

1. Research Location

a. Geographycal Condition

Bajulmati is one of village in Malang Regency, the wide is 314 hectar. It consits of 6 RT, one RW with 167 head of family or 513 populations, the total population of men are 227 people and total of women are 280 people.¹

The boundaries of Bajulmati are:

North : Sidodadi Village

East : Sendang Biru Beach

South : Teluk Bajulmati

West : Tumpak Rejo (Gedangan)

b. Social-Religious Condition

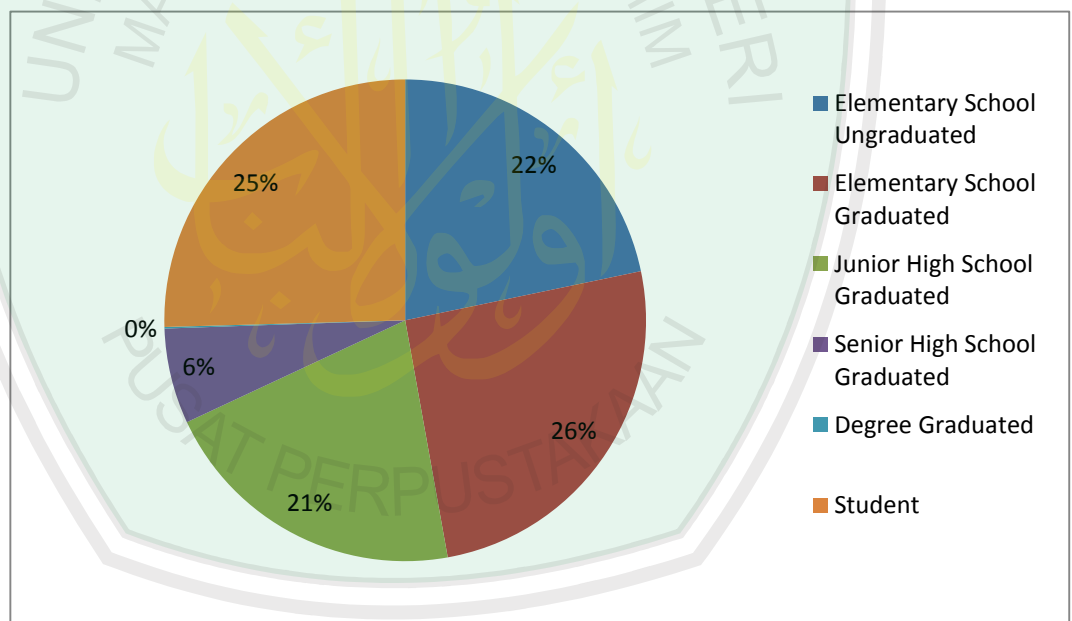
Most of Bajulmati's society are Moslem, 49 of family's head are Moslem, one7 Chistians, and 1 Hindu. There are 2 mosques, one church, and no temple for Hindu. In fact, although different religion, the society live in harmony, the religious activities are: *Tahlilan* in every Thursday night for men, and Thursday evening for women; *Shalawatan* in every Sunday; *Istighosah* in every Monday night and *Khotmil Qur'an* (recite Al-Quran from the beginning up to the end verses) in every Friday *Legi*(name of Javanese calendar). Beside the religious activity, there are social activities, like: Posyandu, entrepreneurship, and community service. Although not all the people are Moslem, but they can live happily.

¹Taken from The data of society cencusby Mr. Shahibul Izhar (the leader of Bajulmati society)

c. Educational-Social Condition

Education is one of supporting succes of society development. Moreover, the education facilities are: 1 *PAUD*; one Kindegarten; 1 Elementary School; and there is no Junior High school and Senior High School. The majority of Bajulmati's society are graduated from elementary school and only few of them can continue to university,most of the decide to work after graduation from elementary school.

The circle diagram of education level in Bajulmati



d. Socio-Economic Condition

There are some occupations in Bajulmati. It is influenced by educational background. The occupations are: farmer, TKW and TKI.²

²The data of society census

Occupation table in Bajulmati

No	Occupation	Population
one	Farmer (including fisheries and forest sector)	192 people
2	TKW	17 people
3	TKI	6 people

6 Informant Descriptive

The informants were used in this research are the people who *dongebruk* tradition and public figure, includes: stakeholder, the leader of village, youth, tradition man who have knowledge and information related to the problem of research. Moreover, it also must be described to support the validity of the data.

No	Name	Age	Occupation	Status
one	Kaminah	41	Housewife	The actor of <i>Ngebruk</i> Tradition
2	Timpal	65	Farmer	The actor of <i>Ngebruk</i> Tradition
3	Imam	35	Swasta	The actor of <i>Ngebruk</i> Tradition
4	Kariyem	40	Housewife	Mother's actor of <i>Ngebruk</i> tradition
5	Suwari	38	Farmer	Leader of tradition
6	Mahbub Junaydi	44	Swasta	Steakholder
7	Takim	33	Swasta	Youth (Youth villager organisation)
8	Teguh	42	Farmer	Religious Figure
9	Lestari		Swasta	The Moslem leader in village

3. The Implementation of *Ngebruk* Tradition in Traditional Engagement in Bajulmati's Society

Tradition is the uniqueness of an area, moreover, every region have different tradition. The tradition of engagement in Bajulmati is known as *Ngebruk*. It is pre-marriage local custom that have been done by the society since long time ago. *Ngebruk* tradition will be done after the engagement. *Ngebruk* is a local language which means giving the man to the woman to stay or live together in one house.³ *Ngebruk* tradition is placed in woman's house, as the explanations from some informants:

“*Ngebruk* ini merupakan tradisi yang biasa dilakukan oleh masyarakat Bajulmati yang sudah dilakukan sejak lama, dan ini merupakan syarat untuk berlangsungnya pernikahan. Jadi setelah proses lamaran (peminangan), kemudian setelah ditentukan hari pernikahan biasanya calon laki-laki *ngebruk* di rumah calon istri yang lamanya tergantung dari keluarga masing-masing, biasanya selama 1 bulan 6 hari (disebut dengan waktu selapan)”⁴

“*Ngebruk* is a tradition which is commonly done by *Bajulmati* society since a very long time ago and it is requirement for marriage. Therefore, after doing engagement and the marriage date is determined, then the man should *ngebruk* (stay) in the woman house, it is commonly held for a month and six days, called *selapan* day (a kind of traditional Javanese belief).

