

THE PERSPECTIVE OF ROKAN HULU ULAMA ON THE REQUIREMENT OF APPOINTING SAME-CLAN ELDERS AS A MARRIAGE CONDITION IN BUNGA TANJUNG VILLAGE, KEPENUHAN SUBDISTRICT, ROKAN HULU REGENCY



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Abstract

This research aims to find out the tradition of appointing parents of the same family as a condition of Malay traditional marriage and to find out how the Rokan Hulu Ulama views on the tradition. This research is designed with a qualitative method to be able to explain in as much detail as possible about the appointment of parents of the same family as a condition of Malay traditional marriage. This research is a normative-empirical research with a sociological approach. Primary data sources are obtained from interviews with several respondents, while secondary data sources are obtained from several references that explain the tradition of the appointment of surname parents as a condition of Malay traditional marriage in Rokan Hulu. While the analysis technique is descriptive. The results of this study found that the Rokan Hulu ulama did not approve of the appointment of semarga parents as a condition of marriage. Based on the results of this study, the author concludes that the Rokan Hulu scholars agreed to disagree with the appointment of parents of the same family as a condition of marriage because it contradicts the law of shara' and makes it difficult for someone who wants to get married, then this tradition only applies in the Rokan Hulu area and does not apply universally to Muslims so it deserves to be disapproved by the scholars.

Keywords: The Ulama's View, Rokan Hulu, Marriage Requirements

INTRODUCTION

Humans were created by Allah SWT on earth to live in pairs, namely male and female. But in fulfilling their desires, humans are different from other creatures. To maintain the perfection of human life in pairs, Allah SWT provides a path of honor through a bond called marriage. Marriage is not only a relationship between two parties but also involves the family relationships of a man and a woman. They not only obey the teachings of Islam but also obey the traditional teachings of society even though it is contrary to Islamic law.

The Malay tribe is one of the tribes whose traditional laws are still very strong, especially regarding marriage matters. The existence of Law No. 1 of 1974 and the first book of the Compilation of Islamic Law on marriage does not eliminate the legality of customary law that applies to indigenous communities (Kalaloma, 2016). In fact, in some regions, customary law is prioritized over positive law or religious law. In the Malay tribe, especially in the Rokan Hulu district, there is a prohibition on marriage which is called the prohibition on marriage without a clan, so that one of the bride and groom is required to appoint a parent or pledge a promise or oath made by a clan from a different lineage, which promises that their bond must be like that. sibling relationship and their descendants are not allowed to marry each other. So one of the bride and groom who does not have a surname (Malay) must adopt parents who have a surname (Hutasoit et al., 2022).

Customary marriage law is community law (people's law) that is not written in the form of state legislation, which regulates marriage procedures. Based on this understanding, the laws regarding marriage customs are made by a particular cultural group which is mutually agreed upon by the group. There are three types of traditional marriage, namely: First, exogamy that is, a man is prohibited from marrying a woman of the same clan as him. Second, endogamy, that is, a man is required to marry a woman within his circle of relatives (tribe, family clan) and is prohibited from marrying a woman outside his circle of relatives. Third, eleutrogamy, namely that a man is no longer required or prohibited from marrying a woman outside or within his circle of relatives but within the limits determined by Islamic law and applicable statutory laws (Zanela, 2020).

bad things. So the appointment of clan parents in this marriage creates difficulties in carrying out marriages for the Rokan Hulu Malay indigenous community, especially those who are Muslim because apart from being required to remain *istiqomah* to their religion, they are also required to preserve their customs (Djazuli, 2007).

This is the rule that parents still instill in their children to this day. In Law No. 1 of 1974 concerning marriage and the compilation of Islamic law there are no prohibitions or requirements for appointing parents from the same clan in clan marriages except for the mahram. However, in reality, the customary law found in the Rokan Hulu Malay Indigenous community still upholds this rule of prohibiting marriage.

