

**BAUSUNG BRIDAL TRADITION OF BANJAR TRADITIONAL
WEDDING BRIDES IN 'URF PERSPECTIVE**

(Study at Banjarmasin, South Kalimantan)

UNDERGRADUATE THESIS

BY :

**RIO SALIM W
SIN 18210116**



ISLAMIC FAMILY LAW DEPARTEMENT

SHARIAH FACULTY

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM MALANG

2022

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2022

STATEMENT OF THE AUTENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

BAUSUNG BRIDAL TRADITION OF BANJAR TRADITIONAL WEDDING BRIDES IN 'URF PERSPECTIVE

(Study at Banjarmasin, South Kalimantan)

It is genuinely the writer's original work that can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it is a precondition of degree will be slated legally invalid.

Malang, 17 March 2022

Writer,



Rio Salim W
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APPROVAL SHEET

After reading and correcting the thesis of Rio Salim W, Student ID 18210116,
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University Maulana Malik Ibrahim of Malang entitled:

**BAUSUNG BRIDAL TRADITION OF BANJAR TRADITIONAL
WEDDING BRIDES IN 'URF PERSPECTIVE**

(Study at Banjarmasin, South Kalimantan)

The supervisor stated that this thesis had met the scientific requirements to be
proposed and examined on the Assembly Board of Examiners.

Malang, 17 May 2022

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LEGITIMATION SHEET

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BAUSUNG BRIDAL TRADITION OF BANJAR TRADITIONAL WEDDING BRIDES IN 'URF PERSPECTIVE (Study at Banjarmasin, South Kalimantan)

Telah dinyatakan lulus dengan nilai: A

Malang, 16 Juni 2022

Scan Untuk Verifikasi



MOTTO

فمهما تجدد في العرف فاعتبره ومهما سقط فألغِه ولا تجمد على المنقول في
الكتب طولَ عمرِكَ بل إذا جاءك رجلٌ من غير إقليمك يستفتيك فلا تُجرِّه على
عُرف بلدك وسلِّه عن عرف بلده فأجرِّه عليه وأفتِّه به دون عرف بلدك والمذكور
في كتبك قالوا فهذا هو الحق الواضح والجمودُ على المنقولات أبداً ضلالٌ في
الدين وجهلٌ بمقاصد علماء المسلمين والسلف الماضين

“When the tradition has been renewed, take it, if you don’t then so be it. Don’t you become rigid towards the written knowledges in your books all your life. If someone comes to you from another country with the intention of asking you for a decree, do not express it based on the traditions of your country. Ask first about the tradition first, then express it based on the tradition of them, nor your tradition and your books. This is the correct and clear way. Being obstinate towards the passages is forever a misguidance in a religion and ignorance about the goals of the past muslim ulama and salaf”

(Al-Qarafi, Al Furuq chapter 1)

ACKNOWLEDGMENT

Alhamdulillahirabbil'alamin, Gratitude for His grace and guidance so that the writing of thesis entitled “Bausung Bridal Tradition of Banjar Traditional Wedding Brides in ‘Urf Perspective (Study Case in Banjarmasin, South Kalimantan)” Peace be upon The Rasulullah Prophet Muhammad SAW, who has taught us guidance (*uswatun Hasanah*) to do activity correctly in our life. By following Him, may we belong to those who believe and get their intercession on the last day of the end. *Amen*.

From all the teaching, advice, guidance, and helps of service for us to finish this thesis, then with all humility, the writer will express the gratitude which is unequalled to:

1. Prof. Dr.M. Zainuddin, MA., as the Rector of The State Islamic University Maulana Malik Ibrahim of Malang.
2. Dr. Sudirman, MA., as the Dean of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
3. Erik Sabti Rahmawati, MA. M.Ag., as the Head of Islamic Family Law Department of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang
4. Jamilah, MA. as my thesis supervisor. The writer thanks for spending time guiding, directing, and motivating me to finish writing this thesis. The writer hopes that Allah will bless her and her family.

5. Dr. Sudirman, MA., as supervisor lecturer of the writer during his study at Islamic Family Law Department of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
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7. The staff of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang
8. Especially to my beloved mother Inadia Risman, thank you for the guidance, love, and prayers to Allah SWT
9. All of my friends in the International Class Program (ICP) of 2018 and all my friends in the Islamic Family Law Departement.
10. Last but not least, I would like to express my gratitude to myself, who have struggled to do my best.

Malang, 17 May 2022

Writer,



Rio Salim W
SIN 18210116

TRANSLITERATION GUIDENCE

A. General

Transliteration is the transfer of Arabic script into Indonesian (Latin) writing, not Arabic translation into Indonesian. Included in this category are Arabic names from Arabs, while Arabic names from nations other than Arabic are written as spelling of the national language, or as written in the reference book. Writing the title of book in the footnote and bibliography, still use the provisions of this transliteration

B. Consonant

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	‘
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	هـ	H
ش	Sy	ء	‘
ص	Sh	ي	Y
ض	DI		

Hamzah (ء) which is often symbolized by alif, if it is located at the beginning of a word, then in its transliteration follows the vowed, it is not symbolized,

but if it is located in the middle or end of a word, it is symbolized by the comma above (‘), turning around with a comma (‘) to substitute for the “ع” symbol.

C. Vocal, long-pronounce and diphthong

Every Arabic writing in the form of Latin fathah vowels is written with “a”, kasrah with “i”, dlommah with “u”, while long readings are each written in the following way;

Vocal *fathah* =a

Vocal *kasrah* =i

Vocal *dlommah* =u

While long readings are each written in the following way;

Long-vocal (a) = Â e.g. â قال become Qâla

Long-vocal (i) = Î e.g. î قيل become Qîla

Long-vocal (u) = Û e.g. û دون become Dûna

Specifically for reading ya’ nisbat, it should not be replaced with “i” but it should still be written by “iy” in order to describe the ya’ nisbat at the end. Likewise for the diphthong, wawu and ya’ after fathah is written with “aw” and “ay”. Look the following example:

Diphthong (aw) = و e.g. قول become Qawlun

Diphthong (ay) = ي e.g. خير become Khayrun

D. Ta' marbutah (ة)

Ta' marbûthah translited as “t” in the middle of word, but if Ta' marbûthah in the end of word, it translited as “h” e.g. الرسالة المدرسة become *alrisalat li al-mudarrisah*, or in the standing among two word that in the form of mudhaf and mudla ilaih, it transliterated as t and connected to the next word, e.g. الله يرحمة become *fi rahmatillâh*.

E. Auxiliary Verb and Lafadh al-Jalâlah

Auxiliary verb “al” (ال) written with lowercase form, expect if it located it the position and “al” in lafadh al-Jalâlah which located in the middle of two or being or become *idhafah*, it remove from writing.

- a. Al-Imâm al-Bukhâriy said...
- b. Al-Bukhâriy in muqaddimah of his book said...
- c. *Masyâ Allah kâna wa mâ lam yasya ‘ lam yakun..*
- d. *Billâh ‘azza wa jalla..*

F. Name and Indonesianized Arabic Word

In principle, every word that comes from Arabic must be written using a transliteration system. If the word is an Indonesian Arabic name or an Indonesianized Arabic language, it does not need to be written using a transliteration system. Consider the following example:

“... Abdurrahman Wahid, the former Indonesian President, and Amin Rais, former Chair of the MPR at the same time, have made an agreement to eridicate nepotism, collusion and corruption from the face of Indonesian earth, one way through intensifying prayers in various government offices, but ...”

Look at the writing of the name “Abdurrahman Wahid”, “Amin Rais” and te word “salat” written using Indonesian language procedures that are tailored to the writing of his name. Even if theve words come from Arabic, they are Indonesian names and are Indonesianized, therefore they are not written by “Abd al-Rahman Wahid”, “Amîn Raîs”, and not written with “shalat”

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ABSTRAK

Salim W, Rio, 18210116, 2022. **Tradisi Bausung Pengantin Pernikahan Adat Banjar Dalam Perspektif 'Urf**. Skripsi. Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Jamilah, M.A.

Kata Kunci : Tradisi, Pernikahan, Bausung

Tradisi merupakan sesuatu yang telah dilakukan sejak lama dan terus menjadi bagian dari kehidupan suatu masyarakat. Tradisi *Bausung* merupakan salah satu rangkaian dari sekian banyak prosesi adat dalam pernikahan adat Banjar. *Bausung* Pengantin adalah mengangkat atau menggendong kedua mempelai di atas bahu dua orang laki-laki. Tradisi *bausung* pengantin ini dapat dikatakan sebagai tradisi yang unik karena meskipun terdapat beberapa aspek mudharat seperti mempelai wanita yang digendong oleh seorang laki-laki yang belum tentu merupakan mahramnya, lalu adanya kemungkinan mempelai wanita jatuh dari pundak laki-laki yang mengangkatnya, terlebih dengan adanya kepercayaan-kepercayaan ghoib seperti sebuah sanksi bagi mereka yang tidak melaksanakan tradisi ini, namun mayoritas pelaku tradisi Bausung merupakan masyarakat muslim. Maka dari itu tujuan dari penelitian ini adalah untuk mengkaji tradisi ini secara mendalam agar mengetahui tradisi Bausung dalam komposisi kaidah hukum Islam menurut perspektif 'urf.

Penelitian ini termasuk jenis penelitian empiris yang menggunakan pendekatan kualitatif, sumber data yang digunakan adalah sumber data primer dan sekunder. Sumber data primer berupa hasil wawancara yang dilakukan kepada pasangan pengantin pelaku tradisi Bausung Pengantin dan beberapa tokoh masyarakat di sekitar Kota Banjarmasin. Sumber data sekunder berupa buku-buku dan jurnal tentang konsep 'urf.

Hasil dari penelitian ini menunjukkan bahwa pelaksanaan tradisi *Bausung* pengantin tergolong dalam 'urf *amali* (*fi'li*) apabila dari segi materi 'urf karena tradisi ini merupakan sebuah praktek untuk mengangkat mempelai laki-laki dan perempuan dan hal tradisi ini berfokus kepada sebuah praktek dan bukan perkataan, 'urf *khaas* (khusus) apabila ditinjau dari segi ruang lingkup 'urf karena hanya dilakukan oleh masyarakat adat Banjar dan 'urf *shahih* apabila ditinjau dari segi keabsahan 'urf. Hal ini dikarenakan mayoritas proses pelaksanaan tradisi *Bausung* Pengantin pada acara *walimah al-'urs* tidak bertentangan dengan hukum islam, walaupun masih terdapat beberapa pengamalan dari tradisi ini yang harus ditinggalkan karena berpotensi untuk menimbulkan syirk kepada Allah SWT seperti sesajen (piduduk) yang disiapkan dibawah pelaminan karena takut kepada gangguan yang akan diberikan oleh nenek moyang mereka.

ABSTRACT

Salim W, Rio, 18210116, 2022. **Bausung Bridal Tradition of Banjar Traditional Wedding Brides in 'Urf Perspective**. Thesis. Islamic Family Law Department, Syariah Faculty, Islamic State University of Maulana Malik Ibrahim Malang. Supervisor: Jamilah, M.A.

Keywords : Tradition, Wedding, Bausung

Tradition has been done for a long time and continues to be part of the life of a society. The *Bausung* tradition is a series of many traditional processions in Banjar traditional weddings. *Bausung* Bridal is lifting or carrying the bride and groom up on the shoulders of two men. *Bausung* bridal tradition is a unique tradition because most of the practitioners of this tradition are from Muslim society, even though there are some *mudharat* aspects, such as the bride being carried up by a man who is not necessarily her *mahram*, then there is a possibility that the bride will fall from the shoulders of the man who lifted her up, especially with the magical beliefs like a sanction for those who do not carry out this tradition. Therefore, the purpose of this research is to analyze this tradition deeply in order to find out the *Bausung* bridal tradition in the composition of Islamic legal rules according to the perspective of '*urf*.

This research is an empirical research that applying the qualitative approach. The primary and secondary data sources are the main data sources to be used. The primary data source is the results of interviews conducted with the bride and groom who are the practitioners of the *Bausung* Bridal tradition and several community leaders around Banjarmasin. Secondary data sources in the form of books and journals about the concept of '*urf*.

The results of this study indicate that the implementation of the *Bausung* bridal tradition is classified as '*urf amali (fi'li)* in terms of '*urf* material because this tradition is an activity of carrying the bride and groom up and it focuses on a practice and not the words, '*urf khaas* (special) when viewed in terms of the scope of '*urf* because it is only carried out by the Banjar tribal society and '*urf shahih* when viewed in terms of the validity of '*urf*. This is because the majority of the process of the *Bausung* bridal tradition at the *walimah al-'urs* event does not conflict with Islamic law, although there are still some practices from this tradition that must be abandoned because it has the potential to cause shirk to Allah SWT such as offerings (*piduduk*) that prepared under the aisle for fear of the disturbance their ancestors would give.

