

## THE MERARIQ TRADITION IN SASAK WEDDINGS IN KALIJAGA VILLAGE A PERSPECTIVE BASED ON THE PRINCIPLE OF *AL-'ADAH MUHAKKAMAH*

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### Abstrak

This study aims to analyze and classify the practice of the *merariq* tradition in Sasak marriages in Kalijaga Village, Aikmel District, East Lombok Regency, West Nusa Tenggara, from the perspective of the legal maxim *al-'adah muhakkamah*. This research employed a qualitative approach using a field study design. Data were collected through online in-depth interviews, non-participant observation, and open-ended questionnaires administered to individuals who had participated in the *merariq* tradition as well as community members familiar with its implementation, selected through purposive sampling. The data were analyzed using the interactive model of Miles and Huberman, consisting of data reduction, data display, and conclusion drawing. The findings reveal that the *merariq* tradition in Kalijaga Village exhibits various forms of practice that continue to be recognized as part of the Sasak community's cultural tradition. In general, the tradition fulfills the criteria of *al-'adah muhakkamah* because it is practiced continuously and repeatedly, has been maintained across generations, and is carried out based on mutual community agreement. However, certain variations of the practice involve elements of *khabwah*, *ikhtilat*, and excessive premarital interaction that are inconsistent with Islamic law. Consequently, the application of the maxim *al-'adah muhakkamah* to the *merariq* tradition is partial and selective. This study contributes to the development of Islamic legal scholarship by proposing a classification of *merariq* practices based on the perspective of *al-'adah muhakkamah*, thereby distinguishing between practices that should be preserved, those that require modification, and those that should be abandoned due to their inconsistency with Islamic legal principles.

**Kata Kunci:** *Merariq* Tradition; Sasak Tribal Marriage; *al-'Adah Mubakkamah*

### Abstract

Penelitian ini bertujuan untuk menganalisis dan mengklasifikasikan praktik tradisi *merariq* pada pernikahan Suku Sasak di Desa Kalijaga, Kecamatan Aikmel, Kabupaten Lombok Timur, Nusa Tenggara Barat berdasarkan perspektif kaidah *al-'adah mubakkamah*. Penelitian ini menggunakan pendekatan kualitatif dengan jenis studi lapangan. Data dikumpulkan melalui wawancara mendalam secara daring, observasi nonpartisipatif, dan kuesioner terbuka terhadap pelaku tradisi *merariq* serta masyarakat yang mengetahui pelaksanaannya dengan teknik *purposive sampling*. Data dianalisis menggunakan model interaktif Milles dan Huberman melalui tahapan reduksi data, penyajian data, dan penarikan kesimpulan. Hasil penelitian menunjukkan bahwa tradisi *merariq* di Desa Kalijaga memiliki variasi praktik yang tetap dipahami sebagai bagian dari tradisi masyarakat Sasak. Tradisi tersebut pada dasarnya memenuhi kriteria *al-'adah mubakkamah* karena dilakukan secara kontinu dan berulang, telah berlangsung sejak lama, serta dilaksanakan berdasarkan kesepakatan masyarakat. Namun, beberapa variasi praktik mengandung unsur *khabwat*, *ikhtilat*, dan interaksi pranikah berlebihan yang bertentangan dengan syariat Islam. Oleh karena itu, penerapan kaidah *al-'adah mubakkamah* terhadap tradisi *merariq* bersifat parsial dan selektif. Penelitian ini berkontribusi dalam pengembangan kajian hukum Islam melalui penyusunan klasifikasi praktik tradisi *merariq* berdasarkan perspektif kaidah *al-'adah mubakkamah*, sehingga dapat dibedakan antara praktik yang layak dilestarikan, perlu diperbaiki, atau perlu ditinggalkan karena bertentangan dengan syariat Islam.

**Keywords:** Tradisi *Merariq*; Pernikahan Suku Sasak; *al-'Adah Mubakkamah*

## INTRODUCTION

Marriage in Islamic law is one of Allah's commands that legitimizes an intimate relationship between a man and a woman as a means of safeguarding oneself from zina (fornication) and other sinful acts that may lead to harm (*mafsadah*) (Az-Zuhaili, 2018). According to Article 2 of the *Compilation of Islamic Law*, marriage in Islam is a solemn and sacred contract that reflects obedience to Allah's command, and when conducted properly, it is regarded as an act of worship (KHI, 1991).

Indonesian society is a pluralistic society consisting of various ethnic groups and cultures. This diversity has made Indonesia rich in customs and traditions, where each ethnic group possesses distinct cultural practices, including marriage traditions (Iyut & Novianty, 2021). For example, the marriage tradition of the Osing people in Banyuwangi differs from that of the Javanese, just as the marriage tradition of the Balinese differs from that of the Sasak people who inhabit Lombok Island. The Sasak are the dominant ethnic group on Lombok Island, the majority of whom adhere to Islam (Budiwanti & Eidhamar, 2024). The Sasak people maintain a distinctive marriage tradition that continues to exist today, known as *merariq*.