REVIEW OF LITERATURE

This research uses several previous studies as benchmarks to compare with the research to be conducted. The first study was carried out by Ammar et al. (2023) in an article entitled "Implementation of Surname Granting in the Mandailing Ethnic Marriage System (Study at the Medan Mandailing Cultural Traditional Institution)" published in the PKM Hablum Minannas Journal in 2023. This research discusses the implementation of giving surnames in the Mandailing ethnic marriage system. The second study by Pane (2020) in an article entitled "Malay Traditional Wedding Traditions in Batubara Regency" published in the LPPM Pioneer Journal of Asahan University in 2020, discusses traditional Malay wedding traditions in Batubara Regency. Finally, a study conducted by Pohan (2021) in the article "Phenomena and Factors of Clan Marriage" published in Al-Qadha: Journal of Islamic Law and Legislation in 2021, discusses the phenomena and factors that influence clan marriage.

RESEARCH METHOD

In general, there are two types of research methods, namely library research/looking for sources from books (library research), and research with field objects (field research). In legal research, there are also two types of research, namely normative legal research and

empirical legal research (Fiantika et al., 2022). The research that the author conducted is empirical legal research, by looking at the legal phenomenon, namely the tradition of appointing clan parents in terms of traditional Malay marriage which occurs in the Malay tribal community in Rokan Hilir. Primary data sources were obtained through interviews with community leaders and Ulama in Rokan Hulu. Secondary data is complementary data to strengthen primary data obtained from various sources such as books, documents, journals, websites, or other archives that are relevant to the research.

RESULTS AND DISCUSSION

Tradition of Appointing the Family as a Requirement for Traditional Malay Marriage in Rokan Hulu

For the Malay people, inter-tribal marriages are familiar, their adventures are so extensive that they no longer recognize the boundaries of tribe, region, island, or even between countries, making quite a few of them later or by chance marry into the tribe to which they migrated (Robiyatul, 2023). For example, those who are migrating to Rokan Hulu Regency will marry a Malay girl, or migrate to Java and most likely they will marry a Javanese or Sundanese girl.

In the past, things like this were still considered very rare, especially for the Malay community in general. That is why fathers and mothers are very wary of their children going abroad or seeking knowledge in other areas. Both parents always remind their children that they can only marry someone from the same tribe as them, all this is done because several basic things make them hope that they will marry their child to someone from the same tribe as them, namely so that in customs, communication, and civilization can be easily and more easily understood (Robiyatul, 2023). As well as other reasons, namely simply due to their limitations in getting to know people outside their environment and also including parents' concerns about obstacles in communicating with their future daughter-in-law and the family of the man or woman in the future (Putra, 2018).

Appointment of clan parents in Malay custom is a customary law that has been in effect since ancient times and is still in effect today. The reasons for prohibiting marriage before the adoption of clan parents in the Rokan Hulu Malay traditional community are as follows:

1. People's beliefs assume that the same clan makes them siblings or a closer relationship.
2. There is a kinship system in Malay society by appointing parents from the same clan.
3. There is a belief that those who enter into a marriage without appointing parents from the same family will experience disaster (Harahap, 2021).

Judging from the fact that people do not appoint parents of the same clan in marriage, this means that the consequence is that they are prohibited from holding weddings in that area and the marriage is not considered and not recognized by that area. Custom in fiqh terms is called *al-'adah* which means habit. According to Ulama, customary law is everything that is done by society so that it becomes a custom that applies in society in the form of actions and decrees. The prohibition on marriage without appointment of parents of the same clan in Malay customs is not written in the form of regulations or laws. The existence of public trust in customary law shows that customs are regulations or laws that regulate people's lifestyles that must be obeyed.

In an interview with one of the residents regarding this tradition, he revealed:

"Malay tradition places marriage in a high place, so that when organizing a wedding it must be calculated correctly, they even prioritize questioning the conditions that must be fulfilled in local customary rules such as the appointment of parents from the same clan rather than the terms and conditions set by the Office of Religious Affairs. This phenomenon, which has long been discovered or existed in Rokan Hulu, is a big question for those of us who live in the past" In modern times we have to continue with these old customs, many of us are unable to or are rejected by local parents who are reluctant to become parents of the same family because of the past, so that marriages that should take place are now being hindered or hampered by these regulations" (Interview with Ardiansyah Putra, 2024).