ملخص البحث

. سالم و، ريو. رقم القيد 18210116. عادة باسوغ في عادة نكاح بنجار عند العرف . بحث الرسالة. شعبة الأحوال الشخصية، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرفة: جميلة الماجستير.

الكلمات الرئيسية: العادة، النكاح، باسوغ

العادة هي ما اعتاده الناس من زمان الماضي وأورثه بعضهم على ما بينهم، فاتخذة مميزة عندهم. ومن عادات بنجار عادة باسوغ وهي بعض من عادة النكاح التي يرتفع الشخصان على الزوجين بتحرك الذى يشهر بكتناو حتى يوصل الى المنصة. وفي الشرعية الإجمالية، ان تتضمن عادة باسوغ المفاسد وهي ارتفاع الزوجة بالاجنبي و احتمال سقوطها منه و اعتقدهم على الغيوب كعقاب عند تركها. لذلك غرض الباحث في تحليلها وهو يبحثها دقيقا لإعتدالها بالقواعد الشرعية عند العرف. ونوع البحث هو البحث التجريبي بمقاربة النوعي، ومراجع البحث تحتوى على مراجع الأساسية و مراجع الثانوية. اما مراجع الأساسية تصدر من محاولة بين الباحث والزوجين وبعض من رئيس المجموعة في بنجار، و مراجع الثانوية تصدر من الدفاتر ومجلة البحوث التي تتعلق بموضع البحث. والخلاصة تدل على ان عادة باسوغ عند العرف هو العرف العملي من جهة نوعه لأن هذا التقليد هو ممارسة لتربية العريس والعروس وهذا التقليد يركز على الممارسة. وليس الكلمات ، والعرف الخاص من جهة موضوعه لأنها تُنفذ فقط من قبل السكان الأصليين في بنجر ، والعرف الصحيح من جهة صحته. وكلهم باعتبار على ان عادة باسوغ لا تخالف الشرعية في ثمة تحليل الباحث.

CHAPTER I

INTRODUCTION

A. Research Background

Tradition or culture actually has its own attachment to Islam that cannot be separated from one to another. Tradition is something that has been carried out for a long time and continues to be part of the life of a society.¹ This tradition is always inherited from time to time so that it becomes a distinctive feature in an area, because each region has its own traditions. The relationship between religion and tradition or culture lies in the symbols and values they have. Religion is a symbol that symbolizes the value of obedience to God and culture contains values and symbols so that humans can live in it. The division of roles is also included in the relationship between religion and tradition where religion has a very large role in explaining the structure of the normative and social order as well as understanding and interpreting the world around it. Meanwhile, tradition acts as an expression of human creativity, work, and initiative (in certain communities) which has important values and messages in the form of philosophical insights, religiosity and local wisdom.²

Religion is a universal phenomenon in human life related to the surrounding reality. Which means, a person's religion is always related to the

¹ Departemen Pendidikan Nasional, Kamus Besar Bahasa Indonesia, third edition, Jakarta: Balai Pustaka, 2005, page 1208.

² Zulfa Jamalie, *Akulturasi dan Kearifan Lokal dalam Tradisi Baayun Maulid pada Masyarakat Banjar*, Journal El-Harakah, Vol. 16 (2), Juli-Desember 2014, page 238.

traditional environment and culture. From that, religion is identical with tradition and cultural expression of belief in the sacred. If the relationship between religion and tradition is placed as a form of interpretation in history and culture, then almost all religious domains are constructions of relative human creativity.³ The presence of Islam itself in Indonesia does not escape from the role of tradition because religion in the perspective of the social sciences is a value system that contains a number of conceptions of the construction of reality. Islam as a dogma is dynamic in facing the challenges of the times. Islam always presents itself in a transparent form in dealing with society with many cultural characteristics, customs or traditions from each region it encounters.⁴

Customary marriage law is a community law that regulates marriage that is not written in state legislation. If there is a violation, it will be judged by the local customary community. Banjar tribal marriage traditions are based on customs or habits that exist in society. This cultural tradition of marriage is one part of the life cycle that must be passed. In Banjar customs, there are many traditional wedding processions, and they are quite unique, starting from pre-marriage, the marriage process, to post-wedding. The stages in detail are: 1. *Basasuluh*, 2. *Batatakunan*, 3. *Badatang*, 4. *Maantar Patalian*, 5. *Maantar Jujuran*, 6. *Nikah*, 7. *Bapingit*, 8. *Mandi-mandi*, 9. *Batamat Qur'an*, 10. *Marriage*. Although this tradition is quite a lot, this does not make some people

³ Sardjuningsih, *Islam dalam Tradisi Lokal: Studi Tentang Ritual Tradisi dalam Konstruksi Masyarakat di Kauman*, Journal Realita, Volume 1, Januari 2010, page 57.

⁴ Zulfa Jamalie, *Akulturasi dan Kearifan Lokal dalam Tradisi Baayun Maulid pada Masyarakat Banjar*, Journal El-Harakah, Vol. 16 (2), Juli-Desember 2014, page 238.

in the City of Banjarmasin abandon the marriage tradition. Most of the people of Banjarmasin City still use the traditions of their ancestors although sometimes they do not really understand the meanings contained in these series of traditions. This happens because the traditions that exist in traditional marriages are very difficult to be separated from the memory of the community and are also the advice of parents that are impossible to violate.

The *Bausung* tradition is one of a series of many traditional processions in Banjar traditional weddings in the last part, namely marriage. According to Mr. MZ's explanation, as a Banjar tribal community, *Bausung* Bridal is lifting the bride and groom, meaning that the bride and groom are carried on the shoulders of two men. The first man brings the groom, and the second man brings the bride, the two men who bring the bride and groom must have strong energy and good skills at martial arts or dancing. Because when the bride and groom are carried, the lifter must perform certain *pencak silat* movements called *kuntau* or dance in front of audiences until finally the bride and groom are led to the aisle.⁵ According to Mrs. AH as a Banjar tribal community, *Bausung* tradition is a custom that has been carried out from generation to generation from their ancestors. Mrs. AH also explained that the *Bausung Bridal* tradition is a tradition that must be applied when holding out a wedding procession, because their traditional beliefs said if someone who wants to hold out a wedding and does not implement the *Bausung* tradition,

⁵ Bapak MZ, Wawancara, (Banjarmasin: 23 Maret 2022)

they will get a sanction as a trance or disaster that interferes with the wedding ceremony.⁶

Basically, the *Bausung* Bridal tradition classified as a unique tradition because the majority of the practitioners from *Bausung* tradition are Muslim, even though there are some *mudharat* aspects as the bride being carried by a man who is not necessarily her *mahram*, as well as the possibility of the bride falling from the shoulders of the man who lifted her, especially with the existence of supernatural beliefs for those who applied the *Bausung* tradition as from the perspective of Islamic law. Therefore, to find out why the above traditions are still implemented in the society and whether these traditions are in accordance with Islamic teachings, it is necessary to have proper legal *istinbath*. So the researcher is interested in studying this tradition more deeply to find out where was the position of the *Bausung* tradition in the composition of Islamic legal rules according to the '*urf*' perspective.

B. Scope of Problem

So that a research study to be understood in-depth and not broad, it is necessary to have research limitations. This study focuses on the views of '*urf*' perspective on the *Bausung* bridal tradition in Banjar traditional weddings, with the restriction that research will only carry out within the scope of Banjarmasin.

⁶ Ibu AH, Wawancara, (Banjarasin: 23 Maret 2022)

C. Statement of Problem

1. How is the practice of *Bausung* bridal tradition in Banjar traditional wedding in Banjarmasin?
2. What are the reason to practice the *Bausung* bridal tradition by Banjar tribal community in Banjarmasin?
3. How is the “*Bausung*” bridal tradition in Banjar traditional weddings in Banjarmasin in the perspective of *'urf*?

D. Objective of Research

1. Describing the practice of “*Bausung*” bridal tradition in Banjar traditional wedding in Banjarmasin.
2. Describing and analyzing the reason to practice the “*Bausung*” bridal tradition by Banjar tribal community in Banjarmasin.
3. Analyzing the “*Bausung*” bridal tradition in Banjar traditional weddings in Banjarmasin in the perspective of *'urf*.

E. Benefits of Research

1. Theoretically, this research is expected to be useful for:
 - a. Contribute to the development of knowledge of Islamic law in the field of *Munakahat* and *'urf*.
2. Practically, this research is expected to be useful for:
 - a. Provide helpful knowledge and insight for readers who want to deepen their understanding regarding the *bausung* tradition.
 - b. Provide insight on *bausung* tradition in general to academics,

especially for the Sharia Faculty of UIN Maulana Malik Ibrahim Malang.

- c. Provide data for further research as a guide for understanding the bausung tradition in a marriage.

F. Operational Definition

The full title of this thesis is Bausung Bridal Tradition of Banjar Traditional Wedding Brides in *'Urf* Perspective. There are words in the title that need to be explained and understood so that there are no ambiguities about their meaning. These words are:

Tradition : It was derived from the Latin *traditio*, which means continued or habit. Tradition also can be said as a custom which is something or activity that has been carried out for a long time and has become a unit of life in a community group, and tradition is usually made from the society of the same country, culture, time and religion.⁷

The foundation of a tradition is the existence of information or the distribution of habits passed on from generation to generation, both orally and writing. Because without a relay In this kind of communication, it is impossible for tradition to survive through the dynamics of changing times and the tradition itself will experience extinction.

Bausung : It was derived from the Banjarese, which means to be carried or

⁷ Ariyono suyono dan Aminuddin Siregar, Kamus Antropologi, Jakarta: Akademik Pressindo, 1985, hal. 4

lifted up. *Bausung* bridal tradition means taking each of the bride and groom on the shoulders of a strong man from the front door of the house to the aisle. Usually, the man who carries or lifts the bride and groom up is a person who is good at *pencak silat* or martial art because they have to do *silat* movements or dance in front of audiences until the bride and groom are finally reach the aisle.⁸

G. Structure of Discussion

To prepare this thesis by direct, systematic, and related from one chapter to another. So, the researcher divides the systematics of writing into five chapters, and each chapter has its parts and details. The arrangement is as follows:

Chapter I (*first*). An introduction consists of a description of the background of the problem, which is the rationale for conducting the research. Furthermore, the identification of the issues found in the background, then the research objectives, research benefits, operational definitions that introduce some meanings and end with an explanation of the overall order of the research.

Chapter II (*second*). Literatures review of the analysis of the *Bausung* tradition from the perspective of '*urf*'. This is done to get data support in conducting research. This chapter discusses previous research and general explanations of several meanings such as the notion of tradition, the notion of *bausung*, '*Urf*', the notion of marriage according to Islamic law and customary

⁸ Riska Rahma, *Tradisi Bausung Pengantin Pada Banjar Kandangan Di Kecamatan Tembilahan Kabupaten Indragiri Hilir*, JOM FISIP, Volume 6 (2), Juli-Desember 2019, hal. 4

law.

Chapter III (*third*). Explanation of the research methods. This chapter describes in detail what methods were used to prepare this research. This chapter discusses the types and approaches of research, sources of research data, methods of data collection and methods of data processing.

Chapter IV (*fourth*). Presentation of discussion and data analysis. This chapter covers the results of data processing from the informations generated from data processing following the research methods. So that, it can be found an analysis of the 'urf's perspective on the *bausung* bridal tradition in Banjar traditional marriages.

Chapter V (*fifth*). Closing contains conclusions and suggestions. The decision includes a brief and concise description of the research results that have been carried out and an answer to the problems formulated previously and suggestions as a solution to the issues found during the study.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

The researcher in this part will explain and explore some similarities and differences between the composed research and existing research. The function of this part is to confirm that the research composed by the researcher is research that has never been studied before. So that there is no repetition or duplication of a research that has been studied.

The first research belongs to Akbar Budiman (2014) with the title "*Praktik resepsi (walimah) perkawinan adat suku Bugis dalam tinjauan 'Urf: Studi kasus di Kelurahan Anaiwoi Kecamatan Tanggetada Kabupaten Kolaka Sulawesi Tenggara* " This is an empirical study using a qualitative approach investigated in Tanggetada District, Southeast Sulawesi. This study examines the reception (walimah) in marriage among some Bugis tribes in Kel. Anaiwoi belongs to the *fasid 'urf*. Because the local people enjoy the swaying of dancers or singers at the wedding reception there and this according to them is a common thing to do at every wedding reception to entertain the guests and the people there are more concerned with having fun in the existing entertainment rather than being concerned with meaning. Marriages are carried out according to Islamic law. The similarity is that they both discuss the theme of tradition.