“*Ngebruk* itu misalnya anak saya dapat jodoh kamu, anak saya, saya brukkan ke keluarga kamu ya sebelum akad nikah berapa bulan disuruh *ngebruk* ke rumah kamu. Pihak laki-laki di *brukkan* jadi satu ke pihak perempuan. Tempatnya ya di rumah pihak perempuan jadi satu. Biasanya ya di rumah pihak perempuan yang kemudiann diatur oleh pihak keluarga, biasanya sebelum beberapa minggu atau selama satu bulan. Tapi tidurnya sendiri-sendiri. Meski tinggal di rumah pihak perempuan, pihak laki-lakiya masih bisa kembali ke rumahnya jika ingin mampir tapi

³Interview with Mr. Mahbub Junaidi, The leader of Bajulmati society on Januari 28th 2014

⁴Pak Timpal, *interview* (Bajulmati: March, 5th 2014)

syaratnya ya harus nginap di rumah pihak perempuan dahulu sebelum akad nikah. Itulah yang disebut dengan *ngebruk*, tapi kalau disini (Bajulmati) terkadang adat setiap orang berbeda-beda”.⁵

“*Ngebruk* is like, for example, my son chose you as his wife, before both of you do marriage, I do *ngebruk* for my son to your family. The man should *ngebruk* to the woman’s family for some month or for period of days. It depends on the family’s discussion. Moreover, he has a special room (only for himself), then, he may come home for a moment, but the principal is he should stay in the woman’s house. Practically, each family has their own way in doing *ngebruk*”

“Kalau saya rumahnya jauh, tidak punya orang tua ,jadi *dibruk* kan, istilahnya dipasrahkan dengan syarat telah memiliki ikatan, tidak asal *ngebruk* disini. Waktu *ngebruk* itu tergantung orangnya yang bersangkutan, lamarannya kapan, hari H nya kapan. Kalau saya si tidak berbelit-belit.pokonya kalau sama-sama suka disegerakan untuk berkumpul kemudian dinikahkan. Disini jaman dulu kalau suka ya dilamar, *ngebruk* kemudian bisa akad nikah”⁶

“My house is far, I have no parent, and then I do *ngebruk*. We should have a relationship (engagement) before *ngebruk*. The time for *ngebruk* depend on the people, when the engagement, I make it easy. The most important is if you love each other, you have to stay together and do marriage or we may say if you love someone you should propose her, do *ngebruk* and do marriage.”

“*Ngebruk* itu memasrahkan atau menyerahkan calon atau pihak laki-laki pada pihak perempuan yang nantinya tinggal bersama selama beberapa minggu atau sebulan menjeleang akad nikah, namun aktivitas di dalam rumah saya kurang tau, tapi ada beberapa orang (pelaku tradisi *Ngebruk*) yang tinggal dalam satu kamar, namun ada juga yang ditempatkan dalam kamar yang berbeda. *Ngebruk* ini hanya boleh dilakukan oleh pasangan yang sudah memiliki ikatan (yang sudah dipinang). Namun jika ada yang belum mempunyai ikatan lalu tinggal bersama, maka bisa-bisa digrebek”.⁷

“*Ngebruk* is a giving process of the man for the woman family to stay for some weeks or months before marriage, but I’m not really sure what they do in their home, some family give the same bedroom for the couple while another not. It is only may be done by a couple that have

⁵Pak Suwari, *interview* (Bajulmati: March,5th 2014)

⁶Pak Imam, *interview* (Bajulmati: March,5th 2014)

⁷Pak Mahbub Junaidi, *interview* (Malang:January,10th 2014)

relationship (engagement), and then if they do not have any relationship and they stay together, we will arrest them”

Based on the explanation above, in fact, this tradition is done before marriage contract (*aqad*). *Ngebruk* holds by the man living in the woman's house for period of time that agreed between them. For a week, a month or more than that.

Ngebruk procession is done after the man has proposed a woman. The engagement done by expressing a desire to get married to a woman and her family by a man. After this process, few days later the woman should answer the man's proposal. If woman's family do not accept the man's proposal because the woman feel unsuitable, therefore the engagement will be rejected in a good way, but if the woman and her family feel fit, so the engagement will be accepted.

After the acceptance of engagement, the next step is the man and his family come to woman's house to talk about the planning for wedding. The couple will have closer relationship by engagement. Moreover, their relationship is like husband and wife. Most of people in Bajulmati assume that the couple who have been engaged, they believe that the couple will marry soon. The status of engagement has implication for interaction between the couple. Some parents think that the couple is permissible to make closer interaction. They are allowed making a date, getting a ride together, and another activities.

After the engagement process has been done, the next step is the holding of *Ngebruk* tradition. *Ngebruk* tradition is begun by giving the man to the woman

to stay at woman's house in certain time to know each other. Not only he knows about the woman, but he also knows the woman's family.

The limited time for living in the same house is different by the doer. Sometimes a week, three weeks, or more than a month. It depends on the agreement of their family. As Mr. Mahbub Junaidy said:

“Masa Ngebruk itu tergantung dari kesepakatan dari pasangan dan pihak keluarga masing-masing yang memiliki hajat. Tidak harus sama setiap orang. Yang jelas dalam prosesi *ngebruk* itu mereka tinggal dalam satu rumah sampai akad nikah berlangsung”.

“Period of *ngebruk* depends on the agreement from the couple and their family. They maybe different; in general they stay in one house for period of time until the marriage.”

