



IMPLEMENTATION OF MARRIAGE PROPOSAL PRACTICES DURING RAMADAN IN TAPA DISTRICT: AN ISLAMIC LEGAL PERSPECTIVE

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Abstract: This paper aims to examine the practice of Marriage proposal during Ramadan in the Tapa District. The approach used in this study is a normative sociological approach, which involves observation, interviews, and document processing. This involves oral question-and-answer sessions with informants conducted directly with the research objects. Marriage proposal is a traditional custom that has been practiced by the people in Tapa District for a long time. The Marriage proposal process begins when a man proposes to a woman during Ramadan or around this period. During Ramadan, the man requests or "momutu" (relieves) the responsibility from the woman's parents or family by delivering the woman's needs for suhoor, iftar, clothing, and Eid needs. This process can be carried out with the involvement of the "utolia" (customary leader) or just between the two families involved in the proposal. The delivery of these needs, or Marriage proposal, is not solely based on the woman's request but also considers the man's capability. From the perspective of its object, the implementation of Marriage proposal falls under "al-urf al-amali," a customary practice related to civil transactions recognized by society. In terms of its scope, Marriage proposal is considered "al-urf al-khas," a custom that applies only in a specific place and is not known elsewhere. In this case, it is a tradition for the people in Tapa District. Regarding its validity from an Islamic legal perspective, the practice of Marriage proposal is classified as "al-urf al-shahih," a custom that does not contradict the Quran and Sunnah, does not legalize what is forbidden, does not negate obligations, does not eliminate benefits, and does not cause harm to society. For instance, giving gifts such as clothing and jewelry to a woman who has been proposed to is considered acceptable.

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Keywords: Marriage proposal, Ramadhan, Islamic Legal Perspektiv

Abstrak: Tulisan ini bertujuan untuk meneliti praktik lamaran perkawinan selama Ramadan di Kecamatan Tapa. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan sosiologis normatif, yang melibatkan observasi, wawancara, dan pengolahan dokumen. Pendekatan ini mencakup sesi tanya jawab lisan dengan informan yang dilakukan langsung dengan objek penelitian. Lamaran perkawinan adalah kebiasaan tradisional yang telah lama dipraktikkan oleh masyarakat di Kecamatan Tapa. Proses lamaran perkawinan dimulai ketika seorang pria melamar seorang wanita selama Ramadan atau sekitar periode ini. Selama Ramadan, pria tersebut meminta atau "momutu" (melepaskan) tanggung jawab dari orang tua atau keluarga wanita dengan mengantarkan kebutuhan wanita tersebut untuk sahur, buka puasa, pakaian, dan kebutuhan lebaran. Proses ini dapat dilakukan dengan melibatkan "utolia" (pemangku adat) atau hanya antara kedua keluarga yang terlibat dalam lamaran. Pengantaran kebutuhan ini, atau lamaran perkawinan, tidak semata-mata berdasarkan permintaan wanita tetapi juga mempertimbangkan kemampuan pria tersebut. Dari segi objeknya, pelaksanaan lamaran perkawinan termasuk dalam "al-urf al-amali," yaitu kebiasaan yang berkaitan dengan transaksi sipil yang dikenal oleh masyarakat. Dari segi cakupan, lamaran perkawinan dianggap sebagai "al-urf al-khas," yaitu kebiasaan yang hanya berlaku di tempat tertentu dan tidak dikenal di tempat lain. Dalam hal ini, merupakan tradisi bagi masyarakat di Kecamatan Tapa. Mengenai keabsahannya dari perspektif hukum Islam, praktik lamaran perkawinan diklasifikasikan sebagai "al-urf al-shahih," yaitu kebiasaan yang tidak bertentangan dengan Al-Quran dan Sunnah, tidak menghalalkan yang haram, tidak menghapus kewajiban, tidak menghilangkan manfaat, dan tidak menyebabkan bahaya bagi masyarakat. Misalnya, memberikan hadiah berupa pakaian dan perhiasan kepada wanita yang telah dilamar dianggap dapat diterima.

