Analysis of the Legal Products of Marriage in the Muslim Community of Samawa Tribe, West Nusa Tenggara

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ABSTRACT

The Samawa tribe is a tribe that inhabits the Sumbawa region of West Nusa Tenggara. The sociocultural system of the Sumbawa Muslim community develops and is influenced by these migrants who become united based on mutual agreement. Based on this agreement, through the common principles of custom and culture that have merged, all forms of tradition and culture, including in terms of marriage customs, become one unit called adat tau Sumbawa or the customs of the Sumbawa people. The focus of attention in this study is what are the legal products of marriage in the Samawa Muslim Community in West Nusa Tenggara. The research uses a literature study as a study scalpel whose primary data is processed qualitatively with a descriptive-analytical method where it is sourced from books and journals related to the theme of analyzing the legal products of the marriage of the Samawa Muslim community in West Nusa Tenggara. This research found that the legal products of marriage in the Samawa Muslim community are Bajajak, Baka(toan, Basaputis, Nyorong, Barodak, Marriage Ceremony, Ngindring, and Basai'.

Keywords: Marriage, Muslim, Samawa Tribe, West Nusa Tenggara

INTRODUCTION

Islam legalizes a marriage when the conditions and pillars have been fulfilled, namely that the needs must be met: Muslim, reasonable, puberty, and physically and mentally healthy (Sugitanata, 2021). Then the pillars are that there is a prospective bridegroom, a prospective bride, a guardian from the bride’s side, two male witnesses, and an Ijab Qabul ceremony (Syarifuddin, 2006). The law of marriage in the realm of positive law is said to be valid by the rules of Marriage Law No. 1 of 1974, Article 2...
Paragraph 1, which states that a marriage will be good when it is in accordance with the laws of each belief, in this case, the religion of faith that the state has recognized (Ma’u, 2023).

From the brief explanation above, in terms of religion, each is only sometimes followed by its provisions. It’s based on the customs of the Muslim community that have taken root in the social life of the Muslim community, including in the realm of marriage (Idrus et al., 2023). Religion, especially Islam, facilitates marriage, but the traditions or customs that develop in the Muslim community make marriage difficult (Miftahuddin & Sugitanta, 2020).

These customs also apply to the Samawa tribe, an indigenous tribe on Sumbawa Island, West Nusa Tenggara. The traditions in the realm of marriage that exist in the Samawa Muslim community are still maintained today (2023). The rootedness of marriage customs in the Samawa tribe is not without reason because the Muslim community of the Samawa tribe had performed traditional marriage rituals when the Tau Samawa (Sumbawa people) were still Hindus. It’s based on the Majapahit kingdom’s strong influence, which believes that the spirits of the ancestors can fulfill various wishes and provide safety and sustainability in building a household ark (Ardiansyah, 2022).

The belief embedded in the practice or procession of traditional marriage in the Samawa Tribe is that not carrying it out will give birth to disaster and illness for the family, especially the couple who are getting married, such as deafness and itching on the skin. It’s based on disrespect for the legacy passed down by the ancestors (Ardiansyah, 2022).

Talking the traditional wedding procession of the Samawa tribe has always been an attraction that can continue to be studied, such as in the research of Miftahuddin and Arif Sugitananta, which describes the philosophical values of Barodak Rapanca in the Bale Brang Community of the Samawa Tribe (Miftahuddin & Sugitanta, 2020). With the same theme of Barodak Rapanca, Novi Widy Utami explains the traditions born by the people of Sumbawa towards implementing Barodak Rapanca in the Sumbawa wedding custom (Utami, 2016). Dinna Eka Graha Lestari, who explained the origin of the pangantanggindring tradition in the traditional wedding ceremony of the Samawa tribe (Lestari, 2020). In their research, Aswar Tahir, Aka Kurnia SF, and Merry Karlina Ashari explain the Bakatoan tradition, a cultural group communication in Samawa tribal marriage (Tahir et al., 2022). Fatihatul Anhar Azzulfa, in her study, has explained the dilemma experienced by the people of Sumbawa when marrying during the COVID-19 period (Azzulfa & Ananda, 2020). Previous studies clarify the position of researchers and add a novelty to previous research, namely analyzing what marriage legal products are born from the Samawa Muslim community.