Commonly this tradition is done in the woman's house, during the period of *ngebruk* the man do his daily activities. Based on the information that have been given by informant:

“Kalo saya dulu *ngebruknya* satu bulan. Ya waktu *ngebruk* di rumah saya, suami saya ya membantu kerja untuk calon mertuanya, membantu mencari rumput (*ngarit*), mencari kayu, apapun pekerjaannya orang desa”.⁸

“When I did *ngebruk*, my husband stayed for a month. He helped my father work, found animals grass, found wood, any villager's activities.”

As long as *ngebruk* period, the status of man is similar to husband. In the woman's family's home, he helps the woman's family work, he finds the grasses (*ngarit*) and the other jobs. So, the man is like a member of the family. Therefore, it was an usual habit that both the couple stay in the same room, and there is no ritual that is done by the couple.

⁸Kaminah, *interview* (Bajulmati: March, 5th 2014)

In *Ngebruk* period, when the couple live in the same room, absolutely, it potentially can create unacceptable things, moreover, they can do the forbidden activity before marriage (like having sex).⁹ Therefore, sometimes the woman is pregnant before marriage. This is a usual thing for Bajulmati's society.¹⁰ *Ngebruk* is assumed by the society as the beginning for marriage, and it is continued from the first generation to the next generation. Therefore, some people especially for the young couple if they want to marry, they must follow *ngebruk* tradition.

"My parent asked me to do *ngebruk* because they did it before they married, so I agree them."¹¹

Based on the explanation above, it shows that *ngebruk* is an inheritance hereditary from previous society. The tradition is delivered from the family to their generation. Some people in Bajulmati believe that *ngebruk* is Javanese tradition, as explanation below:

"Kalau disini ini ibaratnya Islam Jawa. Dan disini itu adatnya kuat. Dan bagi sebagian masyarakat itu kental dengan adat, termasuk *ngebruk*, yang diyakini akan ada hal buruk yang terjadi kalau tidak dilaksanakan. Sehingga disini sangat memperhatikan yang begitu-begitu itu"¹²

"Here is like a Javanese Islam and the tradition is totally strong. The society believes in it, include *ngebruk* which is belief that if it is not done something bad will happen then. Therefore, we are aware of it."

⁹Interview with Cak Takim as a youth of Karang Taruna on December, 10th 2013

¹⁰Interview with Mr. Teguh as religious figure on December, 10th 2013

¹¹Kaminah, *interview* (Bajulmati: March, 5th 2014)

¹²Interview with Mr. Suwari (traditional man)

In *ngebruk* procession, when the man visit the woman's house for living, he should bring some material which is given to the woman, such as: daily needs, foods, for example: rice, flavor, herbs, etc.¹³ After passing pre-marriage procession, namely engagement, and *ngebruk*. Then, the couple can continue the procession to the marriage (*aqad*). The marriage tradition in Bajulmati is done as Javanese traditional marriage with the big party.¹⁴

7 Society's Understanding about *Ngebruk* Tradition

The procession of *ngebruk* has been explained above. This part explains about the society's understanding of *ngebruk* tradition. Generally, the custom or tradition in a region has special meaning. Every steps which must be done toward marriage have meaning, and also *ngebruk* tradition has its meaning. *Ngebruk* tradition exist since Bajulmati civilization, and taken from the previous society's habit.¹⁵

Bajulmati society understand that *ngebruk* is pre-marriage process that must be done before holding the marriage. The purpose of *ngebruk* is knowing the couple closely. Knowing about the couple's characteristic and behaviour. As the interview with the doer of *ngebruk*:

“Saya disuruh orang tua, ya sudah saya nurut saja. Soalnya bapak ibu saya dulu ya begitu juga. Ngebruk itu dilakukan supaya selamat, istilahnya untuk menolak balak, itu sudah menjadi kepercayaan disini”.

¹³Interview with Mr. Timpal tanggal March, 5th 2014

¹⁴Interview with Mr. Mahbub Junaidi on January, 5th 2014

¹⁵Interview with Pak Suwari tanggal March, 5th 2014

“My parents asked me to do *ngebruk*, and I accept it because they did it before marriage. It is done for safety or take the negative away, it is a belief here.”¹⁶

“Kalo *Ngebruk* itu udah lama ada disini (Bajulmati), sudah sejak jaman-jaman dulu-dulu, ya itu dilakukan untuk mengenal calon kita lebih dekat sebenarnya”.¹⁷

“*Ngebruk* is already exist here (in Bajulmati), from a very long time ago, it becomes a medium to know closer our couple.”

“*Ngebruk* itu merupakan syarat agar pernikahannya selamat (tidak terjadi apa-apa)”¹⁸

“*Ngebruk* is a requirement to safe the marriage in the future.”

Living together will give a big chance for the couple to know and understand each other when they live together in the future. It seems like marriage. The couple should understand the characteristic and behaviour each other in order to prepare before getting married.

In addition, the tradition is done to avoid the damage for the couple and their family. The people believe that *ngebruk* is done when the couple's house in west and north (*ngalor-ngulon*).¹⁹ Therefore, they must do this tradition to minimize unwanted thing that happen to the couple and the family. So, one of couple should stay in the couple's house.

“*Ngebruk* itu ya sampai akad nikah ya berada disana (tinggal bersama), biasanya orang kalau *ngebruk* itu biasa walau orang gak punya (tidak kaya), termasuk orang punya (orang kaya), tapi biasanya kebanyakan orang kaya rumahnya *ngalor-ngulon* (utara-barat). *Ngalor-ngulon* itu

¹⁶Kaminah, *interview* (Bajulmati: March, 5th 2014)

¹⁷Teguh, *interview* (Bajulmati: March, 5th 2014)

¹⁸Timpal, *interview* (bajulmati: March, 5th 2014)

¹⁹Java language for north-west

adalah orang yang rumah calonnya ada di pojok utara dan barat, dan hal tersebut menurut orang Jawa itu tidak boleh, sehingga harus di bruk kan, kalau tidak ngebruk bisa terjadi apa-apa”.²⁰

“*Ngebruk* done until the marriage, it is commonly done by everyone even for a poor family, most of rich family has *ngalor-ngulon* house. It means that if the couple stays in *ngalor-ngulon* house, basically, in Javanese it is forbidden so that, *ngebruk* must be held to minimize the bad things.”