And the difference is this research does not discuss certain traditional wedding ceremonies.⁹

The second study was written by Ani Sani'atin (2016) entitled "*Tradisi Repenan dalam Walimah Nikah Ditinjau Dalam Konsep 'Urf (Studi Kasus di Dusun Petis Sari Desa Babaksari Kecamatan Dukum Kabupaten Gresik)*" This type of research is the same as the previous research but was carried out in a different place, namely in Gresik Regency. The results of this study indicate that the *repenan* tradition in the perspective of 'urf can be *shahih* or *fāsīd* tradition with consideration of the views and beliefs of the community towards the tradition. It can become a tradition if the people who carry out the tradition do not believe that the ritual can bring disaster. It can become a *fasid* tradition because, in its implementation, several things are not in accordance with Islamic law. The similarity is that they both discuss the theme of tradition. And the difference is the tradition is in the form of dishes that served in an event.¹⁰

Marsukin's third research (2017) entitled "*Persepsi masyarakat tentang tradisi piduduk dalam pernikahan adat Banjar perspektif 'urf' (studi di Kelurahan Sidomulyo Kecamatan Ilir Kalimantan Timur)*." This research takes place in East Kalimantan, is an empirical study with a qualitative approach. The result of the study is that *piduduk* can become *shahih* or *fāsīd* tradition depending on how the people think or believe there about the tradition. If they

⁹Akbar Budiman, "Praktek Resepsi Pernikahan Adat Bugis Dalam Tinjauan 'Urf: Studi Kasus di Desa Anaiwoi Kecamatan Tanggetada Kabupaten Kolaka Sulawesi Tenggara", (Undergraduate thesis, Universitas Maulana Malik Ibrahim Malang, 2014)

¹⁰Ani Sani'atin, "Tradisi Repenan dalam Nikah *Walimah* Ditinjau dalam Konsep 'urf (Studi Kasus di Dusun Petis Sari, Desa Babaksari, Kecamatan Dukum, Kabupaten Gresik)", (Undergraduate thesis, Universitas Maulana Malik Ibrahim Malang, 2016)

believe in it, then it is shirk, but if they do not believe in the tradition and stick to the norms of Islam, then the practice will not become a *fasid* tradition. The similarity is that they both discuss the theme of tradition. And the difference is that the tradition is in the form of dishes that served in an event.¹¹

The fourth study was written by Riska Rahmah (2019), entitled "*Tradisi Bausung Pengantin Pada Banjar Kandangan Di Kecamatan Tembilahan Kabupaten Indragiri Hilir*" This research is an empirical type of research that uses a qualitative approach. The result of this research is that since the 80s, the *bausung* tradition has changed in terms of the social system in which the differences are found in the implementation of the tradition to the equipment used. This tradition also has sanctioned the descendants of people who do not carry out this tradition. Banjar traditional weddings uphold the honour of the bride and groom. they the bride and groom are treated like kings and queens in a day, so they must be carried (lifted up) so that their position is higher and they are not allowed to set foot on the ground. The similarity is that they both discuss the bridal *bausung* tradition. And the difference is the study did not address the traditions in the review of 'urf.¹²

By screening at some of the research above, when compared with the researcher's research, there are similarities, namely the research that was appointed has the theme of tradition or traditional marriage. However, the

¹¹Marsukin, "*Persepsi masyarakat terhadap tradisi piduduk dalam pernikahan adat Banjar dari perspektif 'urf*" (studi di Desa Sidomulyo, Kabupaten Ilir, Kalimantan Timur)", (Undergraduate thesis, Universitas Maulana Malik Ibrahim Malang, 2016)

¹²Riska Rahma, "*Tradisi bausung pengantin di Banjar Kandangan Kecamatan Tembilaha Kabupaten Indragiri Hilir*", Undergraduate thesis, Universitas Riau, 2019)

research conducted by the researcher this time is different from previous research, both in terms of the research sample, data sources, and the focus of the language used so that there is a uniqueness in this study that is not found in other studies. To more easily show the originality of this paper, the researcher will group them in the following table:

Table 2.1: Research similarities and differences

No.	Name of Researcher	Research Title	Similarities	Differences
1	Akbar Budiman (Thesis, UIN Maulana Malik Ibrahim Malang, 2014)	Praktik resepsi (<i>walimah</i>) perkawinan adat Bugis dalam tinjauan 'Urf: Studi kasus di Desa Anaiwoi, Kecamatan Tanggetada , Kabupaten Kolaka, Sulawesi Tenggara.	This research both discusses the tradition in marriage	This research does not discuss certain traditional wedding ceremonies
2	Ani Sani'atin (Thesis, UIN Maulana Malik Ibrahim Malang, 2016)	Tradisi Taubat dalam <i>Walimah</i> Nikah Ditinjau dalam Konsep 'Urf (Studi Kasus di Dusun Petis Sari, Desa Babaksari, Kecamatan Dukum, Kabupaten Gresik)	This research both discusses the tradition in marriage	The tradition is in the form of dishes served in an event
3	Marsukin (Thesis, UIN Maulana Malik Ibrahim	Persepsi masyarakat terhadap tradisi piduduk dalam pernikahan adat Banjar dari sudut	This research both discusses the tradition in marriage	The tradition is in the form of dishes served in an event

	Malang, 2017)	pandang 'urf' (studi di Desa Sidomulyo, Kabupaten Ilir, Kalimantan Timur)		
4	Riska Rahmah (Thesis, Riau University, 2019))	<i>Bausung</i> pengantin di Banjar Kandangan Kecamatan Tembilahan Kabupaten Indragiri Hilir	This research both discusses the tradition in marriage	The study did not analyze tradition in the perspective of 'Urf.

B. Theoretical Framework

1. Marriage

a. According to customary law

Traditional marriage is a form of life bond between men and women. The goal is that the next generation is passed down from generation to generation so that the life between their people or their communities will not become extinct. This event is usually preceded by several traditional ceremonies, which symbolize the change in the identity of each bride and groom from living alone to becoming a family. The bride has passed the tradition indicating that they must live together as husband and wife, a new family is established and a symbol that they have shown themselves.¹³

b. According to Islamic law

1) Definition

The word marriage has various meanings, but the definition of marriage by the mostly expert in *fiqh* like syafi'i, hanafi, and wahbah zuhaili principally does not make any significant difference except in the wording. As they said marriage is a

¹³ Yulia, *Buku Ajar Hukum Adat*, Aceh: UNIMAL Press, 2016, hal. 49.

religiously regulated contract that aims to give the man the right to own and enjoy the woman's entire body and form a family. This is done to meet the needs of human physical and spiritual life. Marriage also aims to form a family and maintain and continue offspring in living the life of a partner, creating peace and tranquility for the person concerned and his family and society.¹⁴

Meanwhile, according to the the Compilation of Islamic Law, the definition of marriage is contained in chapter 2 of the book which "Marriage according to Islamic law is marriage, which is a very strong contract or *mitsqan ghalizhan* to obey Allah's commands and carry it out is worship".¹⁵

2) Legal Basis of Marriage

Marriage is a *sunnatullah* that is recommended for every of his servant, in this case, among the legal basis of marriage are as follows:

a) Q.S ar-Rum verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect”. (QS. Ar-Rum: 21).

b) Q.S an-Nur verse 32:

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَسِعَ عَلِيمٌ

“Marry off the ‘free’ singles among you, as well as the righteous of your bondmen and bondwomen. If they are poor, Allah will enrich them out of His bounty. For Allah is All-Bountiful, All-Knowing”. (QS. An-Nur: 32)

¹⁴Idris Ramulyo, *Hukum Perkawinan Islam*, Jakarta: Bumi Aksara, 2004, halaman 26.

¹⁵ Pustaka Yustisia, *Kompilasi Hukum Islam*, Yogyakarta: Pustaka Widyatama, 2014, Hal. 11.

c) Q.S an-Nisaa' verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُفْسِدُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِثْنَىٰ
وَأُولَىٰ وَرُبْعٍ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ
أَلَّا تَعُولُوا

“If you fear you might fail to give orphan women their (due) rights (if you were to marry them), then marry other women of your choice two, three, or four. But if you are afraid you will fail to maintain justice, then (content yourselves with) one or those (bondwomen) in your possession. This way you are less likely to commit injustice”. (QS. an-Nisa’: 3)

d) The words of Rasulullah SAW:

وَإِنْ خِفْتُمْ أَلَّا تُفْسِدُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِثْنَىٰ وَ
تُلُكًا وَرُبْعًا فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَذَىٰ
أَلَّا تَعُولُوا

“From Abdullah bin Mas’ud, He said: Rasulullah SAW said to us: "O young men, whoever among you is able to marry, let him marry. So surely, marriage hinders the view (to those forbidden by religion) and maintains honour. And whoever is unable, let him fast. So surely fasting is a shield for him”.

3) Terms and conditions

There are four terms and conditions for a married couple who will marry, namely: 1. Prospective bride, 2. Marriage guardian, 3. Marriage witness and 4. Marriage contract. The prospective bride and groom are divided into prospective husbands and prospective wives. The requirements to become future

husbands or wives are:

- a) Muslim
- b) Male
- c) Female
- d) Can give consent / no coercion
- e) Her consent can be requested
- f) No marriage barriers

Second, a marriage guardian has five conditions that must be met, namely: 1. Male, 2. Adult, 3. Muslim and *aqil baligh*, 4. Obtaining guardianship rights, 5. His guardianship has no obstacles.¹⁶ The guardian of marriage is divided into two parts, namely the parental guardian and the magistrate guardian. Parental guardian is a male family member of the prospective bride who has patriarchal blood relations with the prospective bride¹⁷ consisting of:

- a) Her father
- b) Her grandfather or father of her father toward upside
- c) Her son, her grandson toward downside
- d) Sibling brother (same father and mother)
- e) Sibling brother (same father)
- f) Nephew

¹⁶ Mardani, *Hukum Perkawinan Islam Di Dunia Islam Modern*, Yogyakarta: Graha Ilmu, 2011, hal. 10.

¹⁷ Ny. Soemiyati, *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan*, Yogyakarta: Liberty Yogyakarta, 1982, hal. 46.

- g) Uncle (father sibling brother)
- h) Uncle's son
- i) The closest male to his existing sibling, judging by the line of heir¹⁸

While magistrate guardian is a marriage guardian appointed by the Minister of Religion who is given the right and authority to act as a marriage guardian. However, there are several conditions for the marriage guardianship to move to the guardian judge, namely:

- a) Parental guardian does not exist
- b) Parental guardian travels far away or is not present but does not authorize the closest existing guardian
- c) Parental guardians lose their guardianship rights
- d) Parental guardian is in *ihram* for hajj or *umrah*
- e) Parental guardian refuses to act as guardian

The third is a marriage witness. Marriage witnesses are people who see, hear or know for themselves the marriage contract between the marriage guardian and the prospective husband to provide later the information needed for the benefit of the case regarding the marriage that he knows. There are several conditions to be a witness of marriage, namely:

- a) Muslim
- b) Fair

¹⁸ Saleh Al-Fauzan, *Fiqih Sehari-hari*, Jakarta: Gema Insani, 2006, hal. 651-652.

- c) *Baligh*
- d) Has a decent memory
- e) Not deaf
- f) Two men minimum
- g) Present at *ijab qabul*
- h) Understand the meaning of the contract¹⁹

The last one is marriage contract, the conditions for the marriage contract are:

- a) There is a statement of marriage from the guardian
- b) There is a statement of acceptance from the prospective bride
- c) Using the words marriage, *tazwij* or a translation of that two words
- d) Between *ijab* and *qabul* is continuous
- e) Person who are bound by *ijab* and *qabul* are not in *ihram* for hajj or *umrah*
- f) *ijab* and *qabul* events are attended by a minimum of four people²⁰

There are three conditions for the marriage contract, namely: 1. Those who have the right to say *qabul* are the groom

¹⁹ Mardani, *Hukum Perkawinan Islam Di Dunia Islam Modern*, Yogyakarta: Graha Ilmu, 2011, hal. 10.

²⁰ Mardani, *Hukum Perkawinan Islam Di Dunia Islam Modern*, Yogyakarta: Graha Ilmu, 2011, hal. 10.

personally, 2. The *qabul* can be represented by another man with the stipulation that if the prospective groom gives a firm authorization in writing that the guardian's acceptance of the marriage contract is the groom, 3. If the prospective bride or guardian object to the representative of the prospective groom, the marriage contract may not be held²¹

4) Purpose of Marriage in Islam

Islam requires Muslims to held a marriages not without purpose and wisdom on it. Marriage is one of the media for developing the descendants and channelling instincts to have sexual relations. The purpose of marriage in Islam cannot be separated from the word of Allah SAW in the Qur'an, as the source of its teachings.

a) Al-Qur'an ar-Rum verse 21 asserts that one of Allah SWT signs that He created wives for men of their kind, so that they may feel at ease (*sakinah*). Then Allah makes/grows feelings of love and affection (*mawaddah* and *rahmah*) between them. In this case, there are really signs (lessons) for those who want to think.²²

b) In Surah an-Nahl verse 72 it is explained that marriage aims to continue the lineage:

²¹ Mohd. Idris Ramulyo, *Hukum Perkawinan Islam*, Jakarta: PT. Bumi Aksara, 1996, hal. 76.