Terminologically, *merariq* originates from the Sasak word *berariq*, which means "to run." *Merariq* carries two meanings. The first is "running away," which is its literal meaning. The second refers to the entire sequence of marriage ceremonies according to Sasak customary law (Triana et al., 2023). The *merariq* tradition is also frequently defined as the practice of elopement among the Sasak people of Lombok, namely the act of a man taking away the woman he loves without the knowledge of her parents. After this process, the woman is brought to the man's family residence to undergo the subsequent stages of the marriage ceremony. Consequently, this practice is understood as one of the stages leading to marriage within Sasak society, and it is commonly practiced by the predominantly Muslim Sasak community (Marzuqi & Trigiyatno, 2024). Based on this definition, *merariq* has two meanings: as the entire series of marriage ceremonies among the Sasak people and as the practice of elopement. However, in this study, *merariq* is not understood as the entire sequence of Sasak customary marriage ceremonies but is instead focused on its specific meaning, namely *merariq* as the practice of elopement, which is locally known as *merariq beseboq* or *memaling*.

Traditions practiced within society, including marriage traditions, are permissible as long as they do not contradict Islamic law. To assess whether a tradition is permissible, Islam provides standards capable of evaluating its conformity with the Sharia. One of the legal maxims (*qawā'id fiqhīyyah*) that can be used to assess the compatibility of a tradition with Islamic law is the maxim *al-'ādah muḥakkamah*. This maxim states that something that occurs repeatedly and is accepted by sound reason and human nature may serve as a basis for legal consideration (Kholid Saifulloh, 2020). The maxim *al-'ādah muḥakkamah* establishes the conditions that a tradition must fulfill in order to be consistent with Islamic law. According to this maxim, a tradition may be accepted and serve as a basis for social practice if it does not contradict the principles of Islamic law. Conversely, if a tradition contains elements that conflict with Sharia provisions or violate

religious teachings, such elements cannot be justified according to the maxim *al-'ādab muḥakkamah* and must be abandoned. Thus, this maxim serves as a benchmark for determining which aspects of a tradition may be preserved and which aspects need adjustment to align with Islamic teachings.

Having outlined the various definitions that form the conceptual foundation of this study, including the maxim *al-'ādab muḥakkamah* as a benchmark for measuring the compatibility of a tradition with Islamic law, it is important to examine how this benchmark interacts with specific traditional practices within society. One relevant custom for analysis is the *merariq* tradition among the Sasak people. This tradition is particularly interesting because, based on the definitions mentioned above, it can be inferred that the process creates opportunities for a man and a woman to be alone together (*khalwat*), whereas seclusion between a non-mahram man and woman constitutes an act that contradicts Islamic law. As stated in the following hadith:

لَا يَخْلُونَ رَجُلًا بِامْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ

“A man must not be alone with a woman unless she is accompanied by her mahram.” (Narrated by al-Bukhari, 1993)

Imam al-Nawawi explained this hadith by stating that if a man and a woman who are not mahram to one another are alone together (*khalwat*) without the presence of a third person, such an act is prohibited according to the consensus of scholars. Likewise, if the third person present is a small child who has not yet developed a sense of modesty, such as a two- or three-year-old child and the like, their presence is not considered valid and is equivalent to no one being present (An-Nawawi, n.d.).

In the practice of *merariq*, the process of taking the prospective bride may potentially create private interaction between the prospective bride and groom before the marriage contract (*akad nikah*) takes place. This is related to the nature of *merariq* as the practice of taking or “eloping with” a woman from the supervision of her guardian without involving a third party, as an initial stage of marriage (Rosdiana et al., 2018). Such circumstances open the possibility of *khalwat*, which conflicts with Islamic principles. Therefore, further study is required to assess whether the *merariq* practice can be categorized as a tradition worthy of preservation or whether it should be corrected or even abandoned.

Based on a review of previous studies, numerous studies have discussed marriage traditions, including the *merariq* tradition. Several studies relevant to this research are presented below.

First, a study conducted by Fathul Hamdani and Ana Fauzia in 2022 entitled “*The Merariq Tradition from the Perspectives of Customary Law and Islamic Law*” (Hamdani & Fauzia, 2022). Using a qualitative approach, this study examined *merariq* from two perspectives: customary law and Islamic law. The findings indicate that customary law and Islamic law are not contradictory but rather complementary in regulating marriage practices within society. This means that although marriage ceremonies are conducted according to local traditions, the validity of the marriage is

ultimately determined by Islamic legal provisions. The study also emphasizes that *merariq* is a longstanding tradition among the Sasak people and has become an integral part of their culture, while still adhering to Islamic law in its implementation.

Second, a study conducted by Triana Apriyanita, Ija Suntana, and Rahmat Syafe'i in 2023 entitled "*A Review of Fiqh Maxims on the Merariq Custom (Bride Kidnapping) in the Traditional Marriage Practices of the Sasak Ethnic Group*" (Triana et al., 2023). This study employed a normative juridical method with qualitative data and a literature review approach. The findings reveal that *merariq* is a deeply rooted tradition and an inseparable part of Sasak culture. Furthermore, the study concludes that Islam does not prohibit the practice of *merariq* because it fulfills the criteria of a commendable custom.

Third, a study conducted by Kholid Saifulloh in 2020 entitled "*The Application of the Maxim al-'Adab Mubakkamah in Determining the Amount of Dowry*" (Kholid Saifulloh, 2020). This qualitative study relied on data analysis derived from classical and contemporary literature. The findings indicate that a tradition may serve as a legal basis if it does not contradict the evidences that constitute the foundation of Islamic law, is practiced more frequently than it is abandoned, and is not opposed by any explicit statement from the practitioners of the tradition.

