (properly) to both of them. Indeed, Allah has required the highest level of respect for parents to the extent that even the utterance of word *uff* (sigh) is prohibited. Allah says:

> "And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them [so much as], "uff," and do not repel them but speak to them a noble word."[56]

The value of faith in the Bengkulu community tradition is at the forefront starting from the selection of a mate in the pre-engagement process, and is further strengthened by the tradition of Khataman al-Qur'an (completion of reading of Qur'an) and the completion of the study for the bride before the marriage ceremony. This value guides the next stages in the formation of *sakinah* family after marriage. Of course, the practice of Khataman al-Qur'an was not the original customary traditions in the Bengkulu community, which has now become one of the most loved and frequently followed pre-marital custom in Bengkulu community under the influence of Islam. It reinforces the importance of religion in the creation of new relationship. Previously, in the tradition of the marriage contract in Bengkulu, apart from the dower, there was a request for assistance for the implementation of the marriage contract in the form of a large amount of money, livestock, rice and other kitchen equipment. With increasing awareness of Islamic law, this tradition changed by giving a dower according to the groom's ability, such as a gold ring or a set of prayer tools. Dower is the obligation in Islam in the form of money or possessions paid by the groom to the bride at the time of marriage, however, Islamic law has not fixed or even recommended any specific amount.

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[53] Qur'an, Surah Luqman 31:13.
[54] Qur'an, Surah Luqman 31:14.
[55] Haji Abdul Malik Karim Amrulloh (Hamka), *Pandangan Hidup Muslim* (in Indonesian) [*Muslim View of Life*] (Jakarta: PT Bulan Bintang 1966) 8, 42.
[56] Qur'an, Surat Al-'Isrā' (The Night Journey) 17:23.

2. *Value of Peace and Tranquillity*

Families can be happy if there is peace and tranquillity in their lives, both outwardly and inwardly. Allah says in Qur'an:

> "And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought."[57]

Hamka explained the value of calm and peace that emanated from the requirements of this verse.[58] Hamka considered people of faith have special "light" of affection and mercy first because of their piety and strong relationship with God and second due to their affectionate and caring relationship with spouses. In addition to the verse above, the requirement of calm or tranquillity in a household is mentioned in Qur'an:

> "It is He who created you from one soul and created from it its mate that he might dwell in security with her. And when he covers her, she carries a light burden and continues therein. And when it becomes heavy, they both invoke Allah, their Lord, "If You should give us a good [child], we will surely be among the grateful."[59]

The word *yaskuna* in the verse (translated above as 'security') also means calm or serene.[60] Indeed, the verse clarifies that physical relationship between husband and wife is for the purpose of having offspring, and a family is truly blessed when the wife is pregnant and the spouses pray for a healthy child. This gives true meaning to family life and brings true peace and tranquillity to household.

The value of tranquillity in the Bengkulu community tradition is seen in the atmosphere of engagement of the would be couple and on the marriage contract. On the day of marriage, the families of prospective husband and wife greet each other in polite language and there are *petatah petitih* (traditional greetings/blessings) that refresh the atmosphere. In the tradition of giving birth to a baby, the term *nenjor* (cutting the baby's black hair) is known, namely cutting the baby's first hair and giving the name and celebration of Islamic tradition of *akikah* (slaughtering a lamb) on the seventh day of the birth of a baby as an expression of gratitude for the grace of Allah in the birth of a child. This activity is accompanied by the tradition of *berzanji* (prayer, praise and storytelling narration of the Prophet Muhammad (may peace and blessing be upon him (pbuh)). *Berzanji* is recited in a rhythm or tone) or *sarafal anam* (singing of rhymes containing praises to Allah and Prophet Muhammad (pbuh)) or *dhikr* (a form of Islamic meditation in which phrases or prayers are repeatedly chanted in order to remember God).[61] Local community is invited to *berzanji* accompanied by the beating of the *rebana* (tambourine). For less fortunate families, these are usually celebrated by making porridge and sharing it with their neighbours.[62]

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[57] Qur'an, Surah Al-Rûm 30:21.

[58] ibid 59.

[59] Qur'an, Surah Al-'A`rāf (The Heights) 7:189.

[60] ibid 370.

[61] Shihab al-Din Ahmad al-Hariry, *Maulid Sharaf al-Anam* (in Arabic) [*The Birth of a Noble Being*] (Jakarta: Dar al-Hikmah) 61-67.

[62] *Ensiklopedi Makanan Tradisional Indonesia (Sumatera*) (in Indonesian) [Indonesian Traditional Food Encyclopaedia (Sumatra)] (Jakarta: Kementerian Kebudayaan dan Pariwisata 2004) 40, 41.