²² Ahmad Atabik dan Khoridatul Mudhiiah, "Pernikahan Dan Hikmahnya Perspektif Hukum Islam", *Jurnal Yudisi*, no. 2(2014): 301

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً

وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ۗ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ

“And Allah has made for you spouses of your own kind, and given you through your spouses children and grandchildren. And He has granted you good, lawful provisions. Are they then faithful to falsehood and ungrateful for Allah’s favours?”

And the most important thing in marriage is not just born a child, but trying to find and form a quality generation in raising the children who are pious and devoted to Allah. Of course, we will not raise pious children except with the proper Islamic education.

- c) To protect oneself from deeds that Allah has forbidden to do. Humans created by Allah SWT have human instincts, which include biological needs. Therefore, in Islam, the relationship between men and women is regulated by a marriage bond. Islam aims to teach its followers not to suppress their sexual urges but to fulfil them in a responsible way.

أُحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ ۚ هُنَّ لِيَاسٍ لَكُمْ وَأَنْتُمْ لِيَاسٍ لَهُنَّ ۗ عَلِمَ

بِاللَّهِ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَقَا عَنْكُمْ

“It is lawful for you on the night of the fasting month to mix with your wives; they are garments for you, and you are garments for them. Allah knows that you cannot control your lust, so Allah forgives you and forgives you. (Al-Baqarah: 187)

5) Marriage Wisdom

Regarding the wisdom of marriage, in essence, it cannot be separated from the purpose of marriage itself because these two things have continuity with each other. Al-Jurjawi, in his book *Hikmah AL-Tasyri wa Falsafatuh* explains the wisdom of marriage, including:²³

- a) Create peace of mind and inner stability. In accordance with their nature, humans tend to love their loved ones, so that with a wife or husband they will eliminate each other's sadness and fear. Thus life will feel more peaceful and prosperous.
- b) Fulfil the demands of nature. The sex instinct is human nature that demands to be guarded and find a way out as a solution for humankind, thus marriage is a good and honourable way out to channel and satisfies human sex instincts.
- c) Protecting The Human Honour. Marriage will be a friend between husband and wife to commit adultery, so that both of them will lower their eyes and guard you against things that are full of lust and are not lawful for him..
- d) Marriage is able to relay generations of a people by the descendants.
- e) Growing a sense of responsibility. The existence of rights and obligations in the household will foster a sense of responsibility

²³ Abdul Rahman Ghazaly, *Fiqh Munakahah*, (Jakarta: Prenadamedia Group, 2019), 47-51.

to encourage people to be diligent in working, guiding and educating children.

- f) Strengthen friendship. Marriage can tie the ties of friendship, so that the ties of friendship are able to strengthen the familial relationship between the two families.

2. *Walimah al-Urs*

a. Definition of *Walimah al-Urs*

Walimah الْوَلِيْمَةُ comes from لَمْ or لَمَّ which means party, holding a banquet.²⁴ According to Imam Syafi'i, the term of *walimah* is taken from the word *walmun* which means an association, due to the gathering between the bride and groom.²⁵ Ahmad Sarwat stated the meaning of *Walimah* means meeting.²⁶ Al-Haisami defines *Walimah* as wedding party food or any food served for invitations (party) and others.²⁷ Wahbah al-Zuhaili, that *walimah* is food served as a sign, a sign of happiness in wedding receptions, marriage contracts and so on.²⁸

Arifin interprets it as *al-jam'u* or gathering because husband and wife gather after having a wedding party meeting.²⁹ all of these

²⁴ KH. Adib Bisri, Kamus Al-Bisri, (Surabaya: Progressif, 1999), 787.

²⁵ Kaerul Akmal, Konsep *Walimah* Dalam Pandangan Empat Mazhab, Jurnal Tarjih dan Pengembangan Pemikiran Islam, No. 1(2019), 24.

²⁶ Ahmad Sarwat, Ensiklopedia Fiqih Indonesia 8: Pernikahan, (Jakarta: Gramedia Pustaka Utama, 2019),

²⁷ Ibn Hajr al-Haisami, Tuhfah al-Muhtaj ila Syarh al-Minhaj, Juz 5, (Beirut: Dar al-Kutb al-'Ilmiyyah, 2003), 336.

²⁸ Wahbah al-Zuhaili, al-Fiqh al-Syāfi'ī al-Muyassar, (Terj: Muhammad Afifi dan Abdul Hafiz), Jilid 2, Cet. 3, (Jakarta: Almahira, 2017), 530.

²⁹ Agus Arifin, Menikah untuk Bahagia: Fikih Nikah dan Kamasutra Islami, Cet. 6, (Jakarta: Elex Media Komputindo, 2016), 140.

meanings tend to return to gathering to fulfill a banquet at a wedding. Then the word *al-'urs* literally means *al-jifāf wa al-tazwīj* or marriage.³⁰

In Islamic jurisprudence, *walimah* contains general and special meanings. The general meaning of *walimah* is all forms of celebration that involve many people. While *walimah* in a special meaning called *walimah al-'urs*, contains the meaning of the inauguration of a marriage whose purpose is to inform the public that the bride and groom have officially become husband and wife, as well as gratitude for the families of both parties for the ongoing marriage.³¹

Syarifuddin argues that *Walimah al-'urs* is an event carried out in order to be grateful for the blessings of Allah SWT for the implementation of the marriage contract or marriage by serving food.³²

Walimah 'Urs is a celebration of the bride and groom as an expression of gratitude for their marriage by inviting relatives and the community to be happy and witness the inauguration of the wedding. So, *Walimah 'Urs* is an announcement of marriage to the public.

b. Legal Basis of *Walimah al-'urs*

None of the ulama forbid a person or family who conducts a marriage holding *walimah al-'urs*. It's just that, behind the absence of

³⁰ M. Dahlan R, *Fikih Munakahat*, (Yogyakarta: Deepublish, 2015), 81

³¹ Lia Laquna Jamali, Lukman Zain dan Ahmad Faqih Hasyim, (*Hikmah Walimah Al-Ursy (Pesta Pernikahan) Dengan Kehormatan Perempuan Perempuan Perspektif Hadits, Diya Al-Afkar*, No. 2(2016). 168

³² Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia: Antara Fiqih Munakahat dan Undang-Undang Perkawinan*, Cet. 4, edisi Pertama, (Jakarta: Kencana Prenada Media Group, 2009), 155

the prohibition, there are only differences of opinion regarding the mandatory status or the sunnah to do it. Therefore, it is sufficient to understand that the implementation of *walimah al-'urs* is permissible, and al-Syaukānī explicitly states it is something that is prescribed in Islam.³³ The basis for implementing *walimah al-'urs* is not found in the Qur'an, it is only found in several hadith narrations. Among them is the hadith narrated by Abu Dāwud:

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ حَدَّثَنَا حَمَادٌ عَنْ ثَابِتِ بْنِ أَبِي أَنَسٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ وَغَلِيَّةَ رَدْعُ زَعْفَرَانَ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَهَيْمٌ فَقَالَ يَا رَسُولَ اللَّهِ تَزَوَّجْتُ امْرَأَةً قَالَ مَا أَسَدَقْتَهَا قَالَ وَزَنَ نَوَاقِ مِنْ ذَهَبٍ قَالَ أَوْمٌ وَلَوْ بِشَاوِزِ (روه أبو داود)

“Mūsā bin Isma‘īl has told us, hamād has told us from sābit al-Bunānī also Ḥumaid from Anas that prophet Muhammad SAW saw Abdurrahmān bin 'Auf traces of za‘farān oil on him. Then the Prophet said: What is this? Then he said: O Messenger of Allah, I have married a woman. The Prophet said: What was the dowry you gave to her? He said: gold as the size of a date seed. He said: Celebrate it (hold walimah) even if it is only by slaughtering a goat”. (NB. Abū Dāwud)

Furthermore, the hadith of the Prophet from Anas:

عَنْ ثَابِتٍ قَالَ ذُكِرَ تَزْوِجُ زَيْنَبَ بِنْتِ جَحْشٍ عِنْدَ أَنَسٍ فَقَالَ مَا رَأَيْتُ النَّبِيَّ صَلَّى اللَّهُ وَسَلَّمَ أَوْمٌ عَلَى أَحَدٍ مِنْ نِسَائِهِ مَا أَوْمٌ عَلَيْهَا أَوْمٌ بِشَاوِزِ (روه البخاري)

“From Thabit he said that the Rasulullah (saw) used to hold walimah for his wives, just as he held walimah for Zainab, he held walimah for her with a goat.”. (HR. Al-Bukhori)

³³ Muḥammad bin Alī al-Syaukānī, al-Adillah al-Raṣīnah li Matn al-Durar al-Bahiyyah fi Masā‘īl al-Fiqhiyyah, (Tp: Dār al-Hijrah, 1991), 265.

Al-Nawawī said the above hadith gave news about the implementation of *walīmah al-'urs* carried out by the Prophet Muhammad SAW. The implementation of the Prophet's *walīmah al-'urs* with Zainab is a form of gratitude for the marriage of Allah SWT.³⁴ This indicates that *walīmah al-'urs* is something that is prescribed in Islam. *Syariat* of *walīmah al-'urs* does not come without a reason, but it is present as part of a way of being grateful for the implementation of the marriage contract between the two partners, in addition to *walīmah al-'urs* itself is something that is worth worship when done.

حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ , حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ , أَخْبَرَنَا عَيْسَى بْنُ مَيْمُونٍ
الْأَنْسَارِيُّ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ , عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ : أَعْلِنُوا هَذَا النِّكَاحَ وَاجْعَلُوهُ فِي الْمَسْجِدِ وَاضْرِبُوا عَلَيْهِ بِالذُّفُوفِ (روه
الترمذی)

“Ahmad bin Mani' has told lami, Yazid bin Harun has told us, Isan bin Maimun has reported from Qasim bin Muhammad, from Aisyah said: Rasulullah SAW said: announce this marriage, celebrate it in the mosque, and beat the rebana instrument to celebrate his (event)”. (H.R At-Tirmidzi)

Based on the argument that there is an order for the implementation of *walīmah al-'urs* above, it is also part of the *fi'liyyah* of Rasulullah SAW as mentioned in the last two hadiths, indicating that with this hadith, classical ulama to this day view the implementation of

³⁴ Abū al-Ḥusain Muslim al-Ḥajjaj al-Qusyairī, Ṣaḥīḥ Muslim, (Riyadh: Dār al-Salām, 2000), 603.

walimah al-'urs as is an event that is the sunnah of the Prophet Muhammad and is also prescribed for Muslims when there is a marriage contract. Perhaps with the three arguments above, it gives a picture of the legal implementation of *walimah al-'urs* which is indeed recognized by Islamic law. *Walimah al-'urs* is done because we are grateful for the blessings of Allah SWT and as a manifestation of the happiness of married couples and families.

c. Propriety of *Walimah al-'urs*

Proprieties of *walimah al-'urs* are as follows:³⁵

- For the bride (women) and invited guests are not allowed to *tabarruj*. Showing off jewelry and dressing up excessively, it's enough that the important thing is neat and clean and must still cover the genitals.
- There is no *ikhtilat* (mixed up) between men and women. The place for invited guests should be separated between men and women. This is intended so that the view is maintained, considering that when attending a party like this usually the invited guests dress differently and not infrequently also exceed the bride..
- It is recommended to invite the poor and orphans, not only the rich.

³⁵ Muhammad Abduh, *Pemikiran dalam Teologi Islam*, (Jakarta: PT. Raja Grafindo Persada, 2002), 110.

- Do not overdo in spending wealth and food, so it does not go to waste.
- It is permissible to provide entertainment in the form of nasheed from a *rebana* and not to damage the faith of Muslims.
- Praying for the bride and groom.
- Avoid shirk and superstition.

Therefore walimah is one of the worship, so it must be avoided actions that lead to shirk and superstition.

3. 'Urf

a. Definition of 'Urf

Linguistically the word '*urf*' comes from Arabic which is taken from the word '*arafa*, ya'rifu (عرف-يعرف) is often interpreted as *al-ma'ruf* (المعروف) which means: something known. The word '*urf*' itself has two meanings, namely etymologically which means something that is considered good and accepted by common sense. While the terminology '*urf*' is the habit of the majority of the people, either in words or deeds.³⁶

'*Urf*' is a condition, speech, deed, or provision that is known to humans and has become a tradition to be implemented or abandoned³⁷. '*Urf*' can also be said as a habit that has become a part of the life of a specific community group.³⁸ So that among the Muslim

³⁶Nazar Bakry, *Fiqh dan Ushul Fiqh*, Jakarta: PT Raja Grafindo Persada, 2003, hal. 236.

³⁷Rahmat Syafe'i, *Ilmu Ushul Fiqih*, Bandung: Pustaka Setia, 2010, hal. 128.