RESEARCH METHODOLOGY

The scalpel of this research is a literature study, and the primary data is processed qualitatively with descriptive-analytical techniques. The aim is to provide a description and explanation by providing actual data facts related to the legal products of marriage in
the Samawa tribe. The primary data for this research is sourced from books and journals related to analyzing the legal consequences of marriage in the Muslim community of the Samawa tribe of West Nusa Tenggara. This study found that the legal products of marriage in the Samawa Muslim community are Bajajak, Bakatoan, Basaputis, Nyorong, Barodak, Marriage Ceremony, Ngindring, and Basai.

RESULT AND DISCUSSION

A snapshot of marriage law in general

From a linguistic point of view, the definition of marriage comes from the Arabic nakaha, which means marriage. In contrast, the purpose of marriage in terms of a contract is a contract that provides provisions for the permissibility of having husband and wife relations and fulfilling their respective rights and obligations (Al Qurtuby, 2022). Marriage is also seen as a misaqan ghaliza, or a strong relationship between husband and wife to realize a happy and eternal family life by religious and state norms (Mandailing, 2013).

Marriage can also be described as a legally recognized bond between a man and a woman. It means that the state must recognize the legal bond (Wulan, 2014). The relationship between husband and wife is also known as a private relationship in civil law. The marriage bond is described as a physical and mental relationship between two partners, a man, and a woman, to form an eternal and joyful family (Lathifah et al., 2022). To achieve lasting happiness, husband and wife must fulfill each other’s physical and spiritual needs (Nurbani, 2015).

Furthermore, the legal definition of marriage is contained in Article 1, Paragraph 1, of Marriage Law Number 1 of 1974 concerning marriage, which states that marriage is a physical and mental bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on God Almighty.

According to the "ushul scholars," there are three types of arguments regarding the meaning of marriage, namely:

a. According to Hanafi scholars, the essence of marriage is intercourse. In another sense, it means a contract or bond that becomes a means of legalizing and making it legal for two people, namely a man and a woman, to have relations.

b. The followers of Imam Shafi’i define marriage as the legalization of intercourse between two people, namely a man and a woman, upon the execution of a contract or bond.

c. According to the views of Ibn Hazm, Abul Qasim Azzajjad, Imam Yahya, and several scholars from among the followers of Abu Hanifah, marriage means union, which represents a contract and intercourse. (Shomad, tt).

Both husband and wife must develop physical and mental bonds in marriage (Dakhoir & Sa’adah, 2023). The physical bond is the tangible bond that binds husband and wife and the wider Muslim community. Meanwhile, because it involves a psychological connection, the inner bond is invisible. Husband and wife should admire, love, and respect each other without feeling forced. A forced marriage will not create an internal sealant. Consequently, a happy and lasting marriage should be based on these two relationships (Walgito, 2004).
Muhammad Syaifuddin expanded the relationship between husband and wife as a civil and customary bond. Marriage produces a bond between husband and wife and incorporates kinship, inheritance norms, neighborliness, and religious interactions, both between humans and God (worship) and between humans (muamalah) (Syaifuddin, et al, 2019).

The law governing the relationship between people is known as the law of marriage. The association includes the sharing of biological needs between a man and a woman and the rights and obligations that come with marriage (Abubakar et al., 2022). Allah has established this in His word: "And everything We have created in pairs, that you may remember the greatness of Allah." (Q.S Az-Zariyat (51): 49).

Marriage, a highly recommended commandment, is permissible, but sometimes it can change according to the circumstances (Al-Hamdani, tt).

a. Obligatory

Marriage is obligatory for a person deemed to be physically and mentally capable. Therefore, this obligation can protect him from committing adultery or haram, which cannot be done except through marriage.

b. Haram

Marriage is forbidden for those who know that they are physically and mentally incapable of building a household, and there is a fear that they will not be able to fulfill their obligations and rights as a legal spouse.

c. Sunnah

Marriage is mustahabb for a person who is physically and mentally capable of restraining himself from committing sins, so in this case, it is highly recommended, and it would be better if he immediately entered into marriage.

d. Mubah

A permissible person cannot marry and whose desire to marry does not harm him, meaning that it is not obligatory or haram for him not to marry.

