

ABSTRAK

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Wedding nearby corpse of well known as corpse wedding is a wedding tradition which is performed in front of before it is buried. This wedding tradition has become hereditary tradition that is still performed by some societies like in Plausan village, Wonosari subdistrict, Malang regency dan Tarebungan village, Kalianget subdistrict, Sumenep regency.

The implementation of this tradition still becomes a big question, because there is striking difference between this tradition and wedding in general. Therefore, a perspective on wedding in Islam is needed as analysis from validity aspect of that wedding, and a perspective from the principle “*Al-‘Adatu Muhakkamat*” to ensure whether corpse wedding tradition is suitable to be law consideration.

This thesis is a library research on wedding tradition of corpse wedding observed from Islamic marital law perspective and the principle “*Al-‘Adatu Muhakkamat*”. Research data are collected to be text study and then they are analyzed by using analysis descriptive technique. From some arguments and explanations from the collected data, that this tradition is contradictory with Islamic law, because Islamic law has the concept of wedding. Islam also talks about culture, that culture is not eliminated utterly, there is also tradition that become legitimation of Islamic law. Hence Islam also has concept about decision of tradition that become a law.

From this research result, the researcher can take conclusion that corpse wedding tradition is based on Islamic marital law is permitted when all of pillars and requirements of wedding have been fulfilled like in Plausan village. However, the status of permitted wedding can be changed to be forbidden wedding if one of pillars and requirements of wedding are not completed as like happen in Tarebungan village. Although in this tradition there is a difference in implementation side with wedding concept in Islam, there is no effect in that difference if all of wedding judgment in Islam has been fulfilled. Based on principle “*Al-‘Adatu Muhakkamat*”, this tradition cannot be used as law judgment because the tradition does not fulfill tradition criteria that can be used as law judgment because the tradition is forbidden tradition due to its implementation is contradictory with the source of Islamic teaching (*nash*). Besides one of elements from the tradition based on Islamic law is not logical because people consider that the wedding as the last loyalty of men to their parents.