

THE ENGAGEMENT IN THE TRADITION OF SAMIN TRIBE COMMUNITY: ISLAMIC LAW PERSPECTIVE

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Abstract

The engagement in the Samin society tradition in Kemantren Village, Kedungtabun District, Blora Regency is known as *nyuwita-ngawula*. They still apply some ideologies that are believed to come from their ancestors. This research aims to reveal the procedures and meanings behind the *nyuwita-ngawula* tradition from the perspective of legal culture and Islamic law. This research is field research and the approach used is qualitative. Data collection techniques used observation and interviews. The data obtained were then analyzed by the descriptive analysis method. The result of the research is the *nyuwita-ngawula* tradition was carried out by a groom who would propose to one of the women he had chosen by having sex in one room like husband and wife, where they did the engagement with the aim of getting a match between the brides. When an agreement is reached, the marriage can proceed. If this is not done, the engagement based on the Samin ethnicity is considered void and cannot be continued to the marriage level. However, there is a shift in action as the Samin society understands the values of Islamic law. Currently, the Samin tribe's customary engagement is to hold a marriage using a judge's guardian. This is done because the guardian of the prospective wife does not approve if before marriage they do not carry out the marriage custom of *nyuwita-ngawula* in the Samin tribal society.

Keywords: *Nyuwita-ngawula*, Engagement, Samin Tribe.

Abstract

Peminangan dalam tradisi masyarakat Samin di Desa Kemantren, Kecamatan Kedungtabun, Kabupaten Blora dikenal dengan istilah nyuwita-ngawula. Mereka masih menerapkan beberapa ideologi yang diyakini berasal dari nenek moyang mereka. Artikel ini bertujuan untuk mengungkap tata cara dan makna di balik tradisi nyuwita-ngawula dari perspektif budaya hukum dan hukum Islam. Penelitian ini merupakan penelitian lapangan dan pendekatan yang digunakan adalah kualitatif. Teknik pengumpulan data menggunakan observasi dan wawancara. Data yang diperoleh kemudian dianalisis dengan metode analisis deskriptif. Hasil dari penelitian ini adalah tradisi nyuwita-ngawula dilakukan oleh seorang mempelai pria yang akan melamar salah satu wanita yang telah dipilihnya dengan cara berbubungan badan dalam satu ruangan layaknya suami istri, dimana mereka melakukan pertunangan dengan tujuan untuk mendapatkan jodoh. pertandingan antara pengantin. Setelah tercapai kesepakatan, perkawinan dapat dilanjutkan. Jika hal ini tidak dilakukan, maka pertunangan berdasarkan etnis Samin dianggap batal dan tidak dapat dilanjutkan ke jenjang perkawinan. Namun, ada pergeseran tindakan karena masyarakat Samin memahami nilai-nilai hukum Islam. Saat ini pertunangan adat suku Samin adalah melangsungkan pernikahan dengan menggunakan wali hakim. Hal ini dilakukan karena wali calon istri tidak merestui jika sebelum menikah mereka tidak melaksanakan adat perkawinan nyuwita-ngawula dalam masyarakat suku Samin.

Keywords: *Nyuwita-ngawula*, Peminagan, Tradisi Samin

INTRODUCTION

Indonesia consists of various ethnic groups spread throughout the archipelago.¹ The large number of them makes cultural diversity and customs patterns, especially in the field of marriage. One of the tribes that still exists and has a strong culture is the Samin tribe.² The Samin society is a community in Blora that has a distinctive character, which until now (in 2022) still strongly holds the customs and traditions of Saminism that they believe in. The ideology of Saminism is believed to have originated and is based on various forms of wisdom that exist in the ideology of Hinduism, Islam, and Java.³

The ideology of Islam in *fiqh* (Islamic law) regulate marriage quite clearly and rigidly because it involves human survival. In the ideology of Islamic law before marriage, a person is required to first find a mate called *kehitbah* (engagement).⁴ In practice in Indonesia, engagements are regulated in the Compilation of Islamic Law which is stated in article 11: "A engagement can be directly carried out by people who wish to find a mate, but it can also be done by a trusted intermediary".⁵ The engagement in the view of Islam aims to bind the two prospective brides who will marry.⁶ Marked by the arrival of the prospective groom (male) to the prospective bride to apply.