Some people believe that *ngebruk* should be done in order to guaranty the marriage can be held well and they can live happily. Moreover, for them who are believe in it, if it is not done bad things will happen. As the explanation below:

“*Ngebruk* itu ya orang laki-laki (calon suami) di brukkan ke rumahnya orang perempuan (calon istri), pihak laki-laki ya hanya membawa bawaan. *Ngebruk* itu menjadi syaratnya kalau mau menikah supaya tidak terjadi apa-apa, menolak bahaya”.²¹

“*Ngebruk* is when a man who stay in a woman family’s house and bring some stuff. It is a requirement for marriage to minimize the negative and avoid the damage.”

In *ngebruk* period, the man is accompanied by his family to go to woman’s house. It means that the man’s family give permission for their son to marry. The attending of family is the important thing for the relationship. Not only accompanied by the family, but also, he brings some properties for the woman’s family. The material that can be brought, such as: *sembako* (principal needs), kitchen set, etc. It was done because the household can be identified by kitchen equipment and daily need. Therefore, it is symbol that the husband has a big responsibility to manage and give the necessary in their household.

²⁰Pak Suwari, *interview* (Bajulmati: March, 5th 2014)

²¹Ms.Kaminah, *interview* (Bajulmati: March, 5th 2014)

“Kalau masalah bawa barang-barang itu selengkapnya, apa keperluan dapur semua diberikan kepada keluarga pihak perempuan. Itulah adat orang sini. Yang menguntungkan ya pihak perempuan. Kalau orang perempuan tidak ada ceritanya membawa barang-barang untuk pihak laki-laki”.²²

“In *ngebruk* tradition the man should bring a complete kitchen material or needs for the woman’s family. That is the tradition that may be beneficial for the woman’s family. There is no fact that the woman should bring materials for the man.”

“*Ngebruk* itu memasrahkan, salah satu faktornya adalah ketidak mampuan untuk merayakan (selamatan) besar-besaran, bahan-bahan siap dari keluarga pihak laki-laki yang dibawa ketika *ngebruk*”.²³

“*Ngebruk* is allowing, one of the factor is incapable for holding a big party, the material from the man family also is given in this procession.”

Based on the explanation above, when *ngebruk* tradition is held the man should bring some material and stuff for the woman’s family. Moreover, some people believe that *ngebruk* is a requirement toward marriage. The purpose of *ngebruk* is avoiding the bad thing and making a happy family in the future, but not all the society have the same understanding about this tradition. Some people assume that *ngebruk* is not a tradition that must be done because it depend on personal belief or understanding. The fact, the doer of *ngebruk* tradition is native citizen of Bajulmati, the native citizen will know about the tradition. In contrast, the new comers or some people who do not believe the tradition, they think that *ngebruk* is not an obligation to do.²⁴

²²Mr. Suwari, *interview* (Bajulmati: March, 5th 2014)

²³Mr. Imam. *interview* (Malang: March, 5th 2014)

²⁴Mr. Lestari. *interview* (Bajulmati: December, 28th 2013)

Ngebruk tradition is changing by the time. Now, implementation of this tradition is not like before. It is caused that the society have been known about religion and the interaction rule. As Mr. Teguh says:

“Sekarang tradisi tersebut sudah berkurang disini (Bajulmati), ya sebenarnya itu tergantung pada individu-individunya sendiri. Yang mau melaksanakan adat tersebut, saya tidak bisa berbuat apa-apa untuk melarang karena itu bagi sebagian masyarakat dianggap memiliki makna, tapi bagi yang tidak memiliki pemahaman seperti itu ya tidak dilakukan, apalagi kalau dalam agama kan tidak boleh sebenarnya”²⁵

“Now the tradition is less in Bajulmati, it totally depends on the individual. I can do nothing for them, who want to do this tradition because they belief that it has a value or special meaning. In contras, for them who do not believe in it, they will not do this, especially, according to Islamic religion it is frbiden.”

“Kalau saya memang bukan asli sini, jadi saya kurang begitu paham sebenarnya. Tapi kalau saya menilai adat seperti itu sebenarnya kurang sesuai, penyebabnya bisa karena tingkat pemahaman agama dan pendidikan yang rendah di Dusun Bajulmati ini, jadi banyak masyarakat yang menganggap itu hal biasa”.²⁶

“I am not a native, so I am not really understand about this, but in my perspective this tradition is not fit for us, it is caused by the low of religion and education understanding in this village (Bajulmati), so that, there are many people assume that it just a common thing.”

Based on the information from the stakeholder above, in fact, not all of people in Bajulmati believe in this tradition, because the tradition is not appropriate with religious norm or other social norm. Moreover, the lack of education become the strong factor to keep the existence of this tradition.

²⁵Mr. Teguh, interview (Bajulmati: December, 28th 2014)

²⁶Mr. Lestari, interview (Bajulmati: December, 28th 2014)

Data Analysis

1. Implementation of *Ngebruk* Tradition in Traditional Engagement of Bajulmati Society

In this era, a term called engagement is well-known by almost all elements of society, from the common to the royal family, from rural to the urban area. In our country, Indonesia, tradition of traditional engagement has become a culture, moreover, the wedding ceremony is begun by the engagement. There are various of traditional engagement model in our society, for example, the traditional engagement in Bajulmati Village, Malang Regency, which known as *ngebruk* tradition that has its own different characteristic from other regions.

According to description above, the tradition which is believed by some of Bajulmati society is a series of tradition which is held before wedding ceremony. Moreover, this tradition is done after couple has such kind of special relation called engagement (means the woman was proposed by the men).