From the studies above, it can be concluded that numerous studies have examined the *merariq* tradition, and some have analyzed it from the perspectives of Islamic law and even fiqh maxims. However, none have critically analyzed and systematically classified the practice of *merariq* through the lens of the maxim *al-'adab muhakkamah*. Therefore, this study offers a more specific and systematic analysis of the *merariq* tradition based on the maxim *al-'adab muhakkamah*. Based on the discussion presented above, this study addresses three research questions: (1) How is the *merariq* tradition practiced in Sasak marriages in Kalijaga Village? (2) What are the criteria of a good tradition according to the maxim *al-'adab muhakkamah*? (3) How is the maxim *al-'adab muhakkamah* implemented in the *merariq* tradition of Sasak marriages in Kalijaga Village? The objective of this study is to analyze the practice of the *merariq* tradition among the Sasak people in Kalijaga Village and to classify it according to the maxim *al-'adab muhakkamah* in order to determine whether the tradition is worthy of preservation or whether it requires reform or even abandonment. Furthermore, this study is expected to provide the community, particularly the Sasak people of Kalijaga Village, with a better understanding of the Islamic perspective on the *merariq* tradition based on the maxim *al-'adab muhakkamah*; to serve as a reference for religious and customary leaders in responding to the practice of *merariq* so that it remains consistent with Islamic values; to foster legal awareness among the people of Kalijaga in preserving their customs without neglecting the provisions of Islamic law; and to help reduce potential social and cultural conflicts arising from differing perspectives between customary practices and Islamic law.

## **METHOD**

This study employed a qualitative approach using a field research design. The purpose of this approach was to obtain an in-depth understanding of the *merariq* tradition as practiced by the

Sasak community and to examine it through the perspective of the legal maxim *al-'ādah muḥakkamah*. The research was conducted in Kalijaga Village, Aikmel District, East Lombok Regency, West Nusa Tenggara Province, Indonesia, where the *merariq* tradition continues to be actively practiced.

The participants in this study consisted of community members who had personally experienced the *merariq* tradition as well as individuals who had frequently witnessed its implementation. Informants were selected using a purposive sampling technique, whereby participants were intentionally chosen based on specific criteria relevant to the objectives of the study, enabling the researcher to obtain information that was appropriate and meaningful to the research focus (Sugiyono, 2013).

Data were collected through online in-depth interviews, open-ended questionnaires, and non-participant observation of the research participants. To strengthen the findings, the study was also complemented by a normative analysis through a review of legal literature and Islamic religious norms related to the *merariq* tradition. Data validity was ensured through source triangulation, involving both practitioners and observers of the tradition, as well as methodological triangulation by comparing data obtained from interviews, observations, and questionnaires.

Data analysis employed the interactive model developed by Miles and Huberman (Sugiyono, 2013), which consists of three main stages. First, data reduction was conducted by selecting, simplifying, and organizing data obtained from interviews, observations, and open-ended questionnaires into three major categories relevant to the research objectives. Second, data display involved presenting the reduced data in the form of analytical narratives, tables, and diagrams to facilitate the identification of patterns and relationships among categories. Third, conclusions were drawn gradually and continuously verified through comparisons across data sources and observational findings to ensure the credibility and consistency of the results.

## RESULTS AND DISCUSSIONS

### The Practice of the *Merariq* Tradition among the Sasak Community in Kalijaga Village

The *merariq* tradition is one of the customary practices within the Sasak marriage ceremony that continues to be preserved by the people of Kalijaga Village. All informants interviewed in this study acknowledged the continued existence and implementation of this tradition. Based on the collected data, various findings regarding the practice of *merariq* were obtained. These data were subsequently reduced through a process of selection and categorization according to similarities in meaning and relevance to the research focus. The results of the data reduction indicate that the practice of *merariq* can be classified into three principal aspects: (1) the meaning of *merariq*, (2) the objectives of its implementation, and (3) variations in its technical implementation. These classifications provide the foundation for further analysis.

#### 1. The Meaning of the *Merariq* Tradition

The findings reveal that the community attributes two principal meanings to the *merariq* tradition. This is reflected in the statement of informant UZ, who, when asked about the

definition of *merariq*, responded by asking, “Which *merariq* do you mean?” This response indicates that the term *merariq* does not refer to a single, fixed concept but rather encompasses multiple meanings within the community.

This finding was further confirmed by informants HM and RH, who explained that *merariq* may be understood in two ways: first, as the entire sequence of Sasak marriage ceremonies; and second, as the process of bringing the prospective bride to the groom’s family before the marriage contract (*akad nikah*) is conducted. In its general sense, therefore, *merariq* refers to the overall marriage process, a definition consistent with that proposed by Triana Apriyanita and colleagues, who define *merariq* as the complete implementation of marriage according to Sasak customary law (Triana et al., 2023).

In its more specific sense, however, *merariq* refers to the process by which the prospective bride is brought by the groom’s party before the marriage contract takes place. In practice, this constitutes one stage within the broader sequence of marriage ceremonies.