The results of the interview above illustrate that this tradition is still carried out by some residents even though it is a question for the newest generation of society about the importance of carrying out this tradition because it is thought that it could hinder or hinder the marriage they are about to carry out. the impact or consequences of not following.

The views of the Rokan Hulu Ulama regarding the Appointment of Clan Parents as a Condition for Malay Traditional Marriage

Regarding the phenomenon of the tradition of appointing parents from the same family as a condition for traditional Malay marriage in Rokan Hulu Regency, the author tries to research further what the legal views of Ulama in the area are regarding this tradition. Researchers have conducted several interviews with ulama in this area, to find out their opinions.

The following is the view of the Rokan Hulu Ulama regarding the phenomenon of appointing parents from the same clan as a condition for Malay traditional marriage as follows. Ustadz M. Hanafi explained:

"The recent phenomenon that has occurred in the Rokan Hulu community, especially the Malay traditional community which strongly adheres to its customs, is related to marriage, where marriage is a sacred thing or is serious in carrying out it. "This happens to local people who think that appointing parents from the same clan to local parents can have a special emotional impact on those who want to get married (Interview with M. Hanafi, 2024)."

Changing cultural phenomena, which begins with a mental change in viewing things, takes time. Therefore, several alternatives are offered in studying law there is no longer a known law regarding the appointment of parents in this marriage except based on Islamic law, including: first, through education by providing in-depth material about marriage, it can change the culture that has existed for a long time, starting with education, because education is a tool for transfer the norms of society, their knowledge, and abilities. secondly, influential ulama, lecturers, preachers religious figures should convey the law regarding the appointment of clan parents so that the public knows about this matter. Don't prohibit something even though it has no basis originating from the Koran, Sunnah, or the opinions of ulama.

As a result of the appointment of parents of the same clan as a condition for the validity of the marriage.

"The first case, I heard from one of the people who was prevented from holding a wedding due to the absence of local parents who were reluctant to make him the surname parent for him because of his bad past in the local area. So they took an alternative route by just getting married at the KUA without the presence of a *walimatul ursy*. "The consequences resulting

from these customary rules are people who are open to (modern) thought patterns, making this a problem, so this phenomenon is the strongest."

"There are many things that arise as a result of these customary rules, for example, those who do not have parents from the same clan, of course, look for alternatives that can plunge them into the valley of inevitability, such as adultery, elopement, and others. In this way, of course, traditional leaders must be wiser in making and implementing rules, however, from another point of view, some things are beneficial, such as preserving Malay cultural traditions so that they are not eroded by time, the existence of an inner bond between parents and their children so that it is clearer and more felt. awake, the child who will be married" (Interview with Ali Syukron Imron, 2024).

The prohibition of marriage before the adoption of clan parents in Malay customs in Rokan Hulu makes it difficult for people who want to get married. Of course, this is not following sharia principles. Marriage is something recommended by Islam, which has religious value as worship of Allah and following the sunnah of the Prophet. And marriage is something that Allah SWT likes. Because marriage can prevent people from committing adultery.

Thus, traditional leaders should be wiser in implementing the rules regarding the removal of clan parents as a condition for Malay traditional marriage in Rokan Hulu.

On the one hand, these rules are true for the purpose and good of preserving these cultural traditions so that they are not eroded by time. However, traditional leaders also have to search for another alternative if there is a rejection of the appointment of adoptive parents so that they can hold weddings in accordance with the provisions of Islamic law instead of giving them sanctions such as not being allowed to hold weddings/*walimatul ursy* in that area. Remembering the expression "Tradition is independent of syara', syara' is based on the Book of Allah, Adat is based on Islamic Sharia, and Islamic Sharia is based on the Koran itself, not the other way around.

Appointment law you know your family.