In Islam, engagement term is known by *khitbah*, according to *fiqh*, *khitbah* means “request”. Terminologically, engagement describes as a statement or demand from a man to marry a woman, directly or through other people who believed.²⁷ According to Compilation of Islamic Law (KHI), engagement is an activity of effort toward marriage partnership between a man and a woman.²⁸ Engagement is a promise to marry. Therefore, the engagement could be broken up by one of the side, because the agreement of engagement does

²⁷Soemiyati, *Hukum Perkawinan Islam dan Undang-undang Perkawinan*, (Yogyakarta: Liberty, 1997), p. 23.

²⁸Soesilo dan Pramudji R., *Kitab Undang-Undang Hukum Perdata*, (Rhedbook Publisher, cet 1, 2008), p. 505.

not perfectly bind and does not emerge an obligation that must be fulfilled by one of the side.

Ngebruk tradition, as mentioned by informants, is done by the couple living together in the same house, most of prospective husband will stay in his prospective wife for sequence of agreeable time. Some Bajulmati people believe that after engagement, and then, surely the couple will get married, so *ngebruk* becomes a requirement before wedding. In practice, as long as the prospective husband stay in his prospective wife's house, the man is placed in the special room that has been provided and arranged by the woman's family, as the explanation is delivered by Kariyem as person who helps *ngebruk* procession of her daughter. In other hand, there are also some families who allow the couple to stay in the same room as like as one of *ngebruk* couple did, Kaminah. Moreover, this phenomenon potentially gives an opportunity for doing sin because the couple does not have any legal status in marriage.

Actually, engagement does not have any legal consequences; consequently, both of the couple should pay attention to their relationship or interaction since their relationship is not a marriage relationship and both of them are not a *mahramor ajnabiyah* (in Arabic, محرم “unmarriageable kin with whom sexual intercourse would be considered incestuous, a punishable taboo”). Although the couple want and are able to be married, but both of them still have to pay attention to their interaction, they also must understand which one is permissible interaction and which one is unpermissible interaction according to religion and norms.

Compilation of Islamic Law (KHI) also states that ” (1) *The engagement does not affect any legal consequence, so any one (from both of the couple) may break that relation* (2) *deciding to break the engagement should use a wise manner based on the religious guidance and norms, so that the existence of a good relation will be guaranteed*”.²⁹

Based on the description above, it may be inferred that the couple during engagement process does not have a legal status, so that, they may not do any single activity that may break the *syari*³⁰, for example, “*khalwat*” (go together without “*mahram*”).

Prophet Muhammad said:

لَا يَخْلُونَ أَحَدُكُمْ بِأَمْرَةِ فَإِنَّ الشَّيْطَانَ ثَالِثُهُمَا

“Do not anyone of you (man) go with a woman because of the devil will becomes the third person among of you.”

In the *ngebruk* tradition, they should occupy the same house, which would eventually cause slander for both and Islam prohibits any action that potentially trigger to sin.

²⁹ *Kompilasi Hukum Islam* (Jakarta: Departemen Agama RI, 1999), p. 138.

³⁰ Ahmad Rofiq, *Hukum Islam Di Indonesia*, Jakarta: PT. Raja Grafindo Persada, 1995, p. 67

وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَخْلُونَ بِامْرَأَةٍ لَيْسَ مَعَهَا ذُو مَحْرَمٍ مِنْهَا فَإِنَّ تَالِثَهُمَا الشَّيْطَانُ³¹

“Those who believe to Allah and judgment day, then do not seclusion with a woman without a mahram of the woman, because the devil become the third person among of them.”

لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ فَقَامَ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ امْرَأَتِي خَرَجَتْ حَاجَةً وَاسْتَبْتُ فِي غَزْوَةٍ كَذَا وَكَذَا قَالَ ارْجِعْ فَحُجَّ مَعَ امْرَأَتِكَ

From Ibnu Abbas, indeed Rasulullah shallallahu ‘alaihi wasallam said, “A man may not do khalwat with a woman, except if she is accompanied by her mahram.” Then stand up a person and said, ‘Oh! Rasulullah, my wife goes out to commit the hajj, and I have registrated myself to do this holy war,’ so Rasulullah shallallahu ‘alaihi wasallam said, ‘go back!, and commit the hajj together with your wife.”

Most of people assume that if they were engaged, they are guaranteed to do marriage. Moreover, it is not clearly understood that why people believe it as tradition. Therefore, it must be an important issue for every elements because it will possibly conduct a regret in the future when they do marriage, when they do sexual activity before marriage (zina).³²

³²Ahmad Rofiq, Hukum Islam, p. 67

Islam gives regulation in relationships issue that may be done during *khitbah*, by giving permission for the man to see a woman that he want to marry. In reality, today most people assume that woman who is proposed or called with fiancée as a person who is absolutely he/she had, this assumption is perfectly wrong, because someone who has been proposed or is proposed that is still in rule of others, is still forbidden what is forbidden to others before his/her marriage is executed perfectly.

Islam suggests to see the face of the woman who will be proposed and may see everything that can be pushed to marry her. Prophet sallallaahu 'alaihi wa sallam says:

إِذَا خَطَبَ أَحَدُكُمْ الْمَرْأَةَ، فَإِنْ اسْتَطَاعَ أَنْ يَنْظُرَ مِنْهَا إِلَى مَا يَدْعُوهُ إِلَى نِكَاحِهَا، فَلْيَفْعَلْ

“If someone among you will propose a woman, then if he can see what can trigger him to marry her, so commit!”

Imam At-Tirmidhi rahimahullaah says, in relation with this hadiths, some scholars argue that the man may see everything from the woman except anything that forbid by syariah.” This issue creates *ikhtilaf* (different opinion) among scholars; moreover, the *ikhtilaf* is about the certain area that may be seen in *khitbah* process. Some scholars argue that the area that may be seen are hair, calf and other (based on the hadith of the Prophet sallallaahu 'alaihi wa sallam, “Seeing

what prompted him to marry her), but most of them agree that the area that may be seen are face and both of hands.³³

According to Abd. Nashir Taufiq al-Athar, the man is allowed to visit the woman, but only for talking to seek information about the woman. Other people do not allow the man and the woman even to meet each other, or sit together, or go together because both of them know the outside from what he/she saw and heard. On the other hand, some other people do not give any limitation the couple's interaction; it means that they may meet, do *khalwat*, and hang out together until late night.

