

Analysis of Marriage Customs of the Saluan Ethnic Perspective of Islamic Law in Banggai District

Ismail Ismail¹, Zainal Abidin², & Gasim Yamani³

^{1,2,3}Departement of Islamic Family Law, Universitas Islam Negeri datokarama Palu

ABSTRACT

This study aims to analyze the marriage customs of the Saluan Tribe in the perspective of Islamic law in Banggai Regency. The analysis of this research includes the implementation of marriage according to the custom of the Saluan tribe, Banggai Regency and a review of Islamic law on the implementation of the traditional marriage of the Saluan tribe. The research used a qualitative method with data collection techniques used namely observation, in-depth interviews and review of written documents. The data were analyzed using data reduction techniques, data presentation, data verification and drawing conclusions. The results of the study show that the implementation of the traditional marriage of the Saluan tribe in Banggai district begins with the *Montoi* date or determines the wedding date. Then, the marriage process is continued with exploratory (*popitoi*), proposed marriage (*Monsodoi*), marriage deliberation (*Mobisalakon Saibatanggo*). The final process of the traditional marriage of the Saluan tribe is escorting the bride (*Menggundulkan Mangantokon*) to the man to get married (*Akad Nikah*) and visit the parents-in-law's house (*Mobilangi Tama*). The traditional marriage of the Saluan tribe from the perspective of Islamic law is in accordance with Islamic law. When viewed from a *maqâsidalshariah* perspective, the marriage process of the Saluan tribe also does not violate Islamic law because the purpose of the traditional marriage procession is to preserve life and property. This research contributes to people's understanding of the history or origins of the Saluan tribal traditional marriage tradition. Then this research can also contribute to the preservation of the customs of the Saluan tribe regarding marriage.

ARTICLE INFORMATION

Keywords:

Marriage customs,
Islamic law,
Muslim marriage,
Saluan ethnic

1. Introduction

Marriage is an important event in human life, because marriage does not only involve the personality of the two husband and wife candidates, but also involves family and community affairs. In general, marriage is considered as something sacred and because of that every religion always relates the rules of marriage with religious rules. All religions generally have textual marriage laws.¹

Regarding customs, it can also touch on the organizers of traditional ceremonies and ritual activities which are considered very meaningful for the supporting community, apart from being a tribute to ancestors and gratitude to God the Almighty, as well as a means of socializing and strengthening existing and valid cultural values in people's daily lives.² Likewise, what happened to the Saluan tribe in the Banggai Regency area, there emerged a form of traditional ceremony that was considered sacred in using symbols so it was interesting to study, namely Saluan Tribe traditional wedding ceremony.

According to the beliefs of the people of the Saluan Tribe in Banggai district, carrying out the customs inherited from their ancestors means respecting their ancestors. Everything that does not come from the teachings of the ancestors and something that is not done by their ancestors is considered taboo. This is an unwritten rule that must be followed. Marriage ceremonies

in the Saluan people in Banggai Regency cannot be held haphazardly, there are many preparations that must be undertaken. Starting from planning the implementation schedule based on calculating the right time to hold the hajjat, to the procession of carrying out the ritual. Implementation of the customary marriage of the Saluan tribe in Bualemo sub-district, Banggai Regency has stages in accordance with customs that have been preserved for generations which include *Montoi Tanggal*, *Popitoy*, *Monsodoi*, *Mobosalakon Sai Bantango*, *Monikakon*, *Mangantakon*, *Mobilangi Tama*.

The problems studied included the implementation of marriage according to the custom of the Saluan tribe in Banggai Regency and a review of Islamic law on the implementation of marriage according to the custom of the Saluan tribe. The purpose of this study was to find out, to analyze the implementation of marriage according to the customs of the Saluan tribe in an Islamic view. Another aim of this research is to analyze the review of Islamic law on the implementation of marriage according to the custom of the Saluandi tribe in Banggai Regency.

2. Literature Review

2.1 Teori *Fiqh* and *Ushul Fiqhi*

There are three clusters of knowledge in the study of Islamic law which are interrelated with one another, namely *ushul fiqh*, *fiqh*, and *fiqh* rules. Muslims in general are more familiar with *fiqh* than the other two disciplines. The simple reason is because *fiqh* intersects in the daily behavior of Muslims. The definition that is easily understood by all circles is that *fiqh* is

¹Jarbi, Mukti Ali. *Pernikahan Menurut hukum Islam*, PENDAIS Volume INomor 1 2019

²Budiman, Agus dan Rahayu, Ade Restu Sri. *Tradisi Sawaka Di Desa Andapraja Kecamatan Rajadesa Kabupaten Ciamis*, Jurnal Artefak Vol. 2 No. 1 - Maret 2014.

knowledge of Islamic law. Jurisprudence monitors and scrutinizes all the movements and actions of the mukallaf. Thus, fiqh is a practical guide regarding the procedures and daily behavior of a Muslim in interacting vertically (relating to God) known as worship, or horizontal interaction (relating to fellow Muslims, nature and the environment) which is called *muamalah* in broad meaning.