According to Wahbah Zuhaily, engagement or *kehitbah* is a statement of the desire to marry from a man to a woman, then the woman announces it to her guardian. This can be communicated directly or through the man's family. When the woman who is in the *kehitbah* and her family agree, then the man and woman who are proposed to be married are bound and the legal implications of the *kehitbah* have taken place.⁷ In Islamic law it is not explained how to propose.⁸ This provides an opportunity to implement it in accordance with applicable customs and ideology in accordance with the ideology of Islam.

The marriage ceremony is carried out in various forms, and the method that generally applies (in the matrilineal community tradition) is that the parents of the prospective groom come to the prospective bride to apply and propose.⁹ In Indonesia, there are various types and forms of engagements. In fact, each region has its own uniqueness. Like the engagement that occurred in the Blora Regency area, named the engagement in the Samin tribe's customs. The Samin tribe is a group of people who have a unique comprehension. The comprehension and belief carried out by the Samin tribal society in the Kemantren Village, Kedungtuban District, Blora Regency, is to make an engagement with the *nyuwita-ngawula* tradition. The *nyuwita-ngawula*

¹ Reimar Schefold, "The Domestication of Culture: Nation-Building and Ethnic Diversity in Indonesia," *Bijdragen Tot de Taal-, Land-En Volkenkunde* 154, no. 2 (1998): 259–80.

² Farida Ummahatun Naf'ah, "Tinjauan Fiqih Munakahat Terhadap Tradisi Nyuwita Ngawula Pada Masyarakat Suku Samin Di Kecamatan Kradenan Kabupaten Blora" (IAIN Ponorogo, 2020).p.1.

³ Abu Choir et al., "Pergeseran Relasi Gender Perempuan Samin (Studi Tentang Pembagian Kerja Dalam Masyarakat Samin Desa Kemantren Kabupaten Blora)," in *Forum Ilmu Sosial*, vol. 39, 2012. p. 34.

⁴ Andi Darussalam, "Peminangan Dalam Islam (Perspektif Hadis Nabi SAW)," *Tabdis: Jurnal Kajian Ilmu Al-Hadis* 9, no. 2 (2018).

⁵ Hudan Syaichulloh, "Tinjauan Hukum Islam Terhadap Peminangan Adat Suku Samin Untuk Mengetahui Kesuburan Calon Mempelai Wanita: Studi Kasus Di Desa Kemantren Kecamatan Kedungtuban Kabupaten Blora" (IAIN Sunan Ampel Surabaya, 2012). p.3.

⁶ Kecia Ali, "Progressive Muslims and Islamic Jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law," *Progressive Muslims: On Justice, Gender and Pluralism*, 2003, 163–89.

⁷ Abdul Bari Awang and Imam Mahdie, "Peminangan Atau Melamar, Dan Akibatnya Menurut Hukum Islam Serta Undang-Undang Islam Di Indonesia," *Fikiran Masyarakat* 6, no. 2 (2018): 77–82. p.78.

⁸ Slamet Abidin, "Aminuddin, Fiqh Munakahat 1," *Bandung: Pustaka Setia*, 1999. p.41.

⁹ Beni Ahmad Saebani, *Fiqh Munakahat 1* (Bandung: Pustaka Setia, 2011). p.147.

tradition, there are several actions that are different from Islamic law (fiqh). The Samin society still attend to follow ideologies that are believed to come from their ancestors and have been passed down from generation to generation.

The purpose between the *nyuwita-ngawula* tradition and the engagement in Islam are same, that as a binder for the two prospective brides so that something unwanted happens before the marriage takes place.¹⁰ The thing that makes the difference in the *nyuwita-ngawula* tradition is that it lies in the terms and pillars of marriage. In the study of Islamic law, there are several terms and pillars that must be obeyed during a marriage, including the presence of two prospective brides, dowry, witnesses, and also a guardian. The ideology of Islamic law also pays attention to the two prospective partners who are referred to as sekufu. Sekufu is meant by considering four things including religion, *nasab* (descendants), wealth, and good looks or beauty. While other pre-requirement such as a witness and a guardian also has provisions that be occur, while regarding the dowry of the bride and groom can be discussed with their respective agreements.¹¹