Nevertheless, these differing meanings do not indicate divergent perspectives among community members. Rather, they reflect the contextual use of the term *merariq*. The community generally shares a common understanding that *merariq* encompasses both meanings: the overall marriage ceremony and the pre-marital process of bringing the prospective bride to the groom’s family. The variation arises primarily from the context in which the term is used. In line with the focus of this study, the subsequent discussion concentrates on the second meaning, namely *merariq* as the process of bringing the prospective bride before the marriage contract.

## **2. The Objectives of the *Merariq* Tradition**

As a pre-marital process, *merariq* is not merely regarded as a procedural stage in marriage but is also associated with several social and cultural objectives. The reduced data indicate that the objectives of *merariq* can be classified into four main categories.

### **a. Introducing the Prospective Bride to the Groom’s Extended Family**

One of the primary objectives of *merariq* is to introduce the prospective bride to members of the groom’s extended family, particularly those who may be unable to attend the marriage ceremony. This objective was expressed by informant RP, who stated that *merariq* is conducted “so that she can be introduced to members of the groom’s extended family who cannot attend the wedding ceremony.” Similarly, LN explained that the tradition is intended “to become acquainted with the future husband’s family.” These statements suggest that *merariq* functions as a mechanism for strengthening kinship ties and facilitating social integration between the two families.

### **b. Demonstrating Adherence to Customary Tradition**

Some community members practice *merariq* primarily as an expression of obedience to longstanding customary norms. This perspective is reflected in the statement of informant HH, who explained that he participated in *merariq* simply because he was “following the existing tradition.” This finding indicates a strong internalization of cultural values within the community. In such cases, *merariq* is practiced not necessarily due to specific practical considerations but

rather as a manifestation of collective cultural norms that have been transmitted across generations.

### c. Facilitating the Smooth Implementation of Marriage Ceremonies

Other community members perceive *merariq* as a practical strategy for ensuring the smooth execution of wedding ceremonies. Informant NF, for example, explained that the purpose of *merariq* is “so that during the marriage contract tomorrow everything will be well prepared and the ceremony can run smoothly.” This statement reflects the presence of practical and rational considerations underlying the tradition, particularly concerning time management, logistical preparation, and the efficient organization of wedding activities.

### d. Seeking Family Approval

The final objective identified in this study relates to obtaining family approval for the marriage. Informant UZ stated that *merariq* was carried out “because we were afraid of not receiving our family’s blessing.” This finding suggests that *merariq* may function as an alternative mechanism when prospective couples face potential resistance from family members. In this sense, the practice serves not only as a cultural tradition but also as a medium for social negotiation within family relationships. This dimension is consistent with the findings of M. Ali Marzuqi and Ali Trigiyatno, who note that *merariq* is often practiced by couples who encounter parental disapproval due to differences in social status, religious background, or ethnicity (Marzuqi & Trigiyatno, 2024).

## 3. Variations in the Technical Implementation of the *Merariq* Tradition

The findings further reveal that the implementation of *merariq* in Kalijaga Village varies considerably in its technical aspects. These variations include differences in the timing of the practice, the mechanisms used to bring the prospective bride, and the activities undertaken by the prospective couple during the process.

Such variations are influenced by the specific objectives motivating the implementation of *merariq* as well as by the individual understandings and preferences of the prospective bride and groom. Despite these differences, all informants agreed that the practice of *merariq* is fundamentally based on the mutual consent of both parties.

This finding indicates that *merariq* should not be understood as a unilateral act but rather as a socially recognized practice that derives its legitimacy from mutual agreement and community acceptance. Given these variations, the practice of *merariq* requires a more systematic analysis of its technical dimensions. Therefore, the following discussion examines three key aspects of its implementation: the timing of the practice, the mechanism of bringing the prospective bride, and the activities undertaken by the prospective couple during the *merariq* process.

### a. Timing and Mechanisms of Bringing the Prospective Bride in the *Merariq* Tradition

The findings indicate that the timing of bringing the prospective bride in the *merariq* tradition varies according to agreements reached by the families involved. The process may take

place on the night before the marriage contract, one day prior, two days prior, or even as early as five days before the ceremony. This variation demonstrates the flexibility of the *merariq* tradition, which adapts to the specific circumstances and needs of each couple and their families.

In addition to differences in timing, the mechanism of bringing the prospective bride also varies. The findings suggest that these variations can be classified into three principal patterns.

**First**, the prospective bride is brought by members of the groom's family and relatives without the involvement of the prospective groom. In this pattern, the bride is accompanied by a group of relatives and subsequently escorted by her own family to the residence of the groom's relatives, where she temporarily stays before the marriage contract. This pattern reflects strong family involvement and minimal direct interaction between the prospective bride and groom prior to marriage.

**Second**, the process involves the prospective groom together with his family and relatives. In this arrangement, the prospective bride and groom travel together in the same vehicle during the process. Consequently, direct interaction occurs between the couple before the marriage contract. As informant HH explained, "When I underwent *merariq*, my husband and I were placed in the same vehicle."

From the perspective of Islamic law, this situation may be categorized as a form of *ikhtilāt* (interaction or mixing between non-mahram men and women). Although not every form of *ikhtilāt* is absolutely prohibited, uncontrolled interaction between non-mahram individuals may potentially lead to violations of Islamic ethical boundaries.