The term fiqh is knowledge of practical syar'i laws obtained through the process of *istinbat* (digging and studying) from syar'i propositions. A very popular expression in the discussion of fiqh, *nahnu nahkumu biddhawahir* (we decide and judge externally, what appears). Thus, the focus of the spotlight on fiqh or the object of its study is the actions of the mulatto. Therefore, what is punished by fiqh must be in the form of an act, not a matter of belief which is the work of monotheism, or a matter of taste (*dzaug*) which is worked on by the science of Sufism.³

In the perspective of Islamic legal thought (*ushul fih*) the theory of *Maslahah mursalah* according to *lughat* consists of two words, namely *maslahah* and *mursalah*. The word *maslahah* comes from the Arabic verb *يَصْلُحُ - صَلَحَ* becomes *صُلْحًا* or *مَصْلَحَةً* which means something that brings goodness. Meanwhile, the word *mursalah* comes from a verb which is construed so that it becomes *isim maf'ul*, namely: *مُرْسَلٌ - ارْسَالاً - يُرْسِلُ - ارْسَلَ* becomes

مُرْسَلٌ which means sent, sent or used (used). The combination of the two words becomes *maslahah mursalah* which means the principle of benefit (goodness) used to establish an Islamic law. It can also mean, an act that contains good value (beneficial).⁴

Another definition of *maslahah* means benefits and goodness, while *mursalah* means detachment. According to the term, the problem of *mursalah* is benefit that is not determined by *syara'* in the determination of law and there is no argument that orders to take or reject it. For example, benefit for which Companions prescribe prisons, minting currency, establishing agricultural land in the hands of the owner and collecting taxes on the land, or other things that include benefit demanded by various needs or various goodness but the law has not been prescribed and there is no proof of *syara'* that indicates recognition or cancellation.⁵

Besides the theory of *maslahah mursalah*, there is also the theory of 'Urf which. In language, *urf* means "to know", "to be known", "considered good", and "accepted by common sense". Whereas in terms, according to Abdul Karim Zaidan in the book *AL Wajiz fi Ushul al Fiqh*, *urf* is a word or deed that was created and accustomed to by the community and

³Michalak, L., Trocki, K., & Katz, K. (2009). "I Am a Muslim and My Dad is an Alcoholic – What Should I Do?" Internet-Based Advice for Muslims About Alcohol. *Journal of Muslim Mental Health*, 4(1), 47-66. doi:10.1080/15564900902771325

⁴Eid, R. (2015). Integrating Muslim Customer Perceived Value, Satisfaction, Loyalty and Retention in the Tourism Industry: An empirical study. *International Journal of Tourism Research*, 17(3), 249-260. doi:<https://doi.org/10.1002/jtr.1982>

⁵Pribadi, M., & Nurdin, N. (2021). The Practice of Salawat Nariyah in Rural Javanese Society Indonesia: Religiosity or Sociality? *Review of International Geographical Education Online*, 11(5), 2545-2555.

carried on for generations. However, some scholars consider that *urf* is something different from *adat* (customs), especially in terms of establishing sharia law. Custom is defined as something that is done repeatedly without being accompanied by a rational relationship. Custom can also arise from natural habits that include personal and public issues. Based on the definition above, Mustaha Al Zarqa (professor of Islamic fiqh at the University of Amman, Jordan) concluded that *urf* is part of *adat*, while *adat* is more general than *urf*.

2.2 Marriage in Islamic law

The issue of marriage is an issue that is always actual and always interesting to discuss, because this issue does not only concern the nature and basic needs of human life but also touches a noble and central institution, namely the household. The marriage institution is a stronghold for the defense of human dignity and noble and central moral values. Therefore, it is hoped that all parties involved in it, especially husband and wife, will take care of it in a serious and responsible manner. Islam has provided complete and detailed instructions on marriage matters. Starting from recommendations for marriage, how to choose the ideal partner, conduct *khitbah* (proposal), how to educate children, and provide a way out if there is a crisis in the household, to the process of *nafaqah* and inheritance, everything is regulated by Islam in detail and detail.

Marriage in Islam, among other things, is to fortify human dignity from dirty and heinous acts, which have degraded and put human dignity to sleep. Islam views marriage and forming

a family as an effective means of protecting young men and women from damage, and protecting society from chaos.⁶ What is more important in marriage is not just having children, but trying to find and form a quality generation, namely looking for children who are pious and pious to God.

2.3 Marriage in Indonesia regulation

Marriage is a very important event in people's lives, because marriage does not only concern the man and woman who will be the bride and groom, but also the parents of both parties, their siblings and even their respective families. Marriage is a human obligation as a creature of God on this earth. However, in the implementation process, the marriage must be in accordance with the established legal, customary and religious provisions. In customary provisions, for example, marriage may not violate customary rules that apply in the lives of its adherents, if this happens then the violator will be subject to customary sanctions.⁷

Marriage has several meanings both according to legislation, according to the Completion of Islamic Law (KHI), according to Islamic law and according to customary law. The principle of the

⁶ Amien, W. (2006). Overcoming the Conflict between the Right to Freedom of Religion and Women's Rights to Equality: A South African Case Study of Muslim Marriages. *Human Rights Quarterly*, 28(3), 729-754.