Khalwat (seclusion) with a woman in Islam is not allowed because she is not *mahram*. Prohibition in this case refers to the basic concept that they do not have any legal status or not *mahram*. Moreover, there is no relationship of *mahram* to prevent things that are out of the ethical relationships and actions that will lead them into disobedience.³⁴

As the hadith of the Prophet Muhammed Sallallahu alaihi wa sallam is narrated by Tirmidhi from 'Uqbah Bin Amir:

³³I Tihami dan Sohari Sahrani, *Fikih Munakahat* (Jakarta :Rajawali Press,2010), p. 25-26

³⁴Abd. Nashir Taufiq al-Athar, *Saat Anda Yang Meminang* (Jakarta: Pustaka Azam, 2001), p. 166-167.

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حُبَيْبٍ عَنْ أَبِي الْحَيْرِ عَنْ عُقْبَةَ بْنِ عَامِرٍ مَا رَوَى عَنْ

النَّبِيِّ - صلى الله عليه وسلم - قَالَ لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا كَانَ ثَالِثُهُمَا الشَّيْطَانُ³⁵

“Do not anyone of you (man) go with a woman because of the devil will becomes the third person among of you.”

In the Al-Qur'an has mentioned, An-Nur (24): 30, which states:



Say to man who believe to Allah: “they should hold their sight, and keep their privates; thus, is more pure for them, and Allah know everything they done”

In Islamic *syari'ah* (rule of Islam), do *khalwatis* forbidden. Moreover, holding hands, neck touching, kissing or through related biological these are much more rejected. All of activities are forbidden for men and women during

³⁵M. Ibnu Isa Sarwah Ibnu at-Tirmidzi, *al-Jami as-Sahih Wa Huwa Sunan at-Tirmidzi Abwab ar-Rada, Bab Ma Ja'a Fi Kariyahati ad-Dukhuli Ala al-Mugibati* (Beirut: Dar al-Fikr, 1983), II:318 nomor 1181.

engagement, before they do marriage (*ijab qabul*). For man as the proposer is allowed to make the relationship becomes closer by doing a gentle conversation in order to know much more about his bride.

As firman of Allah S.W.T. in al-Baqarah (2): 235 as follows:

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَلَا تَعْرِمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ

Khitbah is a facility for doing *ta'aruf*, get to know each other in order to decide to get married. To do *ta'aruf* almost certainly has interaction. Both of them must prevent from interactions like husband and wife, then their interaction should not be in the form of flattery or and so forth because Islam achieve the interaction between man and woman in detail.³⁶

The most important thing is both of the couple should use the engagement process maximally for knowing each other, habits, characteristics and so on by clear purpose. Therefore, when they felt that they do not match or hard to do so they may cancel the engagement process. Moreover, if the engagement is cancelled, both of the couple must keep secrets among them.

2. Understanding of Bajulmati Society about Realization of *Ngebruk* Tradition

³⁶Yahya Abdurrahman. *Risalah Khitbah* (Bogor: Al-Ahzar Press, 2013), p. 300

Ngebruk is well-known by Bajulmati society as a tradition that is held for a couple to get married. Moreover, it is a sequence of events during engagement process for them. In the implementation, especially for some people who strongly believe in it, *ngebruk* is a requirement that must be done by the couple that want to get married. Furthermore, there are some assumptions about *ngebruk* in Bajulmati society:

1. Media for knowing the couple before getting married

As the information that has been conveyed by the informant, *ngebruk* tradition is known as a medium for couple (man and woman) to know each other. Knowing the personality, character, and the behavior of the couple in order to marry him/her would be an important thing, so *ngebruk* tradition is committed by living and staying together in one house to begin a good relationship for both to be able to communicate intensively. Moreover, the couple will know each other well.

In Islam, for a couple who wants to get married there is a term known as *ta'aruf* period. *Ta'aruf* period (introduction) is allowed by Islamic law. Furthermore, it is a period when a man and a woman who want to get married do interaction by regarding the Islamic law. In addition, during this period the man may ask the woman some questions or do interaction, but the question or interaction may not break the Islamic law because their status is not legal yet.

Ta'aruf is a way to know the couple (characteristic, habit, and personality) and it is allowed by sharia. Each person (man or woman) in *ta'aruf* may ask to other people about something that the aim is to decide the

decision, every things that may potentially be a problem in the house hold life or be the vision of the marriage. In addition, the most important is understanding the character of their future companion, whether his or her character is an Islamic character or not. Furthermore, if his or her character is Islamic character, the couple should know the way of thinking and the attitude of him or her, then, also the quality.

More detail, some aspects that should be known during *ta'aruf* process are: faith and view of law, life's vision and mission, principal and thought method, mind designing and mapping, understanding, norms that used as standard and guidance. In relation with the attitude, the things that should be considered is how they control and fulfill they need. Moreover, the focus of *ta'aruf* is physical aspect, specifically, in action or something that can be seen clearly. In addition, in praying aspects, for example, the couple have to know how they practice their pray, the discipline, and also how he or she attention about his or her mate's pray practice. Therefore, in this process there is no forbidden interaction, flattery and seduction words, and anything that break the Islamic law.³⁷

2. Refuse Danger (Disaster)

Some informants state that by doing *ngebruk* tradition they believe that the house hold relation after marriage will be peaceful and keep away from disaster or divorce. Consequently, this tradition becomes a belief that keeps and conserves the existence of *ngebruk* tradition among Bajulmati society. Moreover, it is done by generation to generation.