The Qur'ân and Hadith that serve as ibārah for the legal basis of marriage still require ijtihad from scholars on issues that do require solutions to obtain legal provisions (Bukido et al., 2023). For example, if a person desires to marry and fears that he will commit adultery if he does not, then it is obligatory for him to prioritize matching over performing Hajj. On the other hand, if he does not fear committing adultery, he must give precedence to performing Hajj (Ridwan, 2015). From the explanation above, it is clear that the law of marriage in Islam can sometimes change to become obligatory, haram, sunnah, or permissible according to the context of the situation and its benefits, or mafsadah.

Whether or not a legal action is valid is determined by fulfilling the terms and conditions of marriage, which are essential in determining the legal consequences. The two words have similar connotations since both refer to something that must be adhered to. A pillar is a component of the essence of something—the harmony inherent in its core. The presence of something is due to the fact of a post, and its absence is due to the lack
of a pillar; a pillar is similar to the presence of something. Unlike conditions, conditions are included in the content of the essence of something; even if something exists without impediments, its importance is ignored. Specific criteria are related to the pillar because they apply to everyone (Syarifuddin, 2009). The pillars of marriage are as follows (Rajafi, 2015):

a. The bridegroom
b. Bride
c. Guardian
d. Two witnesses
e. Shigat Ijab and Kabul

The following are the requirements for the prospective bride and groom, the guardian, witnesses, and Ijab Kabul:

a. Husband to be Requirements (Mansur, 2017)
   1) Male
   2) His identity must be clear; he is a man. So that there is no element of deception against his wife and family because there are several cases of women who disguise their identities as men.
   3) The prospective husband is Muslim
   4) He is not a mahram of his wife, and it is better to look for a husband outside his family so that his offspring will be a better generation and his family will grow.
   5) Capable (physical and psychological) The prospective husband must be physically and mentally healthy and not have a contagious, dangerous disease so that he can fulfill the needs of his wife and children.
   6) Unforced marriage should be based on mutual affection and love between the prospective bride and groom, not compulsion.
   7) Not being in a state of ihram (performing Hajj or Umrah).

b. requirements of a prospective wife
   1) The sex of the woman must be explicit; the prospective wife is a woman, and the person is known for sure. So that there is no element of deception for the future husband and his family because there are cases of men who hide their identity and disguise themselves as women.
   2) The prospective wife is Muslim.
   3) She is not a mahram of the husband-to-be, and it is better to look for a husband outside her family so that her offspring can be a better generation and so that there will be more members of her family.
   4) Able (physical and psychological) The prospective wife is physically and mentally healthy. She does not have a dangerous disease that can be transmitted, so that she can fulfill her wife’s and family’s needs.
   5) Marriage should not be forced but based on mutual love between the bride and groom, not coercion.
   6) Not being in the Iddah period
7) Not being the legal wife of another man
8) Not in a state of ihram

c. Conditions of guardian
1) In men, a woman is not eligible to be a marriage guardian and cannot perform the marriage herself.
2) The guardianship of a minor or a madman is invalid because it is not by the legal requirements for control of marriage. It is because custody aims to hand over the woman under his guardianship to a man considered capable of becoming her husband. (Sugitanata, 2021).
3) The guardian is a Muslim, so a non-Muslim guardian has a disability and cannot be the guardian of a Muslim woman. (Sanjaya dan Faqih, 2017).
4) It is outside the state of ihram for Hajj or Umrah.

d. Requirements of witnesses
1) Men. According to most scholars, the testimony of one man and two women is not valid because of the importance of the marriage process and because it is different from testimony in property transactions and judicial deposition.
2) The witnesses must be Muslims, and the testimony of a non-Muslim is not valid. It is the view of most scholars because the aim is to make the marriage known to other Muslims.
3) The testimony of a minor or a person who has lost his mind is invalid because their testimony is not about the importance of marriage. The purpose of the testimony is to publicize and honor the marriage.
4) Fair, because the fair nature of a witness is expected not to complicate his testimony because he will not lie about what he has witnessed so that the truth can be accounted for.
5) Physical health is being able to see and hear clearly to understand the speech of the party making the marriage contract. According to Imam Shafi’i, a conversation can be perfect when accompanied by direct viewing (Ali, 2007).

Marriage is also considered valid if it is carried out by the laws and regulations that apply in Indonesia (Barkah et al., 2023). Because marriage is a legal event, a valid marriage must also fulfill the requirements of legality and sharia that must be well prepared by the prospective bride and groom. Marriage must be good to meet the primary marriage criteria in religious and administrative terms (Mandailing, 2013).