**Third**, the process is carried out through a private agreement between the prospective bride and groom to meet at a designated location. The prospective groom then secretly takes the prospective bride to the residence of one of his relatives without the knowledge of the bride's family. This practice is commonly known as *merariq memaling* and is generally undertaken by couples who have established a prior romantic relationship.

Informant UZ explained: "My husband and I arranged to meet at a particular place. We spent some time together before he took me to the house of one of his relatives in a secluded location." In this pattern, intensive interaction occurs between the prospective bride and groom before the marriage contract. From the perspective of Islamic law, such a situation may be categorized as *khalwah* (seclusion between a man and a woman who are not mahram to one another). As discussed previously, *khalwah* is regarded as a practice that contravenes Islamic teachings.

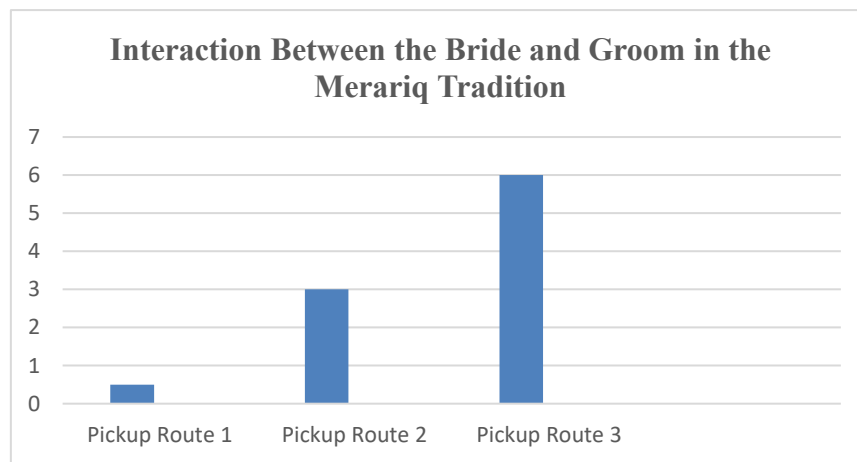
This understanding is consistent with the Qur'anic prohibition against approaching acts that may lead to zina (fornication):

وَلَا تَقْرَبُوا الزَّيْنَىٰ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

*And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.* (Qur'an, Al-Isrā' [17]: 32)

A significant point emphasized by classical Muslim scholars is that Allah’s command, “Do not approach *zina*,” is stronger and broader than merely stating, “Do not commit *zina*.” According to al-Qurṭubī, this wording prohibits not only the act itself but also all actions that may lead to it (Qurṭubī, 1964). Such actions include *khalwah*, premarital dating relationships, physical contact or gazes accompanied by desire, and excessive interaction between non-mahram men and women. These possibilities are particularly relevant to the third pattern of *merariq* identified in this study.

Based on the findings above, it can be concluded that the various mechanisms of bringing the prospective bride involve differing levels of interaction between the prospective bride and groom before the marriage contract. These interactions may be classified into three categories: low, moderate, and high interaction. Each category reflects a different degree of involvement and proximity between the couple during the *merariq* process.



**Figure 1.** Comparison of Interaction Levels between Prospective Brides and Grooms across Different *Merariq* Patterns

The numerical values presented in the diagram represent the relative intensity of interaction between the prospective bride and groom. Higher scores indicate greater levels of interaction. From the perspective of Islamic law, increased interaction intensity corresponds to a greater potential for violations of Islamic ethical boundaries.

#### **b. Activities of the Prospective Bride Prior to the Marriage Contract**

The reduced data indicate that prospective brides in the *merariq* tradition generally engage in three principal activities before the marriage contract takes place: (1) assisting in preparations for the wedding ceremony, (2) becoming acquainted with the prospective groom’s family and relatives, and (3) remaining at the residence without participating in specific activities. These activities correspond to the objectives underlying the implementation of *merariq* for each individual couple.

The study also found variations regarding interactions between the prospective bride and groom during this period. In some cases, couples are permitted to meet and spend time

together. Informant UZ stated: “We were allowed to meet. At that time, I even shared a meal from the same plate with my husband.”

In other cases, however, meetings between the couple are not permitted. Instead, the prospective bride remains accompanied exclusively by female relatives of the prospective groom. These differences are largely influenced by the religious understanding and cultural perspectives of the families involved.

Overall, the findings demonstrate that the implementation of the *merariq* tradition in Kalijaga Village is not uniform but rather exhibits considerable diversity. Despite variations in its technical aspects, community members continue to recognize these different practices as legitimate forms of *merariq*. This suggests that the essence of *merariq* does not lie in the uniformity of its implementation but rather in the process of bringing the prospective bride prior to the marriage contract, which remains the defining characteristic of the tradition.

### **Criteria of a Valid Custom According to the Maxim *Al-‘Ādah Muḥakkamah***

Linguistically, the term *‘ādah* (العادة) derives from the word *al-‘awd* (العود), which means “repetition” or “recurrence.” Accordingly, *‘ādah* refers to an act that is performed repeatedly until it becomes an established habit or custom (Ad-Dausari, 2021). Based on various juristic definitions of *‘ādah*, Kholid Saifulloh (2020) concludes that a custom must possess two essential elements: it must occur repeatedly and be accepted by sound reason and human nature (*fiṭrah*) (Kholid Saifulloh, 2020).