³⁸Imam Musbikin, *Qawa'id al-fiqhiyah*, Jakarta: PT RajaGrafindo Persada, 2001, hal. 93.

community, *'urf* is often equated as a custom. Thus *'urf* is in the form of an attitude of mutual understanding, knowing, and accepting between humans on the different levels between them, both in general and in particular. Because the community plays an essential role in the formation of a custom.³⁹

b. Types of *'Urf*

Urf is divided into three types of classification, namely:

- a) In terms of the material that is usually done, namely; *'Urf qauli* and *'Urf fi 'li*⁴⁰. *Urf qauli* namely, habits that apply in the use of words or speech as is the custom of Arab society to use the word "*walad*" for boys. In fact, according to the original word, it means a boy and a girl. Likewise, using the word "*lahm*" for land animal meat, even though the Qur'ān uses that word for all types of meat including fish meat, then the use of the word "*dabbah*" for four-legged animals even though this word initially includes reptiles. While *'urf fi 'li* is a habits that apply in actions. Such as the people's habit of buying and selling with the word contract, the habit of renting house furniture, serving guest dishes to eat, visiting recreational areas during holidays, the habit of giving gifts at birthday events, and so on.
- b) In terms of the scope of use namely *'urf 'aam* (general) and *'urf*

³⁹ Rahmat Syafe'i, *Ilmu Ushul Fiqih*, Bandung: Pustaka Setia, 2007, hal. 128.

⁴⁰ Amir Syarifudin, *Ushul Fiqh Jilid 2*, Jakarta: Kencana, 2009, hal. 389.

khaas (special). General '*Urf*' which is a habit that has become common everywhere. *Special 'Urf*' is a habit carried out by a group of people at a specific place and time. As is the case with the *Bausung* tradition, which is specifically carried out only at Banjar traditional weddings.

- c) In terms of good and bad ratings namely '*urf shahih*' dan '*urf fasid*'.⁴¹ '*Urf* sahih is what has become a human habit and does not violate the rules of *syara*', does not justify what is forbidden, and does not invalidate what is obligatory. Meanwhile '*urf fāsīd*' is the opposite, that is, anything that has become a human custom, but violates the *syara*', justifies what is forbidden or cancels what is obligatory.⁴²

⁴¹ Amir Syarifudin, *Ushul Fiqh Jilid 2*, Jakarta: Kencana, 2009, hal. 389.

⁴² Muchlis Usman, *Qawaid Al-Fiqhiyyah*, Jakarta: PT. Raja Grafindo Persada, 2001, hal. 94.

CHAPTER III

METHOD OF RESEARCH

The research method is the main foundation in developing structured knowledge and becomes a guide for researchers to achieve research goals. Therefore, the research method aims to reveal the truth systematically, methodological, and consistently. Through methodological means following a certain method; systematic is based on a system to gain scientific truth.⁴³

A. Types of Research

This research belongs to the type of empirical research or field research by researching several communities and how the development of law in these communities.⁴⁴ Researchers will collect and analyze interview data from the practitioner of the *Bausung* tradition, several local community leaders who are traditional leaders and religious leaders, which will then be classified by researchers to get a conclusion.

B. Research Approach

The approach used in this research is a qualitative approach that emphasizes the aspect of understanding a more in-depth problem. In this case, the researcher conducted an in-depth study on the concept of '*Urf*' regarding the implementation of the Bausung tradition in marriage as an object of research.

C. Research Location

This research was conducted in several places in Banjarmasin and the MUI office in Banjarmasin, which is located at the Sabilal Muhtadin

⁴³ Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2011, hal. 17.

⁴⁴ Burhan Bungin, *Metodologi Penelitian Sosial*, Surabaya: Airlangga University Press, 2001, hal. 12.

Grand Mosque Antasan Besar street, Kec. Central Banjarmasin, Banjarmasin City, South Kalimantan Province 70123. This location was chosen because the office serves as the provincial branch office of the South Kalimantan MUI. So that this location is deemed appropriate to be used as a research place.

D. Data Sources

Data source on this research sources are divided into two parts, namely:

1. Primary data source

The primary data sources of this research are information from various groups, like the practitioner of *Bausung* tradition, local traditional leaders and religious figures from the Indonesian Ulama Council in Banjarmasin.

Table 3.1: Informants information

No.	Name	Information
1	Mr. NH	Traditional leader
2	Mr. SR	Traditional leader
3	Mr. AS	Religious figures
4	Mr. AM	Practitioner of <i>Bausung</i> tradition
5	Mrs. KN	Practitioner of <i>Bausung</i> tradition
6	Mr. HE	Practitioner of <i>Bausung</i> tradition
7	Mrs. CS	Practitioner of <i>Bausung</i> tradition
8	Mr. MZ	Practitioner of <i>Bausung</i> tradition
9	Mrs. SK	Practitioner of <i>Bausung</i> tradition
10	Mr. AA	Practitioner of <i>Bausung</i> tradition
11	Mrs. AH	Practitioner of <i>Bausung</i> tradition

2. Secondary data source

Secondary data used in this study are several official documents and research results and reference books related to or following the themes raised in this study.

E. Technique of Data Collection

Data collection methods to obtain field data in accordance with the research objectives used in this study were interview and documentation:

a. Interview

Interviews were conducted by asking several questions that had been prepared in advance that were flexible as long as they did not deviate or leave the main topic of conversation. This interview was conducted directly with research on all informants, namely several married couples who married using the *Bausung* tradition, several community leaders and religious leaders who were under the auspices of the Banjarmasin MUI organization. The informants were divided into four married couples who married with *Bausung* tradition, two local community leaders and one MUI Banjarmasin ulama who understands this tradition in depth so that the data obtained is appropriate data to solve the problems that exist in the research theme.

b. Documentation

Documentation is a written analysis of data accompanied by several photos of the tradition to become evidence in the implementation of data collection in accordance with research objectives.

F. Data Analysis

This method aims to assemble or align all the data that has been collected into a data analysis that is neatly structured between one data and another so that this research becomes research that is in accordance with the format of the writing.⁴⁵ Some of the methods used include:

a. Editing

In this method, the researcher edits the data according to the problem formulation that focuses on the data that has been collected from primary data and secondary data to reduce errors in writing some words or sentences in the study so as to improve the quality of this research.

b. Classification

Grouping or classifying the final data into certain groups that have been arranged according to the implementing process the *Bausung* tradition, the implementing reasons of the *Bausung* tradition and 'urf's review on the *Bausung* tradition. So that the composition of the contents of this research is neatly and well organized.

c. Verification

Reviewing the suitability of data from informants that have been edited and classified into these groups so that there are no errors and improve the accuracy of the data that has been obtained so that this research can be accepted as true by the readers.

⁴⁵ Bambang Sunggono, *Penelitian Hukum Normatif*, Bandung: CV Mandar Maju, 2000, hal. 76.

d. Analysis

Furthermore, the researchers analyzed the research as a whole, both from the data and the preparation of sentences. After the analysis process has been carried out, the researcher sorts and simplifies the data so that the overall content of this research can be more easily understood and presented so that a clear picture of this research can be obtained.

e. Conclusion

The researcher draws the final conclusion which is the answer to the questions listed in the problem formulation. The researcher summarizes the responses from the results of the analysis, which is about how is the views of *'urf* on the practice of the bridal bausung tradition in marriage.

CHAPTER IV

DISCUSSION OF RESEARCH FINDINGS

A. Banjarmasin Profile

1. Topography of Banjarmasin

Topographically, Banjarmasin City is mostly a swampy and relatively flat plain. At high tide, almost the entire area is flooded, which is located below an average altitude of 0.16 meters below sea level.

The city of Banjarmasin is located near the mouth of the Barito River and is bisected by the Martapura River. So it is as if the city of Banjarmasin is divided into two parts. The soil slope is between 0.13% with the geological composition, especially the bottom, which is dominated by clay with delicate sand inserts and alluvial deposits consisting of greyish black clay and soft. The soil slope is between 0.13% with the geological composition, especially the lower part, which is dominated by soft sandy clay inserts, and Alluvial soil which is dominated by clay structures is the type of soil that dominates the Banjarmasin City area. At the same time, the bedrock formed in the regional basin comes from metamorphic rocks whose surface is covered by gravel, gravel, sand and clay that settles in the river and swamp environment.⁴⁶

⁴⁶ Profil Kota Banjarmasin, <https://kalsel.bpk.go.id/kota-Banjarmasin/>

2. Geographical Location of Banjarmasin

Banjarmasin is geographically located between 3° 16' 46" to 3° 22' 54" South Latitude and 114° 31' 40" to 114° 39' 55" East Longitude. Located at an average altitude of 0.16 m below sea level with relatively flat and swampy area conditions. At high tide almost the entire area is flooded. The area of Banjarmasin City is 98.46 square kilometers or 0.26 percent of the total area of South Kalimantan Province, consisting of 5 sub-districts with 52 urban villages. South Banjarmasin sub-district is the largest sub-district with a percentage of 38.90 percent (38.30 Km²).

The city of Banjarmasin has five sub-districts, namely South Banjarmasin, East Banjarmasin, West Banjarmasin, Central Banjarmasin, and North Banjarmasin. The total number of urban villages is 52 urban villages.⁴⁷

3. Administrative boundaries

Banjarmasin City is located in the south of South Kalimantan Province, bordering:⁴⁸

- By the north with Barito Kuala Regency.
- By the east with Banjar Regency.
- By the west with Barito Kuala Regency.
- By the south with Banjar Regency.

⁴⁷ Kota Banjarmasin Dalam Angka, (Banjarmasin: BPS Kota Banjarmasin, 2021), 4.

⁴⁸ Kota Banjarmasin Dalam Angka, (Banjarmasin: BPS Kota Banjarmasin, 2021), 3.

4. Residents of Banjarmasin City

In 2020, the sex ratio in Banjarmasin City is 100.36. This can illustrate that the male population is still more than the female population, although the difference tends to be small. With an area of 98.46 Km², the population density of Banjarmasin City reaches 6,679 inhabitants/km². Based on the sub-district area, almost 47.87% of the population of Banjarmasin City lives in South Banjarmasin and North Banjarmasin Districts with the largest population density in Central Banjarmasin District which reaches 13,155 people/km².⁴⁹ As for the tribes and religions that occupies the city of Banjarmasin the most is the Banjar tribe with 79.26% and Islam with 95,54% of the total population, So it makes sense that Banjar traditional ceremonies are often held, especially in weddings.

B. The Implementation of *Bausung* Bridal Tradition in Banjar Traditional Weddings

a) Definition of *Bausung* bridal tradition

The *Bausung* bridal tradition has existed since the days of the Banjar Sultanate. At the first of moment, this tradition was only held for the nobles and the wealthy merchants. But nowadays, the *Bausung* bridal tradition is no longer a party for the rich. *Bausung* bridal tradition has become a tradition for the Banjar tribal society at most of the wedding.

⁴⁹ Kota Banjarmasin Dalam Angka, (Banjarmasin: BPS Kota Banjarmasin, 2021), 69.

The word "*Bausung*" in the Banjarese means to carry or to lift up. While the word bridal means the couple of bride and groom who are getting married. *Bausung* bridal means carrying or lifting the bride and groom up on the shoulders of a man to be paraded to the aisle⁵⁰.

Mr. NH explained that *Bausung* bridal tradition is the lifting the bride and groom up onto the shoulders of a man who is considered strong and skilled in *pencak silat* or dancing to be paraded then to the aisle.⁵¹

“Bausung Pengantin adalah tu ialah satu prosesi pernikahan dengan cara meletakkan mempelai laki-laki dan perempuan pada pundak laki-laki yang ditunjuk menjadi juru usung (yang mengusung) dan masing masing mempelai dipertemukan lalu diarak sampai pelaminan”.⁵²

“Bausung bridal is one of the wedding processions by placing the bride and groom on the shoulders of the man who is appointed to be juru usung (who carries) and each bride is brought together and then paraded to the aisle.

Banjar tribal society believe that the bride and groom are a pair of noble brides and are considered nobles, so that when the wedding procession held, the bride and groom are positioned as king and queen on a day, both are highly glorified and exalted. Therefore they are not allowed to step on the earth.

Mr. AM explained about the philosophy of the *Bausung* Bridal tradition, as follows:

⁵⁰ Riska Rahma, *Tradisi bausung pengantin di Banjar Kandangan Kecamatan Tembilahan Kabupaten Indragiri Hilir*, JOM FISIP, Volume 6, Juni- Desember 2019, hal. 12.

⁵¹ Bapak NH, Wawancara, (Banjarmasin, 30 Maret 2022)

⁵² Bapak AS, Wawancara, (Banjarmasin, 28 Maret 2022)

*“Di hari pernikahan, mempelai pria dan wanita dianggap sebagai bangsawan jadi mereka diangkat diatas pundak biar terlihat lebih tinggi derajatnya”.*⁵³

“On the day of the wedding, the bride and groom are considered royalty so they are lifted above the shoulders to appear higher in rank”.