Reinforced by the criteria for marriage outlined in Chapter II, Article 6 of the marriage law, namely:
1. To solemnize a marriage, the bride and groom must agree.
2. If one bride and groom are under 21, they must obtain formal consent from the Court.

Article 7:
1. Marriage is only legalized if the bride and groom are at least 19.
2. If there is a difference from Article 7, paragraph 1, the bride and groom’s parents must apply to the court for dispensation.
Marriage allows one to accept responsibility for oneself and one’s family (Darussamin et al., 2023). By getting married, one can avoid illicit sex or adultery. Worship is the most significant reason for marriage (Warman et al., 2023). Marriage shows that one has followed the guidance of Allah and the Sunnah of the Prophet (Mandailing, 2013).

The marriage law states in Article 1 that the purpose of marriage is "to form a happy and lasting family (household)," but the Compilation of Islamic Law (KHI) Article 3 states that the purpose of marriage is to realize a household life that is savannah, mawaddah, and rahmah. The essence of marriage is the creation of goodness and benefit as a foundation and direction in the household to achieve the ultimate goal, namely, the good of the world (fii al-dunny Hashanah) wrapped in worship to get the interest of the hereafter (file al-akhirah Hashanah) which is achieved together (Mandailing, 2013).

Marriage is more than just avoiding infidelity because marriage worth worship is a form of loyalty to Allah. Creating a sakinah family is a solid foundation for an extended and prosperous family. Prospective husbands and wives must understand the primary purpose of marriage because it is the basis for creating a successful and eternal family (M. Taufik, 2013).

Not all marriages can occur; there is the term prohibition in marriage, where a marriage prohibition is a ban on marriage between a man and a woman. According to Syarak, marriage prohibitions are classified into permanent and temporary. It is explained in Surah An-Nisa’s verses 23 and 24 of the Qur’an. Marriage prohibitions are classified into two types: permanent bans and temporary prohibitions. Permanent prohibitions are classified into three types, namely:

1. The birth of the relationship of nasab.
2. The labor of the ties of marriage.
3. The delivery of the relationship of breastfeeding.

Meanwhile, women who are still married to their husbands, marrying two sisters at the same time, women who are divorced bain (three), women who are in iddah, marrying more than four women, prohibitions due to different religions, bans due to adultery, and prohibitions due to being in ihram are eight types of temporary bans (Mardani, 2016).

Marriage prohibitions are also regulated in Article 8 of the 1974 Marriage Law, namely having a family relationship in a straight line of descent up or down, having a family relationship in a lateral line of descent, namely between siblings, between a person and his parents’ siblings and between a person and his grandmother’s siblings, having a marital relationship, namely in-laws and stepchildren as well as sons-in-law and mothers or stepfathers, being related by consanguinity, matrimonial relations, and marital relations, as well as marriage prohibitions according to their religion and or other applicable prohibitions (Anshori, 2011).

Marriage is prohibited not only to limit human interaction but also as a safeguard for human civilization, and these prohibitions are a preventive measure to prevent violations of the legal laws established by Sharia and agreed upon by society.
Genealogy of the Samawa Muslim Community of West Nusa Tenggara

The Samawa tribe is a tribe that inhabits the Sumbawa region, West Nusa Tenggara, until today (2023). The Samawa tribe itself is still based in the Sumbawa region and West Sumbawa Regency, where the original people of Sumbawa are referred to as Tau Samawa (Arsip Kabupaten Sumbawa, 2021). Based on historical research, Samawa comes from the Sanskrit word samava, which means pointing south, peaceful and a comfortable place (Zulkarnaen, 2015). The land of Sumbawa in the 15th and 16th centuries was known as the "rice island" based on rice barns. The rice island was a title given to the island of Sumbawa during the royal period based on the island of Sumbawa being a rice-producing region or granary with the support of fertile soil conditions (Zulkarnaen, 2015).

The original inhabitants of the Samawa tribe were those who used to come from the villages of Ropang, Lunyuk, and Batu Lanteh. However, they moved and mixed with migrants, making the northern coastline more densely populated (Mantja, 2021). Those who live in the mountains have different languages and types of characteristics from one community to another. But each of these differences can interact with their respective languages, with the coastal language as the language of unity. The wording of each community is Suri, Ropang, Lebah, Salesak, Beru, Dodo, Tanganam, Jelua, and Garenta. These languages exist in the Ropang, Lunyuk, and Batu Lanteh sections mentioned earlier (Mantja, 2021).