"Actually, in the phenomenon of adoption of clan parents, there are two legal perspectives from the perspective of Islamic law. If the intention is to appoint family parents as an alternative way to preserve local cultural customs, not as a form of coercion, I consider it a positive thing if the appointment is based on strengthening ties between local parents, emotional ties, a sense of belonging to customs that must be preserved without coercion then the law is *Mubah*. "It is haram for those who force themselves to have their parents removed

as a condition of marriage, this second thing is what violates the rules of the Sharia itself" (Interview with Hilman Rofli Siregar, 2024).

"Furthermore, in the appointment of clan parents, in my view as a religious leader, this is something that we must eliminate quickly, this phenomenon has been going on for a long time, or in simple terms it has become ingrained in the Rokan Hulu community, especially Malay traditions. I believe that, if the appointment of parents from the same clan is a condition for the validity of a marriage, then it is Haram in the view of Islamic law because it is clear in the Al-Quran and Sunnah what the pillars and conditions of marriage are, and who all are prohibited from marrying. It is regulated in the Koran and Sunnah. Even if a habit is seen as urf then letters like this are considered to be bad habits or urf fasid (Interview with Hilman Rofli Siregar, 2024).

Then from the statement above regarding appointment, the clan's parents are not in line with Allah SWT says:

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ ۗ هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ ۗ

"and strive in the way of Allah with true jihad. He has chosen you and He has never made things difficult for you in religion."

إِنَّ الدِّينَ يُسْرٌ وَلَنْ يُشَادَّ الدِّينَ أَحَدٌ إِلَّا غَلَبَهُ فَسَدِّدُوا وَقَارِبُوا وَأَبْشِرُوا ۚ وَاسْتَعِينُوا بِالْغَدْوَةِ وَالرُّوْحَةِ وَشَيْءٍ مِنَ الدَّلْجَةِ

"Indeed, religion is easy. And forever religion will not burden someone but make it easier. Therefore, straighten up, get close, and give good news! Ask for help early in the morning, during the day during rest time, and early in the evening (Jannah, 2019)."

So, Malay customary law regarding appointing parents from the same clan when marrying within the same clan is certainly not in line with Maqoshid Sharia because they both prevent *mudorot*. According to Islamic law, rejecting decline is a necessity. And before the decline comes, it must be prevented first. Usul fiqh rules explain it:

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Rejecting setbacks takes precedence over taking advantage."

With the supporting arguments and statements of the ulama above, there is no legal consensus the Sharia and customs in this discussion are in the view of the Rokan Hulu ulama who agree to reject the shari'a or haram regarding the appointment of parents of the same

clan as a condition for Malay traditional marriage. In general, Malay customary law which prohibits marriage before the adoption of parents from one clan is contrary to Islamic law, because the purpose of the prohibition is that it can have a bad influence (immorality).

In the previous discussion, it was explained what the legal requirements for marriage are according to Islamic law. Therefore, it is very clear what prohibitions are regulated by lawsharia' on marriage (Henani, 2016). Based on Surah An-Nissa verse 23 which discusses women who are forbidden to marry, which includes temporary marriage prohibitions as follows: a). Wife who has been divorced three times; b). Because it is still in iddah; c). Gathering two mahram women; d). Marry a slave; e). Number of wives; f). Marry someone else's wife; g). Marry a polytheist woman and a person of the book. Meanwhile, the prohibition on marriage is forever due to the existence of a relationship, a). lineage or hereditary relationship; b). *Mushahahar* or semenda; c). *Radha'ah* or consanguineous relationship (Cinta, 2014).

In the information above, as regulated in Al-In the Qur'an and As-Sunnah, there are no rules that prohibit marriage with other tribes without clans and appointing parents from the same clan as a condition for marriage, as is the tradition found in the Rokan Hulu Malay tradition of marrying into a Malay tribe. However, in this customary law, the prohibition on marriage before the marriage of the parents of the clan (Malay tribe) is a cultural tradition handed down by ancestors from generation to generation that must be obeyed and has become a custom of the Malay traditional community to this day (Fierera, 2018). The rules of jurisprudence made by some scholars relating to custom are:

العَادَةُ مُحَكَّمَةٌ

"Customs can be established as law."