Mrs. SK also explained that:

*“Pengantin dianggap sebagai raja dan ratu sehari (dihari pernikahan) maka dari itu mereka diangkat lebih tinggi, dan kaki mereka tidak diperkenankan menginjak tanah”.*⁵⁴

“The bride and groom are considered as kings and queens for a day (on the wedding day) and therefore they are raised higher, and their feet are not allowed to touch the ground.”

Banjar traditional weddings are taking very respectful to the bride and groom. They will treat the bride and groom like a King and Queen for a Day. Therefore, at the wedding ceremony the bride and groom must be carried or lifted up so that their position is higher than the others.

In addition, the meaning of the *Bausung* bridal is to broadcast the message, that a couple has officially become the husband and the wife. *Bausung* bridal usually done before the couple sitting side by side on the aisle, also before the bathing or showering procession. But over time, a lot of people there done *Bausung* bridal only before the couple go to the aisle.⁵⁵

⁵³ Bapak AM, Wawancara, (Banjarasin 28 Maret 2022)

⁵⁴ Ibu SK, Wawancara, (Banjarasin 28 Maret 2022)

⁵⁵ Ibu AH, Wawancara, (Banjarasin: 23 Maret 2022)

According to the belief of the Banjar tribal society in the city of Banjarmasin, the *Bausung* bridal tradition must be applied during a wedding because the Banjar tribal society believe that if the tradition is abandoned at the wedding process, the bride and groom or only each of them will get sanctions in form of possession and seclusion.⁵⁶

b) The Practice of *Bausung* Bridal Tradition

The *Bausung* bridal has a quite unique process compared to the wedding procession in general, such as the meaning of *Bausung* itself, which is to carry or lift someone up. The *bausung* bridal is implemented by being carried on someone's shoulder. This tradition is held at the *walimahan* or wedding reception, so that before the wedding reception is held, the bride's family has looked for and appointed a *juru usung* (the man who lift the bride and groom up) for the *Bausung* bridal tradition. Thus, the process of implementing the *Bausung* Bridal tradition includes the following:

- 1) The two brides and grooms wear traditional wedding clothes.
- 2) The bride and groom are placed in a place not far from the aisle.
But in this case, women and men are not placed in the same place.⁵⁷
- 3) The man will be carried up on the shoulder of *juru usung* in a straddle position to be then reunited with the bride, to pick her up.

⁵⁶ Riska Rahma, *Tradisi bausung pengantin di Banjar Kandangan Kecamatan Tembilahan Kabupaten Indragiri Hilir*, JOM FISIP, Volume 6, Juni- Desember 2019, hal. 12.

⁵⁷ Ibu Sk, Wawancara, (Banjarmasin, 27 Maret 2022)

- 4) When the groom arrives at the bride's place, the bride is also carried up over the shoulders by a *juru usung* in a sideways position, which is then carried up and paraded to the aisle.⁵⁸

During the *Bausung* Bridal process, the bride and groom are carried up to the accompaniment of rhythms such as traditional music or gamelan. The person who lifts them (*juru usung*) walks while dancing or playing *pencah silat* moves to the beat of the existing music. Not only that, the *bausung* bridal process is also carried out by being paraded among invited guests to be brought to the aisle.

*“Pelaksanaan Bausung pengantin diiringi dengan seni kuda gepang (yaitu seperti kuda lumping di Jawa namun tidak ada yang kesurupan) dan wayang yang mengangkat cerita raja-raja Banjar yang diikuti dengan gamelan, atau seni silat. Sambil diiring seni tersebut, juru usung menjemput mempelai pria disaat yang sama juga menjemput wanita dijemput juru usung. Lalu mereka dipertemukan (disaung) dan mereka diarak ke pelaminan”.*⁵⁹

“The implementation of the bridal Bausung is accompanied by the kuda gepang (which is like Kuda Lumping in Java but no one is in a trance) and wayang which tells the story of the kings of Banjar followed by gamelan, or the art of silat. While accompanied by the art, the juru usung picks up the groom at the same time the bride is picked up by the juru usung. Then they are met and they are paraded to the aisle”.

According to the explanation of Mr. AS as a religious leader of the local community, someone who does the appointment of the bride and groom is recommended from the family itself and wear

⁵⁸ Bapak SR, Wawancara, (Banjarmasin, 27 Maret 2022)

⁵⁹ Bapak NH, Wawancara, (Banjarmasin, 27 Maret 2022)

traditional clothes. This is done in order to avoid *mudharat* that might occur during the *Bausung* bridal ceremony.

*“Tentu batasan yang wajib adalah juru usung harus merupakan keluarga sendiri dan pakaian adat yang tidak membuka aurat, sehingga tidak terdapat adanya mudharat utamanya bagi mempelai Wanita”*⁶⁰

“Of course, the mandatory limit is that the juru usung must be his own family and traditional clothes that do not reveal the genitals, so that there is no mudharat especially to the bride”.

Although the *Bausung* bridal tradition is classified as a unique tradition, in fact this tradition does not bind any special requirements, but according to the local custom usually before this tradition is held, the bride's family will prepare *piduduk* (offerings), the *piduduk* are prepared in the form of young coconuts, 1 litre of rice, brown sugar, needles and threads are placed under the aisle⁶¹, besides that there is also another *piduduk* for the *juru usung*. However, according to Mr. NH's explanation as a community leader in the local area, *piduduk* is not an obligation to be able to hold a *bausung* bridal, because it is only a habit to honour the ancestors, so if the *piduduk* is not prepared during the *Bausung* bridal procession, it is also okay.⁶²

⁶⁰ Bapak AS, Wawancara, (Banjarmasin, 30 Maret 2022)

⁶¹ Marsukin, “*Persepsi masyarakat terhadap tradisi piduduk dalam pernikahan adat Banjar dari perspektif 'urf*” (studi di Desa Sidomulyo, Kabupaten Ilir, Kalimantan Timur)”, (Undergraduate thesis, Universitas Maulana Malik Ibrahim Malang, 2016), hal. 23.

⁶² Bapak NH, Wawancara, (Banjarmasin, 27 Maret 2022)

C. The Reason To Practice The *Bausung* Bridal Tradition

The *Bausung* bridal tradition in Banjar traditional wedding is one of the processions at the *walimah al-'urs* (reception) which is still preserved by the Banjar tribal society in Banjarmasin. The tribal society of Banjar inform that there are several important factors that make them still implementing the *Bausung* Bridal tradition. In general, the factors behind the *Bausung* Bridal tradition are due to the habits of the ancestors of the Banjar tribal society. Meanwhile specifically, *Bausung* bridal tradition is motivated by three other factors, as shown below:

1) Preserving ancestral traditions or customs

The *Bausung* bridal tradition is a unique feature of the Banjar tribal society in the city of Banjarmasin, which is still rarely encountered in the other processes of *walimah al-'urs* tribal people's weddings. Thus, the Banjar tribal society try to preserve the *Bausung* Bridal tradition by implementing it out at their wedding ceremony. It also aims to introduce to the world that the people of Banjar have a unique tradition at the marriage celebration ceremony, that when the bride and groom held the *walimah al-'urs* procession, they are considered like kings and queens who are prohibited to step on the surface, so they must be carried or lifted up when they want to move to the aisle. The lifting of the bride and groom up is quite unique, because they are not lifted by a cart or a vehicle, but are carried on the shoulders by the *juru usung*, and at the same time when they carrying

the bride and groom up to the aisle on their shoulders, they also do a dance or even perform *pencak silat* movements accompanied by gamelan music.

The implementation of *Bausung* bridal tradition by the tribe peoples which is motivated by the factor of preserving ancestral traditions was expressed by several Banjar tribal societies in the city of Banjarmasin, including an explanation from Mr. AS as a religious leader of the local community, who said that:

“Banyak masyarakat Banjar yang masih melaksanakan tradisi Bausung Pengantin, karena kita merasa bahwa tradisi Bausung Pengantin ini merupakan warisan budaya dari nenek moyang yang dianggap sacral, selain itu pelaksanaannya yang cukup unik menjadi kebanggaan tersendiri bagi masyarakat adat Banjar. Sehingga menurut kami tradisi ini layak untuk dipertahankan eksistensinya di tengah masyarakat-tengah masyarakat Indonesia pada umumnya, dan masyarakat adat Banjar pada khususnya, untuk menampilkan menampilkan sosok pengantin yang dianggap sebagai raja dan ratu”.⁶³

“A lot of Banjar people still carry out the Bausung Bridal tradition, because we feel that the Bausung Bridal tradition is a cultural heritage from their ancestors which is considered sacred, besides its unique implementation is a source of pride for the Banjarese indigenous people. So in our opinion, this tradition deserves to be maintained in the midst of Indonesian society in general, and the Banjar tribal society in particular, to display the figure of the bride who is considered the king and queen.”

Mr. BU explained his opinion which was not much different from

Mr. AS as follows:

“Tradisi Bausung Pengantin ini sudah menjadi tradisi turun tmurun dari masyarakat Banjar, terutama dalam keluarga kami, sehingga kami turut melaksanakan tradisi Bausung Pengantin ini dengan

⁶³ Bapak AS, Wawancara, (Banjarmasin, 30 Maret 2022)

*alasan untuk Basambung adat atau melestarikan tradisi, agar anak dan cucu kami tetap mengenal tradisi Bausung Pengantin”.*⁶⁴

“The Bausung Bridal tradition has become a tradition passed down from generation to generation from the Banjar community, especially in our family, so we participate in carrying out the Bausung Bridal tradition with the excuse of “Basambung adat” or preserving the tradition, so that our children and grandchildren will still know the Bausung Bride tradition”.

Furthermore, Mrs. KM also confessed her reason for implemented the *Bausung* bridal tradition for preserving the cultural heritage of their ancestors:

*“Pelaksanaan tradisi Bausung Pengantin bagi kami adalah upaya untuk melestarikan adat masyarakat suku Banjar, karena hal ini telah dilakukan secara turun terumurun oleh nenek moyang dan orang tua kami”.*⁶⁵

“The implementation of the Bausung Bridal tradition for us is an effort to preserve the customs of the Banjar tribal community, because this has been done for generations by our ancestors and parents”.

2) Magical belief in the *Bausung* Bridal tradition

The *Bausung* bridal tradition is a hereditary tradition from the ancestors of the Banjar tribal community which is still preserved today. This tradition is considered sacred by the tribal people of Banjar, they assume that this tradition must be implemented by every bride and groom when they get married, because when the bride and groom do not implement the *Bausung* bridal tradition out then they will be punished or get any sanctions by their ancestors.

⁶⁴ Bapak AS, Wawancara, (Banjarmasin, 30 Maret 2022)

⁶⁵ Ibu KM, Wawancara, (Banjarmasin, 30 Maret 2022)

The sanctions referred into the belief of the Banjar tribe are sanctions from their ancestors, these sanctions are in the form of supernatural disturbances such as trance. This is as expressed by several sources as the Banjar tribal society, including the explanation from Mr. HE:

“Kami percaya bahwa tradisi ini memang harus dilaksanakan, karena jika tidak nanti mempelai pengantin yang akan dapat sanksinya. Dulu orang tua saya pernah menceritakan bahwa temannya pernah mengalami kesurupan, dan hal ini dipercaya karena mereka tidak melaksanakan tradisi Bausung Pengantin saat proses Walimah ‘urs (resepsi)”.⁶⁶

“We believe that this tradition must be carried out, because otherwise the bride and groom will be punished. My parents used to tell me that their friend had experienced a trance, and this was believed because they did not carry out the Bausung Bridal tradition during the Walimah ‘urs (reception) process”.

Mrs. AH also revealed something that was not much different from the experience described by Mr. HE, where relatives of Mrs. AH had experienced a trance while at the aisle, which was believed to be because they did not carry out the bridal *Bausung* tradition.

“jadi mas, kalau tradisi ini (Bausung pengantin) tidak dilaksanakan ada sanksinya, pernah saudara perempuan saya tidak melakukan tradisi ini mungkin krna waktu itu mempelai pria nya berbeda suku jdi tidak mau melaksanakan. Di waktu perkawinan ketika duduk di pelaminan si istri dari saudara saya duduk diam mematung seperti orang linglung lalu setelah beberapa saat, si pengantin wanita pingsan sampai pernikahan selesai baru dia bangun. Ketika ditanya apa yang dirasa katanya tiba-tiba penglihatan memutih dan seperti tidur lalu ketika terbangun pernikahan sudah selesai”.

“So, if this tradition (Bausung bridal) is not implemented, there is a sanction, once my sister did not do this tradition, maybe because at that time the groom was of a different ethnicity, so he didn't want to do it. At the time of the wedding while sitting on the aisle the wife of

⁶⁶ Bapak HE, Wawancara, (Banjarmasin, 31 Maret 2022)

my brother sat quietly like a daze and then after a while, the bride fainted until the wedding was over and she woke up. When asked what he felt he said suddenly his vision turned white and it was like sleeping then when he woke up the marriage was over”.