Sumbawa, as the original regional base of the Muslim community of the Samawa tribe, used to be the center of various immigrant tribes from the archipelago. Therefore, the socio-cultural system of the Sumbawa Muslim community developed and was influenced by these migrants, who became unity based on mutual agreement. Based on this agreement through, the common principles of customs and culture have merged so that all forms of tradition and culture that become one are called adat tau Sumbawa or adat Sumbawa people. (Mantja, 2021).

Legal Products of Marriage in the Muslim Community of the Samawa Tribe of West Nusa Tenggara

The legal product of marriage in the Muslim community of the Samawa tribe is still valid and continues to be preserved. Prospective couples must pass several stages to legalize marriage status. Both customary and religious. The legal products of marriage in the Samawa Muslim community can be described as follows:

1. **Bajajak**

   Bajajak is the initial stage in the pre-marriage process in the Samawa tribe. The bajajak process is interpreted as a period to get to know more about the background of the prospective bride by both the future groom and his extended family. Among the things that the male family will explore is the prospective bride’s status, namely whether there has been a proposal or not. The most important thing is also at this time, the male party will explore related to the offspring and personal conditions of the woman. If both parties are acquainted and agree, then the proposal process will continue. (Lestari, 2020).
2. **Bakatoan**

   The *bakatoan* tradition proposes the female party to her extended family. One form of this tradition is also called family tokal. That is, the prospective bride’s family consults to decide whether the man who comes to propose meets the bride’s and her family’s criteria. During the *bakatoan* event, the male party comes to the female party’s house with a sito. Sito is a symbol of approval by both parties given by the male party to the female party. For the people of Sumbawa, sito is a beautiful and meaningful object. In general, the male party brings kere alang as a sito. (Tahir et al., 2022).

3. **Basaputis**

   The next procession in the pre-marriage parade in the Sumbawa custom is basaputis. If, in the bakatoan procession, the bride’s family accepts the proposal from the groom’s family, the basaputis procession will follow. The activity in the basaputis traditional procession determines the number of penyorong. Penyorong includes all the needs needed during the marriage ceremony and wedding reception. These include the dowry, the amount of money, livestock, mattresses, cabinets, personal equipment for the bride-to-be, and all other ingredients for the cooking process during the event. The number of penyorong is determined based on the agreement of both parties. If the man’s family agrees to the amount determined by the woman’s family, the subsequent determination is related to the timing of the following wedding procession. However, if the male family feels that the proposed amount is too high, they may make an offer with reasonable considerations. So that it does not burden both parties (Tahir et al., 2022).

   The determination of the number of penyorong proposed by the woman’s family will consider the level of education and achievement of the bride-to-be and based on the economic condition of the groom-to-be. In addition, the number of penyorong also represents the size of the event to be held. (Rafsanjani, 2019).

4. **Nyorong**

   According to Rafsanjani (2019) the form of implementation of the nyorong tradition is that the prospective groom and his extended family come to deliver all the penyorong previously agreed upon in the basaputis procession. As for the implementation of the nyorong tradition, when the male party and extended family approach the residence of the female party, they will be accompanied and welcomed by the toto rantok tradition. Toto rantok means sounding rantok or traditional rice pounding tools with musical rhythms. But only after the prospective bridegroom and extended family opened the door to enter. Because there is a lawang rare (door opener of the female residence) that is still closed. So, the groom must rabalas lawas (reply to rhymes) first. The lawas (rhymes) are the key to opening the lawang rare (Sukardin & Suryaningsih, 2022).

   In the poetry of lawas in the Samawa tribe’s wedding customs, various views of life of the Sumbawa people are contained, namely belief in destiny, gratitude, purity, and sincerity. Specifically, in the lawas there is an expression of
gratitude to Allah SWT for the grace and various favors that Allah SWT has bestowed. One of them is the blessing of connecting with other believers through marriage. In addition, in the redaction of the lawas there is also an expression of feelings and desires and a sense of surrender to the decree of Allah SWT (Haryanti, 2016).