However, in the tradition of *nyuwita-ngawula* of the Samin society, the two prospective brides who fall in love are asked to stay in the house of one of the sides called *ngawula*. In other words, the base of this *nyuwita-ngawula* tradition is to have intimate relationships with the aim of obtaining compatibility between the prospective bride and groom when there is an agreement, then the marriage can be continued. And if this *nyuwita-ngawula* tradition is not carried out, the engagement based on the Samin tribe's customs is considered void and cannot be continued at the marriage level. The terms and other pillars are not much different from marriage in Islam, such as prospective brides, guardians, and witnesses. However, as the times progressed, some residents understood Islamic law so they proposed to the Samin tribe by prioritizing marriage without a guardian. In the *nyuwita-ngawula* tradition of the Samin people, they are required to marry a fellow Samin as well, or if anyone wants to marry someone outside the Samin people, then they must want to enter and participate in the ideology of the Samin tribe.¹²

Method

Based on this, the author is interested in the procedure for the engagement by the Samin tribal society in the midst of the entry of religion and Islamic legal values among them. This research aims to understand (*verstehen*)¹³ the tradition of proposing *nyuwita-ngawula* which is currently practiced by the Samin Tribe in Kemantren Village, Kedungtuban District, Blora Regency. Departing from this understanding, the researcher then examines it using the perspective of Islamic law. This research uses a qualitative method.¹⁴ Collecting data by observation and interviews. The informants of this research are actors and society leaders of Samin. The locus of this research is Kemantren Village, Kedungtuban District, Blora Regency,

¹⁰ Nafi'ah, "Tinjauan Fiqih Munakahat Terhadap Tradisi Nyuwita Ngawula Pada Masyarakat Suku Samin Di Kecamatan Kradenan Kabupaten Blora." p.2.

¹¹ Rizem Aizid, *Fiqh Keluarga Terlengkap* (LAKSANA, 2018). p.63.

¹² Syaichulloh, "Tinjauan Hukum Islam Terhadap Peminangan Adat Suku Samin Untuk Mengetahui Kesuburan Calon Mempelai Wanita: Studi Kasus Di Desa Kemantren Kecamatan Kedungtuban Kabupaten Blora." p. 4.

¹³ Jennifer Platt, "Weber's Verstehen and the History of Qualitative Research: The Missing Link," *British Journal of Sociology*, 1985, 448-66.

¹⁴ Dapzury Valenzuela and Pallavi Shrivastava, "Interview as a Method for Qualitative Research," *Southern Cross University and the Southern Cross Institute of Action Research (SCLAR)*, 2002.

Central Java. Although the Samin people are widely distributed in various regions, this research makes Blora Regency the locus of research because it is the place of origin of the Samin people.

Engagement in the Study of Islamic Law

The engagement or *khitbah* in terminology comes from Arabic which can be translated by conveying the hold to marry.¹⁵ In line with this understanding, Sulaiman Rasjid said that *khitbah* is a statement of want to marry from a man to a woman through someone he trusts as an intermediary.¹⁶ Meanwhile, al-hamdani explained *khitbah* (engagement) that men have a request for a woman from someone else's child to marry.¹⁷ Considering that based on the Compilation of Islamic Law (KHI) chapter 1 article 1 point a, what is meant by engagement (*khitbah*) is an effort towards the realization of a marital relationship between a man and a woman.

Marriage relations between men and women are held in an honorable manner and based on mutual pleasure, with the *ijab-qabul* being carried out, attended by witnesses who witnessed the two pairs of men and women being tied to each other. This marriage is what in the study of Islamic law for humans to develop properly while maintaining their descendant life.¹⁸

Engagement is done to achieve matchmaking, therefore Islamic law regulates as stated in the Qur'an Surah Al-Baqarah verse 235. In addition to the basis for the permissibility of proposing as stated in the text above, Islam also prohibits proposing to women who have been proposed to other people.¹⁹ In related with this engagement, the majority of scholars are of the view that the law of *khitbah* or engagement is not obligatory. However, practice in society shows that engagements are something that is almost absolute to do, as a result it is as if society suspect that *khitbah* is something that must be done.²⁰