Furthermore, Mr. NH as a local community leader also believed in the sanctions, he revealed that:

*“Sepupu saya perempuan seorang guru, pernah disaat mengajar tiba tiba jatuh dan pingsan lalu kesurupan. Ternyata dia tidak melakukan tradisi bausung karena malu, setelah itu dia diusung dan sehat kembali”.*⁶⁷

“My cousin is a teacher, once while teaching she suddenly fell and fainted and fell into a trance. Turns out he didn't do the bausung tradition out of shame, after that he was lifted up and healthy again”.

Furthermore, Mr. AS stated that he had also witnessed firsthand the occurrence of a trance when the bride and groom were on the aisle.

*“Ada, saya pernah menyaksikan dalam sebuah pernikahan pada saat bausung terdapat mempelai yang kesurupan karena terdapat salah satu dari persyaratan yang tidak terpenuhi, padahal baru persyaratan tidak terpenuhi saja sudah kesurupan apalagi kalau tidak dilaksanakan.”*⁶⁸

“Yes, I have witnessed in a marriage at the time of Bausung, there is a bride who is in a trance because one of the requirements is not fulfilled, even though the requirements are not fulfilled, it is already in a trance, especially if it is not implemented”.

The public's belief in sanctions for the couple who does not carry out the *Bausung* bridal has been attached since the time of their ancestors, and this is a form of magic belief in supernatural things other than Allah

⁶⁷ Bapak NH, Wawancara, (Banjarmasin, 27 Maret 2022)

⁶⁸ Bapak AS, Wawancara, (Banjarmasin, 30 Maret 2022)

SWT because according to the beliefs of the Banjar tribal society, the sanctions came from their ancestors.

3) Sense of obedience to their parents

The implementation of the *Bausung* bridal tradition is also based on the sense of obedience of the Banjar tribal society to their parents and ancestors, but some of them who implementing the *Bausung* bridal tradition actually do not understand the purpose of the *Bausung* Bride tradition is, they just implemented *Bausung* bridal tradition because of an order from their parents. Just like what Mr. HE and Mrs. CS as a married couple who implemented the *Bausung* Bridal tradition was expressed by.

“Kalau ditanya tentang faktor spesifik terkait alasan kami melaksanakan tradisi Bausung Pengantin saat walimah ‘urs (resepsi) pada pernikahan kami dulu itu sebenarnya kami sendiri kurang faham, dulu kami hanya mengikuti perintah dari orang tua kami saja, karena katanya jika tidak dilaksanakan tradisi ini akan terkena sanksi”.⁶⁹

“if we asked about specific factors related to the reason we carried out the Bausung Bridal tradition during the walimah 'urs (reception) at our first wedding, we actually didn't understand it ourselves, we used to only follow orders from our parents, because they say if we do not carry out this tradition, we will be affected by a sanction”.

Furthermore, Mr. AA and Mrs. AH revealed that:

“Tradisi Bausung Pengantin itu kan suatu tradisi yang sudah menjadi kebiasaan turun temurun keluarga, jadi dari pihak orang tua menganjurkan kepada kami untuk melaksanakannya saat pernikahan kami, karena hal ini juga berguna untuk melestarikan budaya kami, sehingga kami selaku anak ya tidak berani menolak selagi hal itu baik dan tidak membahayakan diri kami”.⁷⁰

⁶⁹ Bapak HE dan Ibu CS, Wawancara, (Banjarmasin, 31 Maret 2022)

⁷⁰ Bapak AA dan Ibu AH, Wawancara, (Banjarmasin: 23 Maret 2022)

“The Bausung Bridal tradition is a tradition that has become a family tradition, so our parents advised us to do it during our wedding, because this is also useful for preserving our culture, so we as children do not dare to refuse while it good and do not harm ourselves”.

Furthermore, related to the factors of the implementation of the Bausung Bridal tradition by the Banjar tribal society in the presentation of the results of the research above, it is stated that there are three factors, including:

- 1) Preserving ancestral traditions or customs
- 2) Because of the magic belief in the *Bausung* Bridal tradition
- 3) Because it is based on a sense of obedience to parents

Preserving traditions with good intentions and their implementation does not conflict with Islamic law is a permissible act, because in essence custom or tradition is a *muamalah* affair (worldly action), and an action that does not damage the aqedah of Muslims are allowed by law⁷¹. It is based on the rule:

الأصل في الأشياء الإباحة

“The original law of everything is permissible”

Which then also rests on the rule:

الأصل في المعاملة الإباحة إلا أن يدل الدليل التحريم

⁷¹ Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamallah*, Banjarmasin: Lembaga Pemberdayaan Kualitas Ummat (LPKU), 2015, hal. 121.

“The original law in muamalah matters is that it is permissible to do it, other than things that have been determined to be haram by the Quran/Hadith”.

The two rules above are placed in the study of *muamalah*, which means *"everything can be done even though there is no order, as long as there is no prohibition"*.

Then the implementation of the second *Bausung* Bridal tradition, according to the explanation, some people carry out the *Bausung* Bridal tradition based on the belief in magic in the tradition. Some Banjar tribal society think that *Bausung* Bridal is a sacred tradition and has sanctions if it does not carry out, the sanction is in the form of possession of supernatural things from the ancestors of the Banjar tribal community. Believing in something coming from other than Allah is shirk. Moreover, if in the process of implementation it is mixed with activities that refer to polytheism, such as preparing offerings and believing in shamans, then this activity is forbidden. As the word of Allah in the letter An-Nisaa verse 48:

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ ۚ وَمَنْ يُشْرِكْ بِاللَّهِ
فَقَدِ افْتَرَىٰ إِثْمًا عَظِيمًا

“Indeed, Allah does not forgive associating others with Him ‘in worship’ but forgives anything else of whoever He wills. And whoever associates others with Allah has indeed committed a grave sin”. (An-Nisaa:48)

Furthermore, the hadith of the Prophet SAW:

مَنْ أَتَى كَاهِنَ فَصَدَقَهُ بِمَا يَقُولُ فَقَدْ كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ. (روه أبو دود)

“Whoever goes to a fortune teller or a shaman and believes in his words, he has disbelieved in what Allah has revealed to Muhammad (SAW)”. (NB. Abu Dawud)

Then the third Bausung Bridal implementation factor: to obey the parents' orders is allowed if the order is based on good faith that does not damage one's aqidah. But if the order refers to polytheism then it is forbidden by law⁷².

D. Bausung Bridal Tradition of Banjar Traditional Wedding Brides in 'Urf Perspective

Marriage is a *sunnatullah* that is recommended for every human being, this shows that marriage is a form of worship which contains the intent and purpose to hope for the pleasure of Allah SWT. In addition, marriage also has a purpose and wisdom for the prosperity of human life, because by marrying someone will get love, descendants and peace of mind.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect”. (QS. Ar-Rum: 21).

⁷² Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamallah*, Banjarmasin: Lembaga Pemberdayaan Kualitas Ummat (LPKU), 2015, hal. 125

The verse above emphasizes how marriage has very noble wisdom for the life of His creatures. The glory of marriage in Islam is not just only reflected in its purpose and wisdom but more than that because Islam regulates the law of marriage itself. Marriage in Islamic law has been arranged so well, starting from the *ta'aruf* process, *khitbah*, marriage to *walimah al-'urs* (wedding reception).

Walimah al-'urs is a form of celebration of the bride and groom as an expression of gratitude for their marriage by serving a banquet and inviting relatives and the community to enjoy the banquet and share the joy of witnessing the inauguration of the wedding. *Walimah al-'urs* is an recommended activity in Islam for the people who have carried out marriage, as the hadith narrated by Abu Daud:

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ حَدَّثَنَا حَمَادٌ عَنْ ثَابِتِ بْنِ أَبِي حَمَيْدٍ عَنْ أَنَسٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ وَغَلِيَّةَ رَدْعُ زَعْفَرَانَ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَهَيْمٌ فَقَالَ يَا رَسُولَ اللَّهِ تَزَوَّجْتُ امْرَأَةً قَالَ مَا أَسَدَقْتَهَا قَالَ وَزَنَ نَوَاقٍ مِنْ ذَهَبٍ قَالَ أَوْيْمٌ وَلَوْ بِشَاوِزٍ (روه أبو داود)

“Mūsā bin Isma‘īl has told us, hamād has told us from sābit al-Bunānī also Humaid from Anas that prophet Muhammad SAW saw traces of Abdurrahmān bin 'Auf za'farān oil on him. Then the Prophet said: What is this? Then he said: O Messenger of Allah, I have married a woman. The Prophet said: What was the dowry you gave to her? He said: a gold as big as a date seed. He said: Celebrate it (hold a walimah) even if it is only by slaughtering a goat”. (NB. Abū Dāwud)

In that hadith the Prophet SAW ordered Abdurrahman bin Auf who had married a woman to celebrate his marriage even if it was only by slaughtering

a goat. The process of celebrating the marriage is *Walimah al-'urs*, as explained by Syarifuddin that *Walimah al-'urs* is an event that carried out in order to be grateful for Allah's favors for the implementation of the marriage by serving food.

Especially in Indonesia, *Walimah al-'urs* in traditional marriages have a uniqueness in the process of implementation. Like when it is viewed under Islamic law, it was never carried out by the Prophet SAW, but the implementation of *walimah al-'urs* with all its uniqueness was not intended to create a new religious teachings, it was only for entertainment in celebrating the wedding of the couple of bride and groom, and this usually happens from generation to generation by indigenous peoples in each indigenous tribe, which then becomes a tradition that is preserved continuously such as the *Bausung* bridal tradition.

Based on the data obtained by the researcher in the explanation above, it is explained that the *Bausung* bridal tradition is one of the processes at *walimah al-'urs* event of the Banjar tribal society in Banjarmasin. According to the researcher's explanation, *Bausung* bridal is a tradition of lifting the bride and groom on the shoulders of two men to be paraded down to the aisle. *Bausung* Bridal tradition is held after the marriage contract or at *walimah al-'urs*. Practically, *Bausung* Bridal tradition is a custom that maintained and regulated by Banjar customary law, so the implementation of *Bausung* Bridal tradition is not prohibited by applicable customary law.

Bausung bridal tradition has its uniqueness because of the implementation process and the people's belief in it. This uniqueness and belief are what the researcher will analyze next according to the perspective of Islamic law, especially *'urf*, because *Bausung* bridal tradition is included in customs or habits that have occurred from generation to generation.

There are three types and divisions of *'Urf*, *'urf* in terms of material, the scope of use, and its legitimacy from a *sharia* perspective. In terms of material, *'urf* is divided into two part that are *'Urf Qauli* and *'Urf Amali*'.⁷³

'Urf Qauli is a habit that applies in the use of words or speech. *'Urf Qauli* is the habit of a people using the word whose meaning is different from the original meaning, but when the word is spoken, they immediately understand its meaning. For example, every creeping animal on earth uses the "Dabbah" word. However, "Dabbah" is interpreted as a donkey in Egypt and an absolute word for Horse in Iraq. At the same time, *'Urf 'Amali* is a habit of action. As the custom of buying and selling at a society without saying transaction contracts. Even though according to the Sharia, transaction contracts is one of the pillars of buying and selling, but because it has become a habit in society to buy or sell something without contract and it does not happen anything bad, the Sharia allows it. After reviewing each definition of the division of *'urf* according to the material aspect, researchers analyze that the *Bausung* Bridal tradition can be categorized in *'urf amali*, because *Bausung* Bridal tradition is an activity of carrying the

⁷³ Satria Effendi, *Ushul Fiqh*, (t.tp.: Prenada Media, 2017), 124-128.

bride and groom up by a *juru usung* during the *walimah al-'urs* and it is focused on an action.

Then from terms of the scope of *'urf*, there are *'urf 'aam* (general) and *'urf khaas* (special), then *Bausung* Bridal tradition is included in the category of *'urf khaas*, because the scope of the *Bausung* Bridal tradition is in line with the definition held by *'Urf Khaas'*. '*Urf khaas* is a special habit at a certain time, situation, society or area. Such as holding *halal bihalal* which is usually done by Indonesian Muslims at the end of every Eid prayer, while we do not see something like this in the other Islamic countries.⁷⁴ Likewise with the *Bausung* Bridal tradition which is an activity or tradition that only applies to the Banjar tribal society and does not generally apply to other tribes.

Furthermore, from the legitimacy from a *sharia* perspective there are *'urf sahih* and *'urf fasid*, then to categorize whether bridal *Bausung* is included in the category of *'urf sahih* or *'urf fasid* the researcher wants to review the *Bausung* bridal tradition using several points of view of *'urf* which is then associated with the concepts of *walimah al-'urs* in Islam.