This nyorong event also greatly influences pre-marriage events because of the legal consequences arising from this nyorong tradition. If the nyorong procession is canceled, the excellent relationship between the two parties will be cracked. In addition, the cancellation of nyorong also has implications for the cancellation of the entire traditional wedding procession (Rafsanjani, 2019).

5. Barodak

The barodak tradition is a custom that has been passed down from the ancestors of the Samawa tribe. The barodak tradition is carried out during weddings and circumcisions. Barodak in the wedding custom is something that must be done. Whereas at circumcision events, barodak is only required for noble descendants. As for the ordinary community, it is returned to the internal family decision (Nuriatten & Kurnia, 2021). Barodak, in the Sumbawa language dictionary, means to coat the body with medicinal herbs for the bride and groom (Muis & Masnirah, 2016). The form of implementation of the barodak tradition is a scrubbing activity for the bride and groom using odak herb before the marriage contract is carried out. The odak concoction contains traditional ingredients from various types of trees that are pounded until smooth by Ina Odak (Atmojo & Wafa, 2022).

Furthermore, the tools and materials used during the barodak tradition are: sugar, coconut, pancar, frangipani flowers, banyan leaves, sapurancak flowers, pandanus, eggs, money, pumice stones, two bananas, moringa leaves, bidara leaves, jeringo, skur, gold, coconut flowers, areca nut flowers, cigarettes, and roasted rice. The water comes from various types of water: river water at the confluence of two rivers, mosque water, seven-step wave water, water carried by ships, and water at the intersection of river water and seawater (Ardiansyah et al., 2022). Regarding the implementation, some special people will put the odak concoction to the bride and groom, namely ina odak and mothers who are elders in the community. The number must be odd, namely 7, 9, 11, or 13 people. During the barodak procession, it will be accompanied by toto rantok or ratib rabana activities. It is also mentioned in the Samawa lawas (poem), which reads:

Rembang rantok tusanentek
Pamada adat barodak
Nyabit tangis Bahagia.

The Lawas means: the rhythmic sound of the rantok, a sign of the start of the barodak tradition, is greeted by tears of happiness (Wahid, 1885).
Implementing the barodak tradition is the same as praying for people so that in carrying out married life, it will last until death separates.

Furthermore, the barodak tradition is interpreted as an effort to pray for the bride and groom to achieve a Sakinah Mawaddah wa Rahmah family until the end of life. In addition, this tradition reflects the joy of welcoming marriage. Cause the use of this odak herb is a form of care for the skin and face of the bride and groom. So, the bride and groom look brighter and more radiant during the marriage contract and reception. In addition, the barodak tradition is also expected to produce peace of mind, body, and purity for the bride and groom. The people of Sumbawa also believe that implementing the barodak ritual can prevent the bride and groom from diseases and dangers, such as itching, trance, crying blood, and other strange conditions (Kussanti et al., 2022).

In addition, another meaning contained in the implementation of the barodak tradition is that the community strengthens brotherhood by staying in touch and helping each other between communities without considering positions and social classes (Ardiansyah et al., 2022).

6. **Marriage ceremony**

   The marriage ceremony is the core procession of a traditional Sumbawa wedding. It is because most of the Sumbawa community is Muslim, which makes the whole process carried out based on the provisions of Islamic law. The implementation of the marriage contract begins with the reading of the marriage sermon, Ijab Qabul, the task of prayers by religious leaders, and a Thanks giving meal together (Lestari, 2020).

7. **Ngindring**

   Menurut Lestari (2020) Ngindring tradition is motivated by the habit of making arranged marriages for prospective brides, which causes the two parties not to know each other. In the ngindring procession, there is a sentek kemang or bajalak stage, which means that the groom-to-be interrupts the forehead of the bride-to-be using flowers. It is expected to be an effort to unite the hearts of the two prospective brides because, previously, there was no sense of love between the two parties. Therefore, the procession of introductions in the ngindring tradition is a preventive effort against the emergence of conflict and divorce. In ancient times, this ngindring tradition was that the bride and groom were paraded around the village to ask for advice from the nobility and elders.

