



A. Background of Study

The phenomenon of young generation in modern era through the development of science and technology is characterized by free and open social relationship. Moreover, it also occurs in the social interaction between man and woman in their engagement. Generally people assume that the meaning of engagement as a way or method for the man and woman to know each other.

Furthermore, engagement is often legitimized as a reason for the couple (during the engagement) to interact freely and make a date without their *mahram*.¹ In addition, some groups of people commonly think that by the engagement process couple may live together. Finally, that kind of relationship becomes a custom for society in general. In other words, in the society, the custom laws are more appreciated and believed than religious laws (Islamic Laws).

This phenomena is commonly happen in the traditional society like in Bajulmati village, Malang regency. Most of people in Bajulmati² Village, Malang Regency has a unique tradition called *Ngebruk* which must be held before having wedding party. In addition, this tradition is held after engagement process which is indicated by the man proposal to the woman.³ Moreover, the engagement not only changes the status of the couple itself, but also changes the attitude and perspective of parents and society. Generally, parents will permit the couple, who had done engagement to do social interaction freely, for example, they are allowed to go together, get ride, stay in their couple's house, and those are common phenomena for Bajulmati society.

Ngebruk tradition is done by the couple who want to marry in the one of couple's house (the man's or woman's house). Both of them will live together for a period of time as a symbol that they commit to continue their engagement to marriage. In addition, the lack of religious understanding and minimum education level become major factor of free social relationship. For that reason, the

¹Someone who forbidden to be married

²Bajulmati is a village in the south of Malang Regency within approximately 80 KM from Malang city or 3 hours trips using private vehicles.

³Result of interwiev with Mr. Mahbub Junaydi (a stakeholder) on December, 25th 2013.

researcher would like to use this issue as the research object by using 'urf perspective.

Engagement is not requirement or pillar of marriage in Islam. In contrast, the fact shows that proposal (engagement) is the beginning step of marriage which is done by most of society. In engaged period, the couple does not allowed to have relationship as husband and wife because their relationship status is not *mahram* as well, consequently they should pay a good attention in relationship matter.⁴

The Compilation of Islamic Law (KHI), article 13, stated that:

*“The engagement does not cause any legal consequence and the couple may break this relation”.*⁵

That statement clearly mentions that the man and the woman who have had engagement does not have a legal status and both of them does not have any right to prosecute each other if the relationship is broke down. In addition, a very good and gentle way must be chosen for breaking the engagement process to minimize negative possibility. Moreover, to get a legal status woman and man should marry.

Allah has created men and women to interact, love, have children, and live together peacefully and safely under Allah's command and Prophet's guideline. Besides, Allah does not want his great creature (human) like his other creature which releases its *syahwat* (sexual) freely without limitation especially Islamic law. *Asngebruk* tradition, when the couple stay and live in the same house,

⁴Kamal Mukhtar, *Asas-Asas Hukum Islam Tentang Perkawinan*, cet. Ke-3 (Jakarta: Bulan Bintang, 1993), p. 34.

⁵Pasal 13, Ayat 1, Bab III (Peminangan) *Kompilasi Hukum Islam* (Bandung: Fokus Media), p. 9-10

automatically it will increase some undesirable activities such as *zina* which is forbidden in Islam.

Essentially, Islam has a norm to keep the courtesy and magnificence of human being⁶ by giving a certain process for getting *syar'i* marriage which makes the relationship between man and woman become sacred relation. Furthermore, Islam regulates marriage in great detail and makes human get their high position among Allah's creature. In other words, the relation between man and woman in Islam is completely managed based on the loyalty to Allah as the Creator. Moreover, the relation among family's member must be arranged by love and respect. As a consequence, Islam also regulates the process before engagement until the right and obligation between husband and wife relation.⁷

Marriage is human desire as a way to build a household to get peaceful life and make affection, as Allah SWT says:⁸

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

“And among the signs that prove His power and mercy, that He created for you, the wives of your own kind, so that you have the heart and intimate life with her, and maketh among you (husband and wife) feeling compassion and mercy. Verily it contains descriptions (which raise consciousness) for people who think”.

⁶<http://pantaisuwuk.blogspot.com/2009/10/proposal-penelitian-pernikahan-dini.html?m=1>, on September, 3rd 2013.

⁷Ahmad AzharBasyir, *HukumPerkawinan Islam* (Yogyakarta: UII Press, 2000), p. 1.

⁷QS. Ar-Rum (30): 21

⁸QS. Ar-Rum (30): 21

Considering the previous paragraphs, the researcher has eagerness to analyze this *ngebruk* tradition in Bajulmati Village Malang Regency by using ‘*urf*’ perspective.

B. Problem of the Study

Based on the background of the study, the problems to be solved in this study are:

1. How do people of Bajulmati implement *ngebruk* tradition?
2. How do people understand about *ngebruk* tradition?
3. How does ‘*urf*’ see *ngebruk* tradition?

C. Objectives of the Study

Based on the problems of the study, the objectives of the study are:

1. To describe the implementation of *ngebruk* tradition in Bajulmati.
2. To find out the society’s understanding about *ngebruk* tradition in Bajulmati.
3. To analyse *ngebruk* tradition in ‘*urf*’ perspective.

D. Significance of the Study

The findings of the study are expected to be able to give both theoretical and practical contributions.

Theoritically, this research is aimed at enriching kinds of tradition in Indonesia, especially in Bajulmati, Malang Regency. Moreover, it is also designed to give reference for the next researcher.

Practically, the results of the study are expected to be reference and consideration for everyone, especially for common people to face the marriage tradition issues according to '*urf*' perspective.

E. Definition of the Key Terms

In order to minimize ambiguity and misunderstanding, the writer would like to clarify the meaning of the words used in the title of this study and some words considered as the keywords. Those definitions are:

Tradition: is a habit done continuously in the area and certain community.⁹

Ngebruk: is giving the woman until the man can stay or live together in one house, in certain time until the marriage.¹⁰

'Urf: according to Islamic law is usual and known matter or activity which done or left by the society, in words, act, etc.

F. Discussion Structure

Discussion structure is connecting structure of the study, which consists of five chapters:

⁹<http://id.wikipedia.org/wiki/Tradisi> on Desember, 5th 2013

¹⁰Result of interview with Mr. Mahbub Junaydi

CHAPTER I is introduction which consists of background of the study, statements of the study, objectives of study, significances of study, definition of the key terms, and discussion structure. Furthermore, the aims of this chapter is explaining the problem and the case of the study generally.

CHAPTER II is review of Related Literature. Additionally, the contents of this chapter are the previous research, comparison between this research with the previous research, and theoretical framework which describes all the things related to the engagement.

CHAPTER III is research method. In this chapter, the writer will explain about the research method which is used in this research. Moreover, the chapter also explains about type of research, research approach, research locus, data sources, data collecting technique, and data analysis technique.

CHAPTER IV is about findings and discussion. In this chapter the writer will explain the field data and analyse the data as the statement of the study.

CHAPTER V is conclusion. After the writer explains about the data generally and detailly. Furthermore, in this chapter the writer will conclude the research and give some suggestions.