The implementation process of the *bausung* Bridal tradition which carrying the bride on the shoulders of a *juru usung* to be brought to the aisle, with the reason that the local community views that the bride and groom are like a king and queen whom must be glorified so that they are not allowed to step on the earth is a quite unique tradition. And from the legal basis of

⁷⁴ Rusdaya Basri, *Ushul Fiqih 1*, (Parepare: IAIN Parepare Nusantara Press, t.t.), 127.

walimah al-'urs, this does not appear to be a recommendation or even a prohibition in Islam. Because in the hadith of the Prophet SAW narrated by Abu Daud before, Islam just recommends the implementation of *walimah al-'urs* as a wedding celebration, as well as the hadiths narrated by Bukhari:

عَنْ ثَابِتٍ قَالَ ذُكِرَ تَزْوِجُ زَيْنَبَ بِنْتِ جَحْشٍ عِنْدَ أَنَسٍ فَقَالَ مَا رَأَيْتُ النَّبِيَّ صَلَّى اللَّهُ
وَسَلَّمَ أَوْلَمَ عَلَى أَحَدٍ مِنْ نِسَائِهِ مَا أَوْلَمَ عَلَيْهَا أَوْلَمَ بِشَاةٍ (رواه البخاري)

“From Thabit he said that the Prophet Muhammad SAW once hold *walimah* for his wives just as he held *walimah* for Zainab, he held *walimah* for her with a goat.” (NB. Al-Bukhori)

Al-Nawawī said the hadith above gave us news about how is the implementation of *walimah al-'urs* carried out by the Prophet Muhammad. This is done by the Prophet's as a form of gratitude for the marriage of Allah SWT.⁷⁵

Meanwhile, to fill the *walimah al-'urs* event in the hadith, there are no restrictions regarding how the process is carried out. It's just that in the hadith narrated by Abu Daud above "أَوْلَمَ وَ لَوْ بِشَاةٍ" it is recommended for brides to celebrate their marriage even if only by slaughtering a goat. So in the view of the researcher, regarding how the process of implementing *walimah al-'urs* is returned to the customs of the community. as one of the rules of *'urf* which states that:

⁷⁵ Abū al-Ḥusain Muslim al-Ḥajjaj al-Qusyairī, Ṣaḥīḥ Muslim, (Riyadh: Dār al-Salām, 2000), 603.

كلّ إسم ليس له حدّ في اللّغة, ولا في الشّرع, فالمرجع فيه إلى العرف⁷⁶

“Every action that has no limits, both in language and in the Sharia, will be returned to him through customs or habits”.

The purpose of the rules above is that Allah SWT revealed the Sharia regarding *halal* and *haram* thing in Arabic texts. Some of these words and sentences already have signs of restricted language, but there are also some words that are returned to humans based on their customs and habits, such as buying and selling and marriage which do not have definite boundaries in the Sharia, due to differences in human nature which are influenced by customs at the time and place, so these are used.⁷⁷ Thus, the *Bausung* bridal tradition in the *walimah al-'urs* event is considered relevant to the rules above, which is how the implementation of *walimah al-'urs* is returned to the prevailing custom, as that the habit does not deviate from Islamic law.

Then related to the practice of the *Bausung* bridal using the technique of carrying the bride, especially the bride by a *juru usung* according to the researcher's view, this can be accepted by *'urf* as long as a *juru usung* appointed to carry the bride is one of his family (*mahram*), and the bride takes care of their genitals by wearing traditional clothes that cover their nakedness. As stated by Mr. AS:

⁷⁶ Muhammad Musthtofa Az-Zahili, *Al-Qawaid Fiqhiyyah Wa Tathbiqatuha fi Madzahibu Al-Arba'ati*, (Dar Al-Fikr: Damaskus, 2006), 314.

⁷⁷ Muhammad Musthtofa Az-Zahili, *Al-Qawaid Fiqhiyyah Wa Tathbiqatuha fi Madzahibu Al-Arba'ati*, 314.

“Tentu batasan yang wajib adalah juru usung harus merupakan keluarga sendiri dan pakaian adat yang tidak membuka aurat, sehingga tidak terdapat adanya *mudharat* utamanya bagi mempelai Wanita”⁷⁸

“Of course, the mandatory limit is that the *juru usung* must be his own family and traditional clothes that do not reveal the genitals, so that there is no *mudharat* to the bride especially for the bride.”.

According to the researcher's view, the process of carrying the bride and groom up towards the aisle accompanied by traditional music or gamelan, and followed by dancing or *pencak silat* movements by the *juru usung*. If it is only for entertainment and does not infuse immorality then it is permissible according to Islamic law. As the hadith of the Prophet SAW narrated by Tirmidzi:

حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ , حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ , أَخْبَرَنَا عَيْسَى بْنُ مَيْمُونٍ
الْأَنْسَارِيُّ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ , عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ : أَعْلِنُوا هَذَا النِّكَاحَ وَاجْعَلُوهُ فِي الْمَسَاجِدِ وَاصْرَبُوا عَلَيْهِ بِالْدُّفُوفِ (روه
الترمذی)

“Ahmad bin Mani' has told us, Yazid bin Harun has told us, Isan bin Maimun has reported from Qasim bin Muhammad, from Aisha said: the Prophet SAW said: Announce this marriage, celebrate it in the mosque, and beat the rebana instrument to celebrate his (event)”.
(NB. At-Tirmidzi)

⁷⁸ Bapak AS, Wawancara, (Banjarasin, 30 Maret 2022)

However, if the process of implementing the *Bausung* bridal in *walimah al-'urs* mixed with disobedience such as holding a drinking party, committing adultery or other disobedience, then it is prohibited by Islamic law.⁷⁹

Therefore, traditions or customs that exist in society are permissible as long as they have nothing to do with matters of worship and do not conflict with the principles of the Sharia.⁸⁰

Thus, according to the researcher's view, the process of implementing the *Bausung* Bridal tradition in the *walimah al-'urs* event is a tradition that can be accepted by *'urf*, because it does not conflict with Islamic law. Moreover, the *piduduk* (offerings) that are prepared in the *walimah al-'urs* are not a requirement for the implementation of the *Bausung* bridal tradition and skipping the *piduduk* (offerings) part during the process of implementing the *bausung* bridal is not prohibited in Banjar customary law. However, related to the habit of some people who prepare *piduduk* and still believe in supernatural things, it is prohibited according to Islamic law, because this is an activity that refers to shirk. Thus, according to the researcher, the implementation of the *Bausung* bridal tradition can be categorized as *'urf sah*ih, but the custom regarding the belief of some people

⁷⁹ Ali Abu Bakar, Yuhansibar dan Muhammad, "Hukum Walimah al-al- 'urs Menurut Perspektif Ibn Hazm Al-Andalusi", *El-Ussrah: Jurnal Hukum Keluarga*, No. 2(2019), ISSN: 2549 – 3132, 174.

⁸⁰ Ansori, Prinsip Islam dalam Merespon Tradisi (Adat/'Urf), *Kajian Aswaja*, 22 Oktober 2020, diakses 22 April 2022, <https://unupurwokerto.ac.id/prinsip-islam-dalam-merespon-tradisi-adat-urf/>

towards supernatural things that associate partners with Allah is classified as *'urf fasid*.

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the discussion in this thesis, the researchers can provide the following conclusions:

1. The practice of *Bausung* bridal tradition in Banjar traditional weddings of Banjarmasin begins with lifting the groom up on the shoulders of the *juru usung* (*lifter*) in a straddle position to be met with the bride. Then the bride is also lifted up on the shoulders of another *juru usung* in a sideways position, then the bride and groom are paraded to the aisle by a *juru usung* by dancing or performing *pencak silat* movement accompanied by traditional music or gamelan.
2. There are three reasons to practice the *Bausung* bridal tradition by the Banjar tribal society in the city of Banjarmasin: 1. Preserve the customs or culture of their ancestors, 2. Magical belief in *Bausung* tradition, and 3. Sense of obedience to their parents.
3. Analysis of 'urf perspective to *Bausung* bridal tradition in Banjar traditional wedding brides are: In terms of 'urf material, the *Bausung* bridal tradition is classified as 'urf *amali* (*fi'li*) because this tradition is an activity of carrying the bride and groom up by *juru usung* and it is focused on an action. In terms of the scope of 'urf, the *Bausung* bridal tradition is

classified as '*urf khaas* (special) because it is an activity or tradition that only applies to the tribal society of Banjar and does not generally apply to other tribal society. And in terms of the validity of '*urf* the implementation of the bridal *Bausung* tradition is classified as '*urf sahiih* but the custom regarding the belief of some people towards supernatural things that associate partners with Allah like preparing *piduduk* (offering) because of their fear to the ancestors is classified as '*urf fasid*.

B. Suggestion

After the presentation of the results of this study, the researcher has several notes that are expected to be applied in the future:

1. When the *Bausung* bridal tradition is carried out by the Banjar tribal society, researchers hope that the Banjar tribal society stay away from activities that refer to polytheism, so that the implementation of the bridal *Bausung* tradition remains within the corridor of Islamic law, and can still be preserved from generation to generation without being accompanied by activities prohibited by Islamic law.
2. The researcher hopes that in the future further research can be carried out on the *Bausung* bridal tradition which may be reviewed in terms of anthropology, sociology or other matters, or other research on the Banjar traditional marriage system that has not been discussed in this thesis.

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APPENDICES



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Nomor : B-2543 /F.Sy./ITL.01/BU/2022
Hal : Permohonan Izin Penelitian

Malang, 22 Maret 2022

Kepada Yth.
Ketua MUI Provinsi Kalimantan Selatan
Jl. Jend. Sudirman No. 1 komp. Masjid raya Sabila Muhtadin Banjarmasin

Assalamualaikum wa Rahmatullah wa Barakatah

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Rio Salim W
NIM : 18210116
Program Studi : Hukum Keluarga Islam

mohon diperkenankan untuk mengadakan penelitian dengan judul :
BAUSUNG BRIDAL TRADITION OF BANJAR TRADITIONAL WEDDING
BRIDES 'ORF PERSPECTIVE, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatallah wa Barakatah

Saan Untuk Verifikasi



Tembusan :
1. Dekan
2. Ketua Prodi Hukum Keluarga Islam
3. Kabag. Tata Usaha

(Surat Permohonan Izin Penelitian)



(Prosesi Pelaksanaan Bausung Pengantin)



(Prosesi Pelaksanaan Bausung Pengantin)



(Prosesi Pelaksanaan Bausung Pengantin)



(wawancara dengan NH)



(wawancara dengan SR)



(wawancara dengan AH)



(wawancara dengan BU)



(wawancara dengan AM)



(wawancara dengan CS)



(wawancara dengan KM)













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DAFTAR DRAFT PERTANYAAN

- A. Pertanyaan wawancara terkait tradisi *bausung* pengantin terhadap pasangan pengantin:
1. Apa yang dimaksud dengan Bausung pengantin?
 2. Apakah faktor yang melatar belakangi tradisi Bausung pengantin?
 3. Apa filosofi yang terdapat didalam Praktik Bausung pengantin?
 4. Apakah ada syarat-syarat khusus dalam melaksanakan praktik Bausung pengantin?
 5. Apakah praktik tradisi ini hanya dapat dilaksanakan secara outdoor?
 6. Bagaimana proses pelaksanaan Bausung pengantin hingga penyelesaiannya?
 7. Bagaimana Batasan norma social atau norma adat dalam praktik pelaksanaan Bausung pengantin?
 8. Bagaimana jika tradisi tersebut tidak dilaksanakan? Apakah terdapat sanksi?
- B. Pertanyaan wawancara terhadap tokoh masyarakat & tokoh agama:
1. Apa yang dimaksud dengan Bausung pengantin?
 2. Apakah faktor yang melatar belakangi tradisi Bausung pengantin?
 3. Apa filosofi yang terdapat didalam Praktik Bausung pengantin?
 4. Apakah ada syarat-syarat khusus dalam melaksanakan praktik Bausung pengantin?
 5. Apakah praktik tradisi ini hanya dapat dilaksanakan secara outdoor?
 6. Bagaimana proses pelaksanaan Bausung pengantin hingga penyelesaiannya?
 7. Bagaimana Batasan norma social atau norma adat dalam praktik pelaksanaan Bausung pengantin?
 8. Bagaimana jika tradisi tersebut tidak dilaksanakan? Apakah terdapat sanksi?
 9. Bagaimana pandangan bapak terhadap tradisi Bausung dalam ruang lingkup hukum Islam?

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3	22 nd February	Thesis Proposal Approval	
4	10 th March	Chapter I, Chapter II	
5	21 st March	Chapter I Approval, Revision of Chapter II	
6	31 st March	Chapter II Approval, Chapter III	
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8	18 th April	Chapter III Approval, Revision of Chapter IV	
9	05 th May	Chapter IV Approval, Abstract	
10	13 th May	Thesis Approval	

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