   In ancient times, the ngindring tradition was that the bride and groom were paraded around the village to ask for advice from religious leaders, traditional leaders, and nobles. However, nowadays, there has been a shift in the ngindring procession. The bridegroom picks up the bride by riding a horse or in a sompo. Then they go to the location of the wedding reception together. When Nyindring is preceded by the sound of Ratib rebana ode in the front row, at the same time, the bride and groom will be pelted with Pamongka. Pamongka is a pot made of clay used to cook rice by the Sumbawa people in ancient times (Lestari, 2020).
8. **Basai’**

Basai’ in the Sumbawa language dictionary means mixing accompanied by a wedding reception. (Muis & Musnirah, 2016). The Basai’ tradition is a post-procession. In general, the Basai’ event begins with reciting the holy verses of the Qur’an, opening by the chairman of the committee, delivering the contents of the family’s heart, entertainment, and closing. The delivery of the contents of the family’s heart will be represented by the village elder, who can convey marriage advice to the bride and groom. As for the entertainment program, the guests will be treated to entertainment in the form of Samawa traditional dance or modern music (Lestari, 2020).

The traditional wedding procession of the Samawa tribe is still preserved to this day. It is because the entire ritual is a legacy from the ancestors of the Sumbawa community and is beneficial for the community’s social life. Each tradition always uses verbal and non-verbal symbols that are rich in meaning. In addition, the whole series of customs is also an effort to realize a family that Sakinah Mawaddah wa Rahmah aspired to in Islam. (Ardiansyah, 2022).

The enactment of customary rules into a legal product of marriage in the Samawa community, which is born from customs as found, has a positive meaning. In Islamic contests, traditions are referred to as ‘Urf. ‘Urf can be translated as “custom.” Customary practices that do not contradict the Shariah are accepted (sahih). It is indicated that practicing such traditions does not lead to anything Shariah prohibits or causes harm. Conversely, if a community’s tradition contradicts the principles of Shariah or causes harm, it is considered fasid (wrong).

In the theoretical realm of Islamic law, community customs become an academic issue and, ultimately, a basis for deciding the direction. The concept of basing decisions on conventions and community customs includes several laws and regulations with different phrases. In the researcher’s opinion, it falls into the ‘Urf Shahih because it benefits the Samawa people. It is also based on the fiqh rules relating to ‘Urf on family law products in the Samawa tribe:

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استعمال النا س حجة يجب العمل به

Custom can become law (Dahlan, 2011)
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The meaning of the above rule is that something that has been done or done by many people, in this case, the Samawa people, is proof that the applicable rules can be the basis or argument to continue to be done. ‘Urf occurs because of correspondence between actions or words to provisions among the general public. Community habits are repeatedly made by the community and continuously done by them within a certain period or forever (Asnawai, 2011).
The steps that must be considered in knowing whether the legal products of the Samawa community marriage can use ‘urf as a legal foundation in shari’a law, mentioned by ushul scholars that there are four conditions that must be met as follows: First, ‘urf must be implemented by many people (the majority). Second, ‘urf stands and gives birth to an attitude with the purpose of customary law. Third, ‘urf does not give birth to misfortune, and fourth, ‘urf must not violate the arguments of syara’. These requirements can be used as a legal foundation that not all products of the Samawa community’s marriage law fall under the category of ‘urf shahih, but in the customary rules, there is a benefit mentioned above (Az-Zuhaili, 2005)

CONCLUSION

The Samawa tribe is a tribe that inhabits the Sumbawa region of West Nusa Tenggara. The Samawa tribe is still based in the Sumbawa region and West Sumbawa Regency, where the original people of Sumbawa are referred to as Tau Samawa. The original inhabitants of the Samawa tribe are those who used to come from the villages of Ropang, Lunyuk, and Batu Lanteh. However, they moved and mixed with migrants, which made the northern coastline denser. Therefore, the socio-cultural system of the Sumbawa Muslim community developed and was influenced by these migrants, who became unity based on mutual agreement. Based on this agreement, through the similarity of customary and cultural principles, all forms of tradition and culture, including marriage customs, became one unit called adat tau Sumbawa or the customs of the Sumbawa people. From this agreement, several products of marriage law emerged in the Samawa Muslim Community, starting from Bajajak, Bakatoan, Basaputis, Nyorong, Barodak, Marriage Ceremony, Ngindring, and Basai’.

ACKNOWLEDGEMENT

This research is the result of collaboration with peers independently between Heru Sunardi, Arif Sugitanata, and Siti Aminah without any funding assistance from any party, including institutions. This study states that on behalf of the authors Heru Sunardi as the first author, Arif Sugitanata as the second author, and Siti Aminah as the third author are true all three contributed and wrote to this research.

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