³⁷Yahya .Risalah Khitbah, p.304

3. The Direction of Couple's House is *ngalor-ngulon*(south-west)

Ngalor-ngulon is a terms of directions in Javanese. However, the direction is an important issue for Bajulmati society. They use the direction as consideration in their life. Moreover, Bajulmati people believe that a couple which house face *ngalor* (south) and *ngulon* (west) who want to get marriage must previously do *ngebruk* tradition, the man should stay or *ngebruk* in the woman house or conversely. Furthermore, they believe that if the couple do not do *ngebruk*, they will face many problems in their future.

As the explanation above which is related to believe in society, the people often see that the tradition/belief do not come from Islam. As the myths that is still develop in a society. Myth is an understanding/belief that is made by society based on their experience in order to avoid the negative, sometimes it does not have any correlation with our logical. It is spread in form of story that is told and kept by some group of people.

Many people believe in myth, especially villagers who strongly keep that tradition or even people who live in the city. Sometimes, there are some myth that seems be a reality and it usually out of logical or related to the supernatural existence. Additionally, it seems like *ngebruk* tradition which is believed and done, if it is not the disaster will happen, even it is not really clear.

According to Islam, myth is prohibited when it is outside from Islamic rule. Because if in the myth contain *syirk* (belief in more than of Allah SWT, or in

other words adore/worship other than Allah SWT, allied Allah SWT, especially believe in the greater power than Allah SWT, in contrast, the greatest power is just to Allah as the creator.

According to Islam, myth is prohibited when it is break the Islamic principal because if the myth contain of *syirik* (belief in not only Allah) or worship in other thing except Allah, or maybe belief in something that more powerful than Allah. Those myth break the Islamic law and may not be proofed.

Here is the argument (*dalil*) that is not obliged to follow the traditions if it is opposed to the *syari'ah* (rule of Islam):

وَإِذَا قِيلَ لَهُمْ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوَلَوْ كَانَ آبَاؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ

“People who deviate from the right way accustomed to follow the traditions of their fathers. If they are invited to accept the precept that contains the guidance from Allah they say, “we will not leave what we inherit from our fathers.” Verily that is very inanity if a person should follow the tradition and inheritance of their ancestor with ignore the submissive and follow the command from Allah, because verily their fathers are not little to understand the religion and light the faith and guidance.” (QS. Al-Baqarah: 170).

Islam is a religion that elevate the rightness. The standar to see the rightness in Islam is come from Allah’s revelation in the holy Qur’an and Sunnah. Islam also elevate the knowledge and prohibit to speak without clearly basic.

Allah Subhanaa WaTa’ala says in Al-Qur’an surah al-Baqarah verse 147:

الْحَقُّ مِنْ رَبِّكَ فَلَا تَكُونَنَّ مِنَ الْمُمْتَرِينَ

“The truth comes from your Lord so do not be among the doubters.”

Among the ways of thinking that deviate from the truth is believe in the myth. The meaning of the myth is false stories about the origin of things like places, nature, people, etc. that contain deep meanings and expressed in a way that is unseen. Trust and rely on myth is one way of thinking and postulates the idolaters. They do not use their mind and heart to seek and practice the truth. And it is because they put in hell.

Allah SWT says in Al-Qur;an Surah Al-Mulk verse 10:

وَقَالُوا لَوْ كُنَّا نَسْمَعُ أَوْ نَعْقِلُ مَا كُنَّا فِي أَصْحَابِ السَّعِيرِ

“And they say: "Had we listened or thought (the warning) is not necessarily we include the inhabitants of hell fire".

مَا أَصَابَ مِنْ مُصِيبَةٍ إِلَّا بِإِذْنِ اللَّهِ وَمَنْ يُؤْمِنْ بِاللَّهِ يَهْدِ اللَّهُ قَلْبَهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

“No affliction falls into a person, except by the permission of Allah; and for those who believe in Allah, Allah will guide his/her heart. And Allah has knowledge of all things.”(QS. Al-Tagabun:verse 11)

مَا أَصَابَ مِنْ مُصِيبَةٍ فِي الْأَرْضِ وَلَا فِي أَنْفُسِكُمْ إِلَّا فِي كِتَابٍ مِنْ قَبْلِ أَنْ نَبْرَأَهَا إِنَّ ذَلِكَ عَلَى اللَّهِ

يَسِيرٌ

“No calamity can ever befall the earth, and neither your own selves, unless it is in a book before We create it. Verily, that is easy for Allah.”
(QS. Al-Hadid: verse 22)

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا

“And do not follow what you have not the knowledge. Surely the hearing, sight and heart, all of them will be inquired to account for it (on Judgment Day).” (QS. Al-Isra: verse 36)

It is clearly stated how Islam reject every single things that does not any have verse or hadits, so in doing every action, moslems have to aware of Islamic law. As a Muslim we should realize that every single thing in this world will not happen without Allah’s will, therefore, it will develop our optimistic and good prejudice.

3. ‘Urf Concept Related to Implementation of NgebrukTradition in BajulmatiVillage

The tradition or custom is a social rule that has existed since the time of the ancestor or something done and spoken repeatedly so well regarded and accepted by common sense.

It was clearly stated that custom or tradition is a social role that already exist for a long time, from the ancestor era; it is also assumed as a good habit or assumption. Study about tradition in Islam called '*urf*', some scholar of *ushulfiqh* divine custom as '*urf*'. However, there is little difference among of them, '*urf*' as action or speech which is known, well-regarded and also accepted by society. When it is accepted and regarded by almost of people, furthermore, it will become a legal rule that must be obeyed. Moreover, Islam will accept this only if it is not opposite the Islamic law.