The term *muḥakkamah* (محكمة), meanwhile, is the passive participle (*ism maf‘ūl*) of *taḥkīm* (التحكيم), which means to appoint something as a judge, arbiter, or determining authority (Ad-Dausari, 2021). Consequently, the maxim *al-‘ādah muḥakkamah* may be understood as the principle that customs and practices accepted by sound reason and human nature can serve as a reference in determining legal rulings, particularly in matters where explicit textual guidance is absent.

However, not every custom or social practice can be recognized as a valid legal reference. Muslim jurists have established several criteria that must be fulfilled before a custom may be accepted as a basis for legal consideration. According to Buamona (2024), these criteria are as follows.

#### **1. The Custom Must Be Widely Practiced within the Community**

A custom may serve as a legal reference only when it is firmly established and consistently practiced within a society. Such a custom should be continuously observed in daily life, and the number of people who practice it should exceed those who abandon it. Conversely, customs that are inconsistently practiced or followed only by a small minority of the community cannot be regarded as valid legal references.

It should be noted that the phrase “widely practiced within the community” does not necessarily refer to the entire population of a country. Rather, it may apply to a particular village, city, region, profession, or social group in which the custom is commonly observed.

## 2. The Custom Must Exist Prior to and Continue During the Relevant Event

A valid custom must already be established and actively practiced at the time of the event in question. It cannot be a custom that has fallen into disuse, nor can it be a newly emerging custom that arose after the event occurred.

For example, suppose the dowry (*mahr*) specified in a marriage contract is described as “a complete set of prayer equipment.” If, at the time of the marriage contract, the prevailing custom interprets this phrase as including a prayer garment (*mukena*), a sarong, and a prayer mat, then the dowry obligation is fulfilled by providing all three items. This is because the interpretation of the contract follows the custom that existed when the contract was concluded.

If a new custom later emerges that interprets “a complete set of prayer equipment” as consisting only of a prayer garment and prayer mat, the husband would still be required to provide the sarong as well. The relevant custom is the one that existed at the time the contract was established, not a custom that developed afterward.

## 3. The Custom Must Not Be Contradicted by an Explicit Statement of the Parties Involved

A custom loses its legal authority when the individuals concerned explicitly express their intention not to follow it.

For instance, if a particular community maintains a customary practice that prospective spouses are expected to perform before the marriage contract, but the couple clearly declares that they do not wish to observe that custom, then their explicit statement takes precedence over the custom. In such circumstances, legal consideration is based on the expressed intention of the parties rather than on the customary practice itself.

## 4. The Custom Must Not Contradict Stronger Sources of Islamic Law

A custom cannot be recognized as a legal reference if it conflicts with stronger legal authorities, such as explicit texts of the Qur’an, the Sunnah, or scholarly consensus (*ijmā*). Therefore, any custom that contradicts these primary sources must be rejected.

An example can be found in certain historical societies where women were denied inheritance rights. Such a custom is invalid because inheritance distribution has been explicitly regulated in the Qur’an. Allah states:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَدَرْتُمْ حَظًّا مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَدَرْتُمْ حَظًّا

*For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share (Qur’an, Al-Nisā’ [4]: 7).*

Accordingly, any custom that deprives women of inheritance rights is null and void because it directly contradicts an explicit and authoritative Qur’anic text.

The maxim *al-‘ādah muḥakkamah* is one of the *al-qawā‘id al-kulliyah al-khams* (the Five Major Legal Maxims) unanimously recognized by Muslim jurists. Its authority is supported by strong evidence derived from the Qur’an, the Sunnah, and scholarly consensus. The following are examples of Qur’anic evidence that demonstrate the legal validity of customary practice.

The following are some verses from the Qur’an:

- a. Surah Al-Baqarah (2): 233

... وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ...

*Upon the father is the mothers' provision and their clothing according to what is acceptable.* (Qur’an, Al-Baqarah [2]: 233)

This verse establishes the obligation of a father to provide maintenance for mothers who breastfeed their children in a manner that is *ma‘rūf*—that is, according to what is recognized as proper and reasonable within the prevailing customs of society, without excess or negligence and in accordance with the provider’s financial capacity (Ibn Kathir, 2010).

The verse indicates that Islamic law does not prescribe a fixed amount of maintenance. Instead, the appropriate standard is determined by reference to local custom and the socioeconomic conditions of the parties involved. Consequently, customary practice functions as a practical benchmark for determining what constitutes adequate support.

- b. Surah Al-Baqarah (2): 228

...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ....

*And due to the wives is similar to what is expected of them, according to what is reasonable* (Qur’an, Al-Baqarah [2]: 228).

This verse affirms that husbands and wives possess reciprocal rights and obligations. The determination of many of these rights and obligations is linked to the concept of *al-ma‘rūf*, namely practices that are commonly recognized and accepted within a particular society. Such customs naturally vary according to differences in time, place, and social circumstances (As-Sa‘di, 2000).

Islam does not provide exhaustive details concerning every aspect of marital rights and responsibilities. Instead, many practical matters are left to prevailing social customs. For example, the standard of reasonable financial support in a rural community may differ significantly from that of an urban community due to differences in living conditions and social expectations.