Discussion

Samín Society in Kemantren Village

Samínism in the Kemantren Village, Kedungtuban District, Blora Regency, precisely in Tanduran Hamlet, was brought by Surohidin with his wife named Samsyiah (the daughter of Ki Samín Surosentiko). Surohudin is a student and son-in-law of Samín Surosentiko who is active and persistent in spreading Samín's ideologis to various regions. Apart from the two of them, Samínism was also brought by his other children, which are Karto Kemis, Ki Samín's first child, Radimah and Sabi'ah, all of whom live in Dukuh Tanduran, Kemantren Village, Kedungtuban District, Blora Regency. From the marriage of Ki Samín's children in the Kemantren Village, Samín Surosentiko's ideologis are growing, many people are following him. The Samín sect in this village is known as Samín Lugu which is the original Samín ideology, no other ideologis are added. After the death of Ki Samín Surosentiko, the ideology of Samínism were divided into several ideologi, namely Samín Lugu and Samín Sangkak. In its development, Samín in Kemantren Village is growing rapidly because the descendants of Ki Samín have a great desire

¹⁵ Amir Syarifuddin, "Hukum Pernikahan Islam Di Indonesia," *Jakarta: Kencana Prenada Media Group*, 2007. p. 49.

¹⁶ Sulaiman Rasjid, *Fiqh Islam* (Bandung: Sinar Baru Algesindo, 2007). p. 30.

¹⁷ H S A Al-Hamdani, "Risalah Nikah (Hukum Perkawinan Islam), Terj," *Agus Salim, Jakarta: Pustaka Amani*, 2002. p. 31.

¹⁸ Abidin, Aminuddin, *Fiqh Munakahat 1*. p. 9.

¹⁹ Imam Bukhari, *Shahih Bukhari* (Beirut: dar Al-Ihya' Al-Kutub, n.d.). p. 251.

²⁰ Ibnu Rusyd, "Bidayah Al-Mujtahid," *Beirut: Dar Al-Fikr, Tt*, 1960. p. 3520.

to maintain and spread it. However, since the independence of Indonesia and until now it has undergone many changes and shifts.²¹

Agus Prayitno as the Head of the Kemantren Village said that during his leadership period in this village there were about 73 family heads and almost all the elders of the Tanduran hamlet, Kemantren Village, adhered to Saminism, although there were also their children who did not follow Shamanism. The ideology of Samin in Tanduran Hamlet, and Kemantren Village are also relatively abandoned by adherents because of the intersection and acculturation of cultures from the outside world.²²

The Samin Tribe Customary Engagement Tradition in Kemantren Village

As we know, the Indonesian nation consists of many islands, tribes, and various different cultures and traditions.²³ Precisely on the island of Java, which is an island that is very thick with customs and traditions and culture, here the author is interested in researching one of the traditional engagements for the Samin tribe which has long been carried out by a group of people from the Kemantren Village, Kedungtuban District, Blora Regency who adheres to the Samin tribe. In ancient times, the Samin society could be understood as a society that wanted to break away from the great tradition dominated by the ruling elite and then form an alliance to fight peacefully by using the traditions of the common people. The common people's traditions, which are different from the big traditions of Javanese culture, are described in this paper as small traditions. The used of the Javanese Ngoko language, the meaning of religious concepts that are different from the interpretation in general and also the occupation of religious officials who do not need it are forms of protest that are a sign of the existence of this small tradition.²⁴

Along with the times, the small tradition of Saminism slowly but surely turned into a big tradition, which is now called the Javanese Islamic tradition, namely Islam whose level of understanding, attitudes and actions of its adherents are different from Islam from other places, or in other words, Islam with nuances local. In connection with data or information about the Samin tribe's traditional engagement for marriage, the author conducted direct interviews with the community, especially those who are married and have practiced the Samin tribe's traditional engagement. The *Nyuwita-ngawula* tradition is indeed carried out by the community in the Kemantren Village, Kedungtuban District, Blora Regency. Because the tradition of the traditional engagement of the Samin tribe is a custom that has been carried out since ancient times and has a great influence on the lives of the people of Kemantren Village.

The procession of the *Nyuwita-ngawula* tradition is carried out by the groom who will propose to one of the women he chooses. In the tradition of the Samin tribe, someone who proposes with the aim of gathering with the bride until they can get along or get to know each other. The provisions carried out in the *Nyuwita-ngawula* tradition are the initial ideology brought by their ancestors requiring them (prospective husband and wife) to have intimate relations as a sign that they have found a match to continue to the next level that is marriage. And if the *Nyuwita-ngawula* tradition is not carried out, the marriage engagement according to the Samin

²¹ Ismail Yahya, "Identitas Dan Kearifan Lokal 'Islam Samin' Di Era Global," *Millah: Jurnal Studi Agama*, 2009, 209–23.

²² Agus Prayitno, "Interview" (2022).