Kata Kunci: lamaran perkawinan, Ramadhan, Perspektif Hukum Islam

Introduction

Islam is not a religion that emerged instantly. Its presence is marked by a progressive history. Islam did not arrive in an empty space or on a blank slate. Its emergence did not negate previous Abrahamic religions or eradicate local Arab traditions but sought to provide new norms and morality to those local values. While accommodating and acculturating some local cultures, Islam also introduced more objective standards. The above facts underscore Islam's wisdom in dealing with local cultures and

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traditions, not as a sign of deficiency requiring other means.¹ Under the Prophet Muhammad SAW, Islam engaged in tolerant dialogue with local cultural realities without losing its identity.²

In Islam, there is a tradition known as "khitbah," which is a preliminary step towards marriage. Engagement (proposal) is conducted as a formal request to a woman to become a future wife or through her guardian. After this, it is considered whether the proposal can be accepted or not. Sometimes, the proposal is merely a formality because the man and woman have already known each other. In other cases, the proposal is an initial step, and the couple might not know each other well, having been introduced by friends or family.³ Proposals are a common pattern in society, meaning they can be found in every community (customary law) in Indonesia. The method used in proposing essentially shares similarities, though the differences lie in the tools or means supporting the proposal process. Customs and traditions contain values and norms essential for seeking life balance. These values and norms are formed to suit the local community, eventually becoming customs. Various traditional ceremonies in society generally reflect noble values.⁴

Tradition or custom, as defined by Koentjaraningrat, equates tradition with custom. Customs are the ideal forms of culture that act as behavioral guidelines because they regulate behavior. Customs cannot be separated from daily life, including religious-magical customs in communities with customary law. These encompass cultural values, legal norms, and interrelated rules, forming a system or tradition. Thus, customs are closely related to ethnic groups or tribes in different regions, as they originate from the rules, customs, or traditions of the respective community.⁵

¹ Muhammad Syakir Alkautsar and Nurul Mahmudah, "Tradisi Colongan Suku Using Banyuwangi; Telaah Kebijakan Kepolisian Resort Banyuwangi Perspektif URF," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 5, no. 1 (2020): 63–78.

² Nurul Mahmudah and Syamsul Arifin, "ANALISIS PAKSAAN NIKAH DALAM PRAKTIK REK SEREK DI DESA KATOL BARAT KECAMATAN GEGER KABUPATEN BANGKALAN," *Al-Mizan (e-Journal)* 19, no. 1 (2023): 61–78.

³ Muljan Muljan et al., "Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law," *El-Ussrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 110–27, <https://doi.org/10.22373/ujhk.v7i1.22482>.

⁴ Nancy Dela Oktora, Muhammad Yusuf Putra, and Nurul Mahmudah, "Family Harmony in Implementation of Pohutu Moponika Tradition in Gorontalo City in the Perspective of At-Thufi's Maslahah," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, Dan Keagamaan* 8 (2021): 103–20.

⁵ Muhammad Syakir Al Kautsar and Fathul Mu'in, "AS-SHARIA MAQASHID REVIEW OF MARRIAGE AGE LIMIT IN LAW NUMBER 16 YEAR 2019," *Al-Mizan (e-Journal)* 18, no. 1 (2022): 123–38.

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Over time, although recognized in Islam, traditions in a country can evolve, decrease, change, or disappear, depending on whether the next generation preserves them. Various traditions in Indonesia, differing in each region, highlight the significant role of tradition in society. Islam does not prohibit traditions unless they contradict its teachings. One preserved tradition is the traditional wedding procession.

Customs are highly esteemed norms in a community, instilling strong belief in Allah's omnipotence, who created humans perfectly. Customs reflect culture with noble values, functioning as etiquette to guide, control, and direct individual behavior in society. Therefore, the customs of Gorontalo, part of the national culture, need to be nurtured and preserved to support national goals, as outlined in Article 32 of the 1945 Constitution regarding national and regional cultural development. Marriage is sacred and valuable, leading to various traditional processes to preserve the sacredness of the marital bond. Marriage is a religious activity, structured according to the Quran and Sunnah.⁶ However, in customary communities, religious activities are enveloped in traditional customs, enhancing the beauty and sanctity of the marriage. Many moral messages can be derived from traditional marriage customs, essential for establishing marital bonds, as seen in Tapa District's traditional wedding customs.⁷

In Tapa District, the proposal process is a pre-wedding step conducted by families, adhering to long-standing local traditions. The community views customs as a set of norms and rules designed by their ancestors to regulate human relations and interactions. These customs remain influential in wedding processes, only carried out during specific events, such as the "Marriage proposal" custom. Marriage proposal is a unique and sacred tradition maintained in Tapa District, involving delivering the bride's needs during Ramadan. This tradition underscores the groom's responsibility to provide for the bride's needs for iftar, suhoor, and Eid clothes, reflecting a deeply rooted cultural practice.⁸

Interviews with local customary leaders in Tapa District reveal that the Marriage proposal tradition predates current practices, serving as a cultural norm for engaged couples. This tradition requires the groom to provide all necessary items for

⁶ Eko Rial Nugroho, Bagya Agung Prabowo, and Rohidin Rohidin, "Granting of Property During Marriage as an Inherited Property in Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 310–25, <https://doi.org/10.22373/ujhk.v7i1.22875>.