The two Qur’anic verses above clearly demonstrate the legal significance of customary practice in Islamic law. In matters that are not regulated in detail by the Qur’an, customary practice serves as a recognized reference for legal determination. Islamic law would not designate custom as a legal reference unless such custom were acknowledged as valid and legitimate within the framework of the Sharia.

The following are some teachings from the Hadith of the Prophet Muhammad:

Another textual basis for the legal authority of customary practice is found in the hadith of the Prophet Muhammad concerning Hind bint 'Utbah, who complained that her husband, Abu Sufyan, was miserly and did not provide sufficient financial support, forcing her to take some of his wealth secretly to meet her family's needs. The Prophet Muhammad replied:

حُذِي مَا يَكْفِيكِ وَوَلَدِكَ بِالْمَعْرُوفِ

“Take from his wealth what is sufficient for you and your child according to what is customary and reasonable.”  
(Narrated by al-Bukhari, 1993)

This hadith indicates that a wife may take from her husband's property when he fails to provide adequate maintenance. However, such action must not be arbitrary. Although Islamic law does not specify the exact amount that may be taken, it establishes a general standard by referring to what is *ma'rūf*—that is, what is commonly recognized as reasonable and appropriate according to prevailing social customs. The amount is therefore determined in accordance with the standard of maintenance considered suitable for women of similar social circumstances and with due consideration to the husband's financial capacity.

Based on the foregoing discussion, it can be understood that Islamic law does not regulate every matter in exhaustive detail. Rather, it provides room for customs and social practices that are deeply rooted within society. This demonstrates that beneficial and socially accepted practices may serve as important references in the application of legal rulings. Consequently, Islamic law possesses an adaptive and contextual character, recognizing custom as a bridge between normative legal principles and social realities, provided that such customs do not contradict the fundamental principles of the Sharia (Harika & A, 2025).

An important implication of this principle is that differences in the forms, mechanisms, and procedures of customary practices across regions represent a natural consequence of social and cultural diversity. As long as such practices are regarded as reasonable, socially accepted, and consistent with the fundamental teachings of Islam, these variations may be accommodated within the framework of Islamic law. Therefore, the maxim *al-'ādah muḥakkamah* affirms that the validity of a custom does not depend on uniformity in its form, but rather on its appropriateness, social acceptance, and compatibility with the principles of the Sharia as recognized by the community in which it is practiced.

### **Implementation of the Maxim *Al-'Ādah Muḥakkamah* in the *Merariq* Tradition among the Sasak Community of Kalijaga Village**

Having described the practice of the *merariq* tradition in Kalijaga Village and outlined the criteria of a valid custom according to the maxim *al-'ādah muḥakkamah*, the discussion now turns to an analysis of how this legal maxim is applied to the tradition. According to the *Kamus Besar Bahasa Indonesia*, implementation refers to the execution or application of something that has been agreed upon or planned (KBBI, 2018). Accordingly, this section aims to examine the extent to which the maxim *al-'ādah muḥakkamah* can be applied to the *merariq* tradition and to determine

whether the tradition qualifies as a valid custom that may serve as a legal reference or whether certain aspects require modification or even abandonment.

In Kalijaga Village, the *merariq* tradition is repeatedly practiced as part of marriage ceremonies and therefore qualifies as an *'ādah* within the framework of *al-'ādah muḥakkamah*. This finding is supported by the consensus of informants, all of whom stated that they had known and observed the tradition since childhood and that it continues to be practiced today. The data further indicate that *merariq* serves various social functions, resulting in diverse forms of implementation within the community. Despite these variations, all forms share the same essential characteristic: the process of bringing the prospective bride prior to the marriage contract (*akad nikah*).

Nevertheless, the findings reveal that not all forms of *merariq* are equally compatible with Islamic law. Practices that are socially recognized, based on mutual agreement, involve family participation, are conducted openly, and do not violate Islamic ethical boundaries may be regarded as consistent with the Sharia. In contrast, practices involving *khalwah* (seclusion between non-mahram individuals), *ikhtilāṭ* (unregulated interaction between non-mahram men and women), or excessive premarital interaction are inconsistent with Islamic legal principles. The following table summarizes the major variations of *merariq* identified in this study and evaluates their compatibility with Islamic law.

**Table 1.** Classification of Variations in the Practice of *Merariq*

No.	Variation of <i>Merariq</i> Practice	Sharia Evaluation
1	Possesses social functions recognized by the community	Consistent with the Sharia
2	Variations in technical implementation (timing and mechanisms)	Falls within the flexibility of customary practice
3	Involves <i>ikhtilāṭ</i> , <i>khalwah</i> , or excessive premarital interaction	Contrary to the Sharia

These variations are important because they influence the legal evaluation of the tradition. The central question is whether a particular form of *merariq* may be regarded as a valid custom capable of serving as a legal reference. To answer this question, the practice must be assessed against the conditions established by Muslim jurists for the application of the maxim *al-'ādah muḥakkamah*. These conditions are: (1) The custom is continuously and repeatedly practiced by all or the majority of the community; (2) The custom has existed for a long period and remains in force at the time of the event; (3) There is no explicit statement from the practitioners rejecting the custom; (4) The custom does not contradict stronger sources of Islamic law. Based on these criteria, the implementation of the *merariq* tradition in Kalijaga Village may be analyzed as follows.