²³ Schefold, "The Domestication of Culture: Nation-Building and Ethnic Diversity in Indonesia."

²⁴ Syaichulloh, "Tinjauan Hukum Islam Terhadap Peminangan Adat Suku Samin Untuk Mengetahui Kesuburan Calon Mempelai Wanita: Studi Kasus Di Desa Kemantren Kecamatan Kedungtuban Kabupaten Blora." p. 50.

tribe is considered null and void and cannot be continued in the marriage stage. The basis in this *Nyuwita-ngawula* tradition is to have sex by having sex in one room like husband and wife, which has been done by the Samin tribe, where they propose an engagement with the aim of obtaining compatibility between the prospective bride and groom, when there is an agreement then the marriage can be concluded next. After both parties declare that they can really get along and are compatible with each other, the parents of both parties are obliged to immediately carry out the marriage according to their customs, namely inviting traditional elders and neighbors to witness the marriage process.²⁵

From the results of an interview with Mr. Sariban who is 70 years old, he is an elder in Kemantren Village or a traditional leader there, she said that the people in Kemantren Village always use a previous habit or custom in various matters of citizen activities including marriage matters. These habits are procedures that must be carried out according to their beliefs which are carried out continuously by members of the Kemantren community which are considered good and beneficial for them so that it becomes a habit that must be maintained. This custom is a tradition of the Samin tribe's customary engagement which is a custom in Kemantren Village from generation to generation so that it becomes an obligation for them. He also explained that there are rules that must be obeyed in carrying out a marriage according to tradition in the Kemantren Village. The next step is the application. This application is the first process to enter into a marriage. In Kemantren Village, the application process is carried out by the male family to the female family to express a serious intention to get married. After the application process is complete and the application has been received, it is followed by a meeting with the parents of the bride and groom, this parents meeting is a symbol or proof that the two couples are compatible with each other, and it is hoped that the public will know that the woman who is being proposed is no longer suitable alone and no one else should want to propose to her again. The application period usually is not too long, sometimes two months or three months. While this application ceremony is usually carried out in a simple manner which is only attended by both parties, relatives and close relatives, the custom of application is adjusted according to the traditional traditions of the Samin tribe.²⁶

According to Mrs. Sari, as a society leader in Sederek Sikep, Kemantren Village explained that, after the application ceremony was completed, a marriage ceremony would immediately be held according to the traditions of the Samin tribe. The tradition carried out by the Samin tribal society when holding a wedding to invite traditional elders and the surrounding society to witness ongoing marriage. There are no binding conditions for the marriage of the Samin tribe in the village of Kemantren, the priority is the harmony of the family and the bride and groom. If both the bride and groom and their families are compatible with each other, then the marriage will take place as soon as possible²⁷

From the results of interviews with parties who made engagements in Kemantren Village, according to the regulations of Mr. Trimo as the person who made the Samin tribe's customary engagement, explained that of all residents or local villagers the majority used engagements with Samin tribal tradition. Because it is part of the culture and has become a

²⁵ Mbah Sariban, "Interview" (2022).

²⁶ Sariban.

²⁷ Mbah Sari, "Interview" (2022).

tradition of the Samin people themselves.²⁸ The results that I interviewed were the actors who used the Samin tribe's customary engagement, they said “*adate pancen kuwi tob, soko nenek moyang yo tak gawe*” (that's the tradition, I used it from my ancestors) after being asked why they used the engagement. So that, it can be said that the entire society in Kemantren Village still follows the ideology or procedures for using the Samin tribe's customary engagement.

Analysis of Islamic Law on the Promising Tradition of *Nyuwita-ngawula*

The Kemantren Village society is a society where some of the residents have the tradition of the Samin tribe, but the residents are adherents of Islam religion. So there are still many residents who prioritize tradition or procedures inherited from their ancestors, such as asking for a woman who wants to marry, they also have their own tradition to carry out the engagement. From the results of the study, that the engagement made by the residents of Kemantren Village is a man who proposes to a woman who has been interested in marrying him, in practice, they use the prevailing tradition in the Samin tribe, that is *Nyuwita-ngawula* tradition which means the initial ideology brought by the ancestors. They require them (prospective husband and wife) to have sex as a sign that they have found a match to continue to the next level is marriage. As explained by the elder Samin in the Kemantren Village, Mr. Sariban, the engagement is required to gather, he likens that when the rice has been served, it must be eaten, as well as asking for a engagement to have intercourse with the woman who is being proposed to like husband and wife. If it is not done in this way, then the engagement based on the Samin tribe's tradition procedures is claimed to be null and void and cannot be continued at the marriage level.²⁹