Based on the '*urf*' perspective *ngebruk* tradition can be categorized as "*fasid 'urf*", unacceptable '*urf*' or broken because it opposes the Islamic law. Additionally, it can be referred to the previous *nash* (verse or hadits) that forbid the couple (not mahram or illegal) to do any activity which close to the *zina* (free sex). Islam really aware and maintain the human dignity by giving them a set of rule. As Shaykh Ziyad Ghazzal who asserts in his book *Masyru Qanun Wasa'il al-I'lam*³⁸, based on the Prophet Muhammed S.A.W hadith, "*both of eyes can do zina (unaccepted intercourse), and the zina of them are seeing. Both of ears can do zina, and the zina of them are hearing. Tongue can do zina with the speak. hand can do zina with the touch. Feet can do zina, namely pace. Heart can do zina,*

³⁸Ziyad Ghazzal, *Masyru' Qanun Wasa'il al-I'lam*, p. 75

namely desire and enthusiasm. And the private will be right and lie.” (Hadith by Muslim).

In *Kaedah fiqhiyyah* is stated that :

الضَّرَرُ يَزَالُ

“Harm must be removed”

Islam rejects all the things which cause a dangerous. So, based on the kaedah above harm must be removed, and as a muslim should avoid the dangerous activity like *Ngebruk*.

دَرْءُ الْمَقَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

“Warding off evil takes precedence over bringing benefits”

Ngebruk tradition which is done by one of the couple that is allowed to stay in one house, in a sequence of time, will be potentially the way to do such kind of *zina*, *khalwat*, or other activity that is not allowed by Islam and social norm. Therefore, a muslim should minimize or avoid the *mudharat* (harm). According to Fundamental of Indonesian Dictionary, *mudharat* or harm is something that have no benefit, as an adjective it means something that damage or

useless.³⁹ Moreover, harm or *muharat* can be understood as something that may potentially create a damage or useless.

It is also for *Fiqh Kaedah* (one of principal) that states:

الْعَادَةُ مُحْكَمَةٌ

“The custom (tradition) can become a law”

There are crucial things to consider in defining of *Kaedah* above, not all traditions prevailed in the society can become a rule, but there are some requirements that must be fulfilled in order state that the tradition or custom can be implemented by the society and it should be based on Islamic law.

The researcher's analyze about '*urf*' that can be accepted has some requirements, those are:

1. '*Urf*' must not oppose the *nashqath*'i (Al-Quran and hadits). Therefore, even if the '*urf*' is accepted by the society, but if it is oppose the *nashqath*'i it will rejected, such as the prohibition of seclusion (in Arabic, "*khalwat*") because it may includes to *fasid'urf*' (contrary to *nash qath*'i), as Prophet Muhammed Sallallahu alaihi wa sallam says:

وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَخْلُونَ بِامْرَأَةٍ لَيْسَ مَعَهَا ذُو مَحْرَمٍ فَإِنَّ تَالِثَهُمَا الشَّيْطَانُ

³⁹Poerwadarminta, W.J.S, *Kamus Besar Bahasa Indonesia*.(Jakarta: Balai Pustaka, 2002)

“Those who believe to Allah S.W.T and the judgment day then let him seclusion with a woman without a mahram of woman, because the devil became the third person between them of both.”⁴⁰

Al-Qur'an also states that Islam prohibit someone to close the *zina* activity, it is based on the verse in QS.Al-Isra':32:

وَلَا تَقْرُبُوا الزَّوَاجَ إِنَّمَا كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

“And you do not close with zina; zina is despicable and the wrong way”

Concerning the Islamic law as controlling the interaction and prohibiting the *khalwat* between aman and woman who are not married yet or do not have legal status in Islam. Therefore, the implementation of the *ngebruk* tradition is also rejected by Islam because it may create strong potential for doing *khalwat* between the couple, even if they stay in either a different or same room.

2. *'Urf* can be accepted in the matters of *mubah* activity, it means that *'urf* is not be used when dealing with things that are already clearly legalized (forbidden/*haram* and allowed/*halal*). For example: in an area that has a habit or custom in regulating the price of dowry for a man. In this case, the tradition can be accepted because dealing with that issue there is no clear *nash* about it or (in Arabic, “texts that are obvious meaning of Al-Qur'an

⁴⁰HR. Ahmad dari hadits Jabir 3/339. Dishahihkan oleh Syaikh Al-Albani dalam *Irwa'ul Gholil* jilid 6 no. 1813

and Hadith”) do not determine certainly because the dowry is a gift that is determined by the prospective wife in the implementation. Furthermore, it does not change the rule of giving dowry.

Related to *ngebruk* tradition, it is contrary with Islamic law and the norm in the society. So, there are negative impacts of *ngebruk* implementation, such as: *zina* or get pregnant before married. If this tradition happen continuously, it can make moral degradation for young generation. Absolutely make the society damage.

3. ‘*Urf* or tradition that useful, acceptable, and logic are the requirement of ‘*urf shahih* (Islam: tradition that is generally accepted). This is the absolute requirement of ‘*urf shahih* so that is generally accepted. In contrast, if ‘*urf* bring the harm and not logic, so this cannot be accepted by Islam, for example, some rituals or ceremonies that contain elements of *syirk* (in Arabic, “belief not only in Allah SWT”) which have to sacrifice something, either animal or another. Although, this is seen so good by the some people, but it is not generally accepted.⁴¹

In *ngebruk* tradition, when the couple live together, it does not have any advantages for the couple. Because, by doing the tradition, they oppose the Islamic norm and some negative impact they will get.

The custom that develops in society now is so many. Selective effort to various customs that can be adopted as a law which of course is not haphazard, which should include many requirements such in order that the custom can be

⁴¹Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana, 2011), p. 392

accepted as the basis of law is not contrary with *syara'*, implemented in the majority, give the benefits and also not contrary to common sense.

So it can be concluded that the view of '*urf*' related *tongebruk* tradition in traditional engagement of Bajulmati people is something that oppose to the texts of *syara'* and the tradition is very risky towards the matters are forbidden in Islam.

There are a lot of traditions among the society now days, so there must be an effort to select the right tradition which fulfills the criteria. The most important is not opposing the Islamic law, generally accepted, useful and logic. In conclusion that *ngebruk* in engagement tradition of Bajulmati society based on the '*urf*' point of view is something unacceptable or forbidden because it oppose the Islamic law and if it is continually done it will be or create a sin.