### **1. Continuous and Repeated Practice within the Community**

From the perspective of continuity and repetition, the findings indicate that *merariq* has been consistently practiced over a long period and continues to be performed during marriage

ceremonies. This demonstrates that the tradition fulfills the first criterion of a valid custom according to the maxim *al-'ādah muḥakkamah*.

## 2. Longstanding Existence and Continued Practice

With regard to temporal continuity, the data show that *merariq* has existed for generations and remains actively practiced today. Informants consistently reported that the tradition had already been established during their childhood and has continued to be preserved. Consequently, the tradition satisfies the second criterion of a valid custom.

## 3. Absence of Explicit Rejection by the Participants

From the perspective of participant acceptance, no evidence was found indicating explicit rejection of the tradition by those who practice it. On the contrary, the tradition is generally carried out on the basis of mutual agreement between the parties involved. Therefore, *merariq* fulfills the third criterion required for a valid custom under the maxim *al-'ādah muḥakkamah*.

## 4. Compatibility with Stronger Sources of Islamic Law

The fourth criterion requires that a custom not contradict stronger sources of Islamic law. In the case of *merariq*, the findings indicate that the tradition cannot be evaluated as a single, uniform practice because its implementation varies considerably. Each variation carries distinct legal implications.

At the same time, these variations continue to be socially recognized as legitimate forms of *merariq*. Such diversity is not inherently problematic within the framework of *al-'ādah muḥakkamah*, because the maxim does not require uniformity in technical procedures or ritual forms. Rather, it emphasizes the substantive values underlying a custom. In this regard, *ma'rūf*—understood as socially accepted and beneficial practice—serves as an important reference in legal evaluation.

Accordingly, the maxim operates selectively: it accepts those aspects of a custom that are compatible with Islamic principles while rejecting those that contradict them. Therefore, the legal validity of *merariq* depends not on the existence of the tradition itself but on the specific manner in which it is practiced.

Based on the processes of data reduction, data presentation, and analysis, it can be concluded that the *merariq* tradition generally fulfills the criteria of a valid custom and may therefore serve as a legal reference within the framework of *al-'ādah muḥakkamah*. However, regarding compatibility with the Sharia, certain variations of the tradition contain elements that conflict with Islamic legal principles. As a result, the fulfillment of the fourth criterion is not absolute but conditional.

This finding suggests that the implementation of the maxim *al-'ādah muḥakkamah* in the *merariq* tradition is partial and selective rather than comprehensive. The following table summarizes the evaluation.

**Table 2.** Evaluation of the *Merariq* Tradition from the Perspective of *Al-‘Ādah Muḥakkamah*

No.	Criteria of a Valid Custom	Implementation in the <i>Merariq</i> Tradition	Status
1	Continuously and repeatedly practiced by all or the majority of the community	<i>Merariq</i> is widely practiced and recognized as an integral component of marriage ceremonies in Kalijaga Village	Fulfilled
2	Has existed for a long period and remains in force	The tradition has been transmitted across generations and continues to be practiced today	Fulfilled
3	No explicit rejection by the practitioners	The practice is carried out based on the consent of both prospective spouses	Fulfilled
4	Does not contradict stronger sources of Islamic law	Some variations are consistent with the Sharia, while others involve <i>ikhtilāf</i> , <i>khalwah</i> , and premarital dating practices	Fulfilled, but only partially and selectively

The findings indicate that the maxim *al-‘ādah muḥakkamah* applies to the *merariq* tradition selectively rather than absolutely. While practices that conform to Islamic legal principles may be accepted and preserved, those that contradict the Sharia should be reformed or rejected. Therefore, the validity of *merariq* depends on the specific form in which it is practiced.

## CONCLUSIONS

The findings of this study demonstrate that the *merariq* tradition among the Sasak community of Kalijaga Village is a dynamic and diverse customary practice whose implementation varies according to social circumstances, community needs, and the objectives of the individuals involved. From the perspective of the maxim *al-‘ādah muḥakkamah*, the tradition generally fulfills the essential criteria of a valid custom that may serve as a legal reference. It has been practiced continuously and repeatedly by the community, transmitted across generations, and maintained through mutual agreement among the parties involved. These characteristics indicate that *merariq* possesses the fundamental elements of a recognized and socially accepted custom. However, the study also reveals that not all forms of *merariq* are compatible with Islamic legal principles. While some variations are conducted openly, involve family participation, and remain within the boundaries of the Sharia, others contain elements of *ikhtilāf*, *khalwah*, and excessive premarital interaction that conflict with Islamic teachings. Consequently, the application of the maxim *al-‘ādah muḥakkamah* to the *merariq* tradition is neither absolute nor comprehensive, but rather partial and selective. The maxim accepts those aspects that conform to the Sharia while rejecting those that contradict it. This study contributes to the development of Islamic legal scholarship by proposing a classification of *merariq* practices based on the framework of *al-‘ādah muḥakkamah*. Such a classification may serve as a practical reference for communities, customary leaders, and religious authorities in preserving local traditions while ensuring their continued alignment with the principles and values of Islamic law.

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