Based on the fiqh rules above, it can be explained that the necessity of appointing parents from the same clan is a condition for Malay traditional marriage. Most of these indigenous peoples still adhere to the prohibition on marriage before the appointment of clan parents. So the researcher will analyze the prohibition on marriage before the adoption of clan parents from the perspective of Islamic law using methods *istinbath* law. In this way,

we can find out the reality of the customary prohibition on marriage before the appointment of parents of the same clan in Malay customs, especially in the Rokan Hulu Regency.

In understanding as well *bat* According to the law, several requirements are set to receive the *urf*:

1. *Urf* is beneficial and can be accepted by common sense. This requirement is a norm for valid customs or *urf*, as a requirement for general acceptance. The tradition of appointing clan parents as an absolute requirement for marriage in Malay customs in the Rokan Hulu district has a beneficial side, namely preserving the traditions and culture of the ancestors in that place which have been going on for a long time. This tradition recommends not marrying a man or woman who does not have the same surname as a form of cultural preservation. However, the sanctions given to customary violators cannot be accepted by common sense. Because prohibiting marriages before the parents are appointed, this is not in line with religion and law (Kalaloma, 2016).
2. *Urf* must be general, apply to all events or be generally applicable. In essence, the implementation of the tradition of appointing one's clan parents according to Malay customs in the Rokan Hulu district is generally accepted because most of the residents are advised not to marry off their descendants before the adoption of the same clan parents.
3. *Urf* does not conflict with existing Islamic propositions or contradict definite principles. This requirement strengthens the realization of authentic *urf* because if the *urf* contradicts the text or contradicts clear and definite Sharia principles, then it is considered a falsified *urf* and cannot be accepted as a postulate for legal determination. If we look at it, the *urf* prohibiting marriage without clans and with the appointment of parents from the same clan as an absolute requirement is not following Sharia principles as this *urf* brings more harm than good (Gaol, 2021).

Based on the terms *urf* above, then the Malay customary tradition of appointing clan parents does not qualify as *urf*. The reason why this *urf* is said to be a habit that violates the Islamic law is because this *urf* forbids something that is permitted by the sharia. Namely prohibiting marrying someone who has no obstacles to marrying. And if someone violates

these customary laws, they will be given sanctions in the form of a prohibition on the marriage being held because the couple has violated these customs. Because indeed Allah always makes things easy and does not make things difficult for His servants.

As the word of AllahSwT in Qs Al-Hajj:78:

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ ۗ هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ ۗ

“and strive in the way of Allah with true jihad. He has chosen you and He has never made things difficult for you in religion.”

According to the researcher's analysis, the prohibition on marriage before the appointment of parents from the same clan in Malay customs in Rokan Hulu makes it difficult for people who want to get married. Of course, this is not following the principlesharia'. Marriage is something recommended by Islam, which has religious value as worship of Allah and following the sunnah of the Prophet. And marriage is something that Allah SWT likes. Because marriage can prevent people from committing adultery.

Therefore, the tradition of appointing a male or female from the same clan as a male or female, which must be carried out by Malay custom, can be said to be something that violates the provisions of Islamic law. The ulama has agreed that a legal marriage must fulfill the pillars and conditions that can be used as a legal basis and can be made proof in establishing Islamic law (Ammar et al., 2023). So the researcher believes that this phenomenon is of no benefit to Muslims and brings harm or difficulties, and it is not necessary to maintain it, because maintaining it means opposing the propositions of Sharia' or canceling the propositions of Sharia.

CONCLUSION

Based on the results of this research, the author concludes that the Rokan Hulu ulama agree and disagree with the appointment of one's parents as a condition for marriage because it is contrary to Sharia law and makes it difficult for someone who wants to get married, then

this tradition only applies in the Rokan Hulu area and does not apply universally to the Ummah. Islam thus deserves to be disapproved by the ulama.

Then the author suggests that this should not be used as a condition for marriage because many clerics do not agree, the Islamic religion in the KHI and the state regulations law also do not require it, because apart from the ulema not agreeing it is considered not in accordance with the Sharia, it is also not in the state regulations and even This condition is inconvenient for citizens.

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