⁷ Abdur Rahman Adi Saputera, Mohamad Ramdan Suyitno, and Muhammad Syakir Alkautsar, "Analisis Konsikwensi Terhadap Kelemahan Konsep Akad Dalam Kompilasi Hukum Ekonomi Syariah," *Nizham: Jurnal Studi Keislaman* 8, no. 02 (2020): 216–33.

⁸ Nurul Mahmudah et al., "Hukum Wadh'i Dalam Sinkronisasinya Dengan Hukum Taklif," *El-Ahli: Jurnal Hukum Keluarga Islam* 1, no. 2 (2020): 82–100.

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the bride during Ramadan, symbolizing his responsibility despite not yet being married. Given the phenomenon and reality of Marriage proposal in Tapa District, this research titled "Implementation of Marriage proposal Practices During Ramadan in Tapa District: An Islamic Legal Perspective" aims to provide a clearer understanding for the public.

The type of research conducted by the author is qualitative and holistic, requiring adaptation to field phenomena. It is based on empirical facts experienced, heard, and seen in accordance with field realities. According to Soetandyo Wingjosoebroto, as quoted by Bambang Sunggono in his book, research aims to discover theories regarding the occurrence and functioning of law in society.

An approach relates to how one views and addresses an issue according to their discipline. The approach used in this research is a Normative Sociological approach, involving observation, interviews, and document processing. The data obtained in this research are not numerical but analyzed using words. This approach is chosen based on the need for information on the analysis of the concept of Marriage proposal practices during Ramadan in Tapa District. This research is conducted in Tapa District because the community there still practices the traditional Marriage proposal. The reasons for choosing this location are: The research location aligns with the research objectives and is relevant for uncovering issues related to the planned study. It provides an overview of the issues to be researched.⁹

The data sources used in this research consist of primary and secondary data. The main data source is the words or actions of observed or interviewed individuals. In this case, the primary data comes from the community in Tapa District. The primary data collection technique involves interviewing informants, including local traditional leaders and community members. These are data provided by others, such as official documents, books, research reports, diaries, and so on. Secondary data are obtained from secondary sources as a complement, including books related to the

⁹ "Buku Metodologi Penelitian Kuantitatif Pdf - Penelusuran Google," accessed May 7, 2024, [<https://ejournal.iaingorontalo.ac.id/index.php/jiflaw>](https://www.google.com/search?q=buku+metodologi+penelitian+kuantitatif+pdf&sca_esv=be445f0cc062ab15&sxsrf=ADLYWIJsm_hFeRKRx0hR4W_0ZqWTof3_Gw%3A1715019355144&ei=Wx45Z027CMva4-EPvbeTiA8&ved=0ahUKEwjN1Mj70PmFAxVL7TgGHb3bBPEQ4dUDCBA&uact=5&oq=buku+metodologi+penelitian+kuantitatif+pdf&gs_lp=Egxnd3Mtd2l6LXNlcniAikmJ1a3UgbWV0b2RvbG9naSBwZW5lbGl0aWFuIGt1YW50aXRhdGlmIHhkZjJfEAAyYgAQyBhAAGBYHjIGEEAYFhg eMgYQABgWGB4yCBAAGIAEGKIEMggQABiABBiiBDIIIEAAyYgAQYogRI7RRQrQtYmBJwAXgBkAEAmAGuAaABiQsQaQMwLjS4AQPIAQD4AQGYAgWgArEFwgIKEAAySAMY1gQYR8ICDRAAGIAEGLADGEMYigXCAgUQLhiABMICChAAGIAEGEMYigWYAwCIBgQGBgQSBwMxLjSgB5we&scient=gws-wiz-serp.</p>
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research theme, such as taboos on marrying in certain months, and other supporting information.

The data needed in this research are collected using various methods and appropriate techniques. The data collection technique is designed to gather objective data from the research sources. The techniques used include: Collecting data through direct observation or careful examination, noting emerging phenomena, and considering the relationships between aspects of the phenomenon. The researcher participates directly in the field to observe various conditions regarding the taboo of marrying in certain months. To analyze the collected data, the author uses an Inductive analysis method, studying the direction of reasoning from specific instances to draw general conclusions. This method involves analyzing community thoughts on the Marriage proposal tradition for grooms proposing during Ramadan, ultimately building a general conceptual synthesis.¹⁰

Discussion

Islamic Legal Analysis of the Marriage proposal Practice

The Marriage proposal tradition is performed at the bride's home during the proposal. This discussion presents data obtained from interviews conducted by the author in Tapa District, Tapa Bolango Regency. To better understand the implementation of the Marriage proposal tradition during Ramadan.