3. *Value of Responsibility*

Families must have a sense of responsibility according to their respective roles. In domestic life, some obligations must be carried out for husband and wife and their children to achieve a *sakinah mawaddah warahmah* family, a happy family, safe in this world and the hereafter. In Islamic law, a husband/father, as the head of the family, is responsible for providing for his family's physically and emotional needs.[63] In the Bengkulu tradition, wife/mother is fully accountable for managing household needs and educating children because their children's first education will be obtained from their mother.[64] A child is responsible for obeying and respecting their parents and maintaining the good name and honour of the family. Allah says in Qur'an::

> "Lodge them [in a section] of where you dwell out of your means and do not harm them in order to oppress them. And if they should be pregnant, then spend on them until they give birth. And if they breastfeed for you, then give them their payment and confer among yourselves in the acceptable way; but if you are in discord, then there may breastfeed for the father another woman."[65]

This verse explains the obligation for a husband to provide a place to live for his wife where the husband resides, according to the husband's standard of living. When the wife is the daughter of a wealthy person while the husband is not as rich, he is only obliged to provide according to his standard of living. As the Malay saying goes: "along the body along the shadows."[66] Hamka stated:[67]

> "From the beginning, marriage has become an obligation for a husband to provide a place to live for his wife according to the husband's ability. Of course, before proposing to someone else's child, a man has to measure the *sekufu* [equality], which is similar as himself, not too high so that he cannot afford to spend or provide a bad place to live that is not commensurate with the position of the wife."

In addition to the verse above, the issue of obligations for a husband and wife is also addressed in in Qur'an:

> "O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded."[68]

The value of responsibility in the Bengkulu community tradition starts from the engagement and continues with the implementation of the marriage contract, which can take place according to the agreement. During the contract, the submission of the bride's guardianship to the prospective husband is the starting point for the husband's future responsibilities in

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[63] Qur'an, Surat An-Nisā' (The Women) 4:34.
[64] Sukatin, Muhammad Shoffa, Saifillah Al-Faruq, *Pendidikan Karakter* (in Indonesian) [Character building] (Sleman: Deepublish 2020) 88.
[65] Qur'an, Surah At-Talaq (Divorce) 65:6.
[66] Haji Abdul Malik Karim Amrulloh (Hamka), *Tafsir al-Azhar* (in Indonesian) [*Interpretation of al-Azhar*] (Jakarta: PustakaPanjimas 2008) 376.
[67] ibid 380.
[68] Qur'an, Surah Al-Tahrim (The Prohibition) 66:6.

fostering a *sakinah* family. This responsibility is always carried and maintained throughout the life of the family. The activity of earning a living is the husband's responsibility as in the rules of Islamic law, but in the tradition of the Bengkulu community, the wife also generates income in the family. Therefore, there is acculturation where the wife can participate in earning a living with the husband's permission.

4. The Value of Mu'asyarah bil Ma'ruf (Care for the Wife)

The family should have *mu'asyarah bi al ma'ruf*. Among the forms of good treatment required of a husband towards wife and entire family are making a living, asking for opinions on household matters, protecting the wife from disgrace, providing for maintaining good appearance, and helping with the wife's work at home. Allah's wisdom obliges a husband to do *mu'asyarah bilma'ruf* to his wife so that the spouses get happiness and peace from each other in life. Therefore, *mu'asyarah bilma'ruf* is an obligation that husbands must carry out to bring about good in the household. This is reflected in Qur'an:

> "O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good."[69]

In family life in Bengkulu community, husband and wife treat their own parents and parents' in-laws equally and parents treat their children and children of in-laws without discrimination. This includes that the community never differentiates between natives and immigrants, all are treated the same. This is in accordance with Islamic teachings that fellow Muslims are brothers and help one another based on kindness and piety.[70]

IV. CONCLUSION

It is concluded that the relationship between the Bengkulu people's traditions and Islamic family law have influenced each other in mutually accommodating manner although Islamic law has taken more prominence since its inception in the Bengkulu community. Normal relations in line with the Shari'a are considered to have represented the traditional Islamic point of view and work coherently along with Bengkulu traditions. This attitude shows acculturation of customs and traditions where religion for the people of Bengkulu cannot be separated from their daily life. The interaction with Islam gave birth to the acculturation of a culture that is unique to Islam. This acculturation covers almost the entire structure of the Bengkulu community's family life, starting from attitudes, behaviours, and customs that have been coloured with Islamic values. The process and relations of the meeting occur peacefully and politely without friction between the two.

The construction of the Bengkulu community's tradition in realising a *sakinah* family starts from pre-marriage, in marriage, and after marriage - all of which are full of traditions and culture as a result of acculturation and inculturation of local customs and Islamic law. While the traditional values of the Bengkulu people in maintaining the integrity of the family are quite forceful, the existence of traditional *syara'* (sharia chief) and other religious institutions always support the integrity of the family.

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[69] Qur'an, Surah Al-Nisa' (The Woman) 4:19.
[70] See Qur'an, Surah Al-Hujurat (the Rooms) 49:9-10; Al-Bukhary, *Sahih al-Bukhary*: 2442.

Acculturation between the two cultures, namely the culture of marriage and family in Islam, and the local traditions of the Bengkulu people, has given birth to the harmonisation of life filled with peace. This is important so that acculturation between Islamic rules, values, and traditional customs does not lose its spiritual essence; marriage customs should not only become ceremonial, which loses the value of religiosity.