Islam regulates in such a way about the engagement which has been stated in the Qur'an letter Al-Baqarah verse 235 and the hadiths of the Prophet Muhammad:

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْتَمْتُمْ فِي أَنْفُسِكُمْ ۖ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا ۖ وَلَا تَعْرِمُوا عَقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابَ أَجَلَهُ ۖ وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ ۖ وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ

Meaning: “*there is no sin on you if you hint a engagement of marriage or keep it concealed in your hearts. Allah knows that you will make mention of them, but do not make a secret promise with them, except that you may say something appropriate. Do not resolve a marriage contract untill the prescribed time is reached. And know that Allah knows what is in your hearts, so be cautious of Him and know that Allah is All-Forgiving, Most Forbearing*”.³⁰

Apart from being allowed to ask for the text above, Islamic law also prohibits asking for a woman who is in the engagement of someone else, as the words of the Prophet Muhammad:

عن ابن عمر رضي الله عنهما كان يقول: لا يخطب الرجل على خطبة أخيه حتى يترك الخاطب أو يأذن له الخاطب. (رواه البخاري)

²⁸ Mbah Trimo, “Interview” (2022).

²⁹ Sariban, “Interview.”

³⁰ Muhammad Shohib, “Departemen Agama RI, Al-Qur’an Dan Terjemahnya,” *Bogor: Syaamil Quran*, 2007.

Meaning: *Indeed, Ibn Umar said: that Rasulullah SAW, has said: "Do not let a man propose to his brother until the previous suitor leaves him or allows it."*³¹

Discern from the description above about the tradition engagement of the Samin tribe and the rules for the engagement in Islam, there are differences related to the engagement itself, because in the local Samin tribal society make *khitbah* as a condition for the implementation of a marriage, while in Islam itself it is related to the engagement. In this case, the majority of scholars say that the law of *khitbah* or engagement is not obligatory.³²

Khitbah is the first step to know each person between a man and a woman before marriage. In the language of the Qur'an, the engagement is called *khitbah*. With regard to this engagement, the opinion of majority of scholars are that the law of *khitbah* or engagement is not obligatory. According to the data obtained, the practice in the society shows that a engagement is something that is almost certain to be done, so that people seem to interpret that *khitbah* is something that needs to be done. In Islamic law, the engagement is not a terms and pillars in marriage.³³ Because talking about the terms and pillars, it will certainly determine a legal action about legal and illegal, allowed and not allowed and halal or haram. So the terms and pillars must be fulfilled when carrying out an act related to the law, for example in marriage, so that the marriage becomes valid, the terms and pillars must be fulfilled.³⁴

According to Islamic law, a valid marriage must fulfill the pillars and terms of the pillars of marriage, is what must be there to determine the validity of a job (worship), and what is included in the series of work (worship), such as washing the face for ablution and takbiratul ihram for prayer, or the presence of the prospective groom or bride in the marriage.³⁵ There for the pillars of marriage according to Article 14 of the KHI, for the implementation of a marriage there must be: a prospective husband, a prospective wife, a marriage guardian, two witnesses, an *ijab-qabul*. While the terms of marriage among the five pillars of marriage, the most important of which is the *ijab kabul* between the contract holder and the recipient of the contract, while the terms of marriage refer to the conditions related to the pillars of marriage, that is the terms of the bride and groom, guardian, witness, and *ijab-kabul*.

The terms of husband: not the mahram of the prospective wife, not forced or on his own initiative, of course the man is clearly the person; not in ihram. Meanwhile, the terms of the wife: there are no sharia restrictions, which is not having a husband, not being a mahram, not having an *iddah*. Freedom, on one's own initiative, the person is clear, and not in the period of ihram. Whereas in the Samin tribe's tradition itself, the engagement means the conditions that will be followed by the marriage level. Because the data that has been collected above is clear that it is clear that the engagement is required to gather and must have intercourse with the woman who is being proposed to like a husband and wife relationship. If it is not done

³¹ Bukhari, *Shahih Bukhari*. p. 251.