Arten said "Marriage proposal is a traditional practice for men proposing during Ramadan. The groom provides supplies for the bride throughout Ramadan, including food for sahur and iftar, and new clothes for Eid. This tradition signifies the groom's responsibility and seriousness in his proposal." Salman Al Farisi said (Traditional Leader and Imam) "Marriage proposal originates from the tradition of 'Momatata' u pilo' otaawa' (seeking clarity), where the groom's family formally presents gifts to the bride's family, marking the groom's responsibilities during Ramadan, including providing food and clothing."

Anton (KUA Staff) said that "Men proposing in the month of Sha'ban and marrying in the month of Zulqaidah are required to perform Marriage proposal, providing the bride with food and all necessities for Ramadan and Eid."

¹⁰ Al Kautsar and Mu'in, "AS-SHARIA MAQASHID REVIEW OF MARRIAGE AGE LIMIT IN LAW NUMBER 16 YEAR 2019."

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Indah Hippi Said (Community Leader) Marriage proposal is an age-old tradition in tapa, requiring the groom to provide Ramadan supplies and Eid clothes for the bride if the proposal occurs during Ramadan." Ridwan (Adat Authority): "*Marriage proposal is a duty of the groom, ensuring the bride is well-cared for during Ramadan. While there is no formal punishment for non-compliance, societal expectations act as a strong motivator.*" Halid (Community Member) said "*Marriage proposal is a form of responsibility, although its practice varies among families today.*"

Among scholars of *usul fiqh* (principles of Islamic jurisprudence), a distinction is made between 'adat' and 'urf'. 'Adat' refers to something done repeatedly without a clear rational connection, while 'urf' refers to customs accepted by the majority of people, whether in speech or actions. Mustafa Ahmad al-Zarqa, a professor of Islamic jurisprudence at the University of Amman, Jordan, states that 'urf' is a part of 'adat', with 'adat' having a broader scope. Etymologically, 'urf' means something that is known. It is synonymous with 'adat', meaning custom or practice. Rahmat Syafe'i defines 'urf' as a state, expression, action, or provision that has become known to people and has become a tradition within society.

In terms of its object or form, 'urf' is divided into 'al-urf al-lafzhi' (customs in the use of certain words or expressions) and 'al-urf al-amali' (customs in actions or civil transactions). To ensure the juridical validity of an 'urf', scholars have set several conditions: the 'urf' must be generally applied, have become widespread before the issue arises, not contradict explicit agreements, and not contradict *nash* (texts of the Quran and Sunnah). Regarding its object, the practice of Marriage proposal falls under 'al-urf al-amali', which involves customary actions or civil transactions recognized by society. In terms of its scope, Marriage proposal is classified as 'al-urf al-khas', a custom that is only known and applied in specific locations, in this case, Tapa District.

In terms of its validity from a sharia perspective, the practice of Marriage proposal is considered 'al-urf al-shahih', a custom that does not contradict *nash* (the Quran and Sunnah), does not legalize the unlawful, does not annul obligations, does not eliminate benefits, and does not cause harm. For example, giving gifts such as clothing or jewelry to a betrothed woman.

The implementation of a custom or 'urf' can be accepted if it meets the following conditions:

1. It does not contradict sharia.
2. It does not cause harm and does not eliminate benefits.

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3. It is generally practiced by Muslims.
4. It does not apply to obligatory acts of worship (ibadah mahdah).
5. It has become widespread when its ruling is to be determined.
6. It does not contradict explicit statements.

In practice, the custom of Marriage proposal does not have negative impacts in the form of traditional punishments. However, there is social pressure on the family of the betrothed woman if it is not observed. From this, it can be concluded that Marriage proposal is a long-standing tradition in Tapa District, classified as 'al-urf al-amali'. This tradition has positive impacts on the community as it does not contradict the Quran and Sunnah and teaches responsibility and commitment in marital relationships.

Conclusion

Based on the research and discussion as outlined by the author in the previous chapter, the following conclusions can be drawn: Adati Marriage proposal is a deeply rooted tradition practiced by the community in Tapa District, passed down through generations and integral to local culture. The process of Marriage proposal begins when a man proposes marriage during Ramadan or after its conclusion, requiring him to provide essential items such as sahur and iftar provisions, along with clothing for Eid, to the woman he has proposed to. This act can be facilitated either by an 'utolia' (traditional mediator) or by the families involved, reflecting the man's capability rather than solely the woman's discretion. Although there are no formal penalties for failing to adhere to Marriage proposal, a man who neglects this tradition faces social stigma and emotional judgment from the community.

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