³² Syaichulloh, "Tinjauan Hukum Islam Terhadap Peminangan Adat Suku Samin Untuk Mengetahui Kesuburan Calon Mempelai Wanita: Studi Kasus Di Desa Kemantren Kecamatan Kedungtuban Kabupaten Blora."

³³ Wakhid Tulus Putra Ariyanto, "Adat 'Nyuwito' Dalam Pernikahan Suku Samin Perspektif Fenomenologi (Studi Di Dusun Jepang Desa Margomulyo Kecamatan Margomulyo Kabupaten Bojonegoro)," *Sakina: Journal of Family Studies* 3, no. 4 (2019).

³⁴ Syarifuddin, "Hukum Pernikahan Islam Di Indonesia." p. 59.

³⁵ M A Tihami Sohari Sahrani, "Fikih Munakahat 'Kajian Fikih Nikah Lengkap' Jakarta," *Rajawali Pers*, 2009. p. 12.

using this method, then the engagement according to the Samin ethnicity is considered null and cannot be continued to the marriage level.³⁶

So that, in the terms of the engagement made by the Samin tribe it is different from what is regulated and determined in Islamic law, because seeing the provisions made by the Samin tribe that engagement is a terms that must be taken first to continue a marriage. While the procedures do are regardless of the provisions of Islamic Shari'ah, then in Islamic law it is very clear that is not possible to make a engagement by having intercourse with a woman who is proposed to in one room, such as having sex with husband and wife as is the custom of the Samin tribe in Kemantren Village, District Kedungtuban Blora Regency.³⁷

However, people who use Islamic ideology themselves continue to use the rules of Islamic ideologis in the sense that there are Samin tribal suitors who use a policy that does not come out of Islamic law itself when making a sustainable engagement to marriage. One of the results of interviews from residents in the Kemantren village, Mr. Sudarsono and Mrs. Sutini, the Samin tribe, who made a different engagement from the engagement made by the Samin tribe, he made the engagement by way of before making his engagement, he first held a marriage through a guardian judge, because according to he said that the engagement made by the ideologis of the Samin tribe was not in accordance with the corridors or ideologis set out in Islamic law. Because in effort to ask for permission to hold a marriage, the subject is required to perform tradition in the Samin tribe in order to have intercourse with his future wife. Under these circumstances, the subject who really know the ideologis of Islamic Shari'a continue to carry out the tradition that have been applied to the Samin tribe by holding marriages through the guardian judge because the guardian's parents of the prospective wife do not want to approve if they do not carry out the Samin tribal tradition.³⁸

In the view of Islamic law, it opposes the *Nyuwita-ngawula* tradition of the Samin tribal society in the Kemantren Village, Kedungtuban District, Blora Regency, because the traditions practiced are similar to adultery before marriage. So the customary engagement of the Samin tribe is considered not in accordance with Islamic law, but along with the development of this era, some of those who know Islamic law have begun to propose to the Samin tribe by choosing to marry without a guardian or marry a guardian judge. Because the guardian of the prospective wife does not agree if the traditional marriage of the Samin tribe is not carried out before marriage.

CONCLUSION

The engagement that occurred in the Kemantren Village, Kedungtuban District, Blora Regency using the Samin tribal tradition, that is a man if he was going to propose to a woman he loved, the man had to have sex with the woman in one room so that they matched each other and would continue to the level of marriage. If this is not done, the application according to the Samin tribe's tradition is considered null and cannot be continued until the marriage level. However, along with the development of this era, some of them began to understand the values

³⁶ Syaichulloh, "Tinjauan Hukum Islam Terhadap Peminangan Adat Suku Samin Untuk Mengetahui Kesuburan Calon Mempelai Wanita: Studi Kasus Di Desa Kemantren Kecamatan Kedungtuban Kabupaten Blora." p. 63.

³⁷ Syaichulloh. p.64.

³⁸ Sudarsono, "Interview" (2022).

of Islamic law in the engagement of the Samin tribe by prioritizing marriage by using a guardian judge. In the perspective of Islamic law, engagements or *khitbah* are not included in the terms or pillars of marriage. That is different from the traditional Samin tribe, they make engagements a condition that must be done to carry out a marriage. However, there is a shift in action as the Samin society understands the values of Islamic law. Currently, the Samin tribe's traditional engagement is to hold a marriage using a judge's guardian. This is done because the guardian of the prospective wife does not approve if before marriage they do not carry out the marriage custom of *nyuwita-ngawula* in the Samin tribal society.

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