⁷ Muslih, I., Nurdin, N., & Marzuki, M. (2020). Effectiveness of Marriage Services Through Information System Management (SIMKAH) at Palu City Religious Court. *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(1), 20-36.

Marriage Law is to make it difficult for divorce to occur. Marriage according to Law no.16 of 2019 concerning changes to Law no.1 Year 1974 CHAPTER I Basis of Marriage Article 1, stated;"Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in One Almighty God.

Legal Politics applying Islamic law to its adherents is proven by the New Order government in Law no.16 of 2019 concerning changes to Law no.1 of 1974 concerning marriage. Where article 2 (1) stipulates that "marriage is legal, if it is carried out according to the laws of each religion and belief.(Indonesian Marriage Law with Implementing Regulations, 2008).In the end, this marriage law stems from the assumption that the laws and regulations governing past marriage problems are no longer compatible with legal politics and current legal needs, so they need to be perfected and corrected. Therefore, this law must be seen as the result the process of perfecting the conceptions of marriage law in the past, namely a manifestation of various desires and in creating marriage law that is national in nature and in accordance with the legal needs of the Indonesian people in the present and in the future.

Particularly with regard to the Compilation of Islamic Law (KHI), which is a marriage law that is operational in nature and is followed by law enforcers in the field of marriage, it is a formulation of fiqh munakahat according to what it is in classical fiqh books accompanied by a little review of contemporary thinking about marriage by the state legislation in Indonesia regarding marriage.

After the birth of the compilation of Islamic law, it is clear and certain that the values of the Islamic legal system in the field of marriage, wills, endowments, partial inheritance of the entire Islamic legal system can already be enforced and their values imposed on Indonesian Islamic society through the authority of the Religious Courts. The role of fiqh books in law enforcement and justice will gradually be abandoned. Its role is only as an orientation and doctrinal study. All judges who function in the religious courts are directed to the same perception of law enforcement, the legal guidelines and references that they must guide are the Compilation of Islamic Law as the only legal book that has validity and authority.

Marriage in Islam is not merely an ordinary civil relationship or bond, but marriage has the value of worship, meaning that it is a very strong contract to obey Allah's commands to get offspring, to prevent immorality, and to foster a peaceful family, and carrying it out is worship.

2.4 Marriage according custom

The concept of marriage existed before Islam came so that when Islam appeared, there was a cultural accommodation between the local concept and Islam. The result of this accommodation is that the marriage system follows the Islamic way, but several systems of procedures that accompany the ritual still show a local color, for example procedures for proposals, forms of dowry, matchmaking, and so on, so that all processes of accommodation change into

cultural assimilation. where each value integrates with one another.⁸

Humans are not only "religious" beings but also cultural beings. Cultural beings are beings who have reason and are able to formulate principles, values and norms in their lives. With reason, humans can give their endeavors and are able to make beauty in the creation of the universe. A cultured community has a characteristic in religious ritual activities including in its ritual ceremonies. Traditional ceremonies as social institutions are full of symbols which act as a means of communication between individuals and groups and become a liaison between the real world and the mystical world. For individuals who participate in ceremonies, elements originating from the mystical world will appear to be evident in their understanding of symbols, humans think, feel and behave with symbolic expressions which are characteristic of humans.⁹

Adat means a procedure, act or habit that is commonly carried out by a person or group of people related to religion, belief and others and which has been in effect since ancient times until now and is still accepted by most of the local community. Customs are rules of behavior that are eternal and have strong integration with community behavior patterns. Community members who violate it will receive harsh sanctions for

their own actions.¹⁰ *Adat* is behavior within a community that has been carried out, and some of these customs are strong, some are weak. It functions as the rules for human behavior in the community.

2.5 The function of Islamic law and custom in marriage process

Sources of Islamic law consist of: Al-Qur'an, As-Sunnah, Al-Ijtihad. The Qur'an is the word of God which was revealed through the intercession of the angel Gabriel to the Prophet Muhammad using Arabic accompanied by the truth in order to be used as evidence (argument) in terms of his recognition as an apostle and to be used as a legal guideline for all mankind. Sunnah are the words, deeds and taqir (decree/approval/silence) of the Prophet Muhammad regarding deeds of a friend that he knows. The role of Islamic law in social life is actually quite a lot, but in this discussion the main role will only be stated, namely: 1. The Function of Worship, 2. The Function of Amar Ma'ruf, 3, The Function of Zawajir, 4. The Function of Tandhim wa Islah al-Ummah, (as a means to organize as best as possible and expedite the process of social interaction).

The definition of customary law itself is a living law because it embodies the real legal feelings of the people according to their own nature, customary law is continuously in a state of growth and development like life itself. Customary law is also defined as the entire rule that is embodied in the

⁸Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 35-45.

⁹Casser, Ernits. *Manusia dan Kebudayaan* Jakarta: PT Gramedia, 2013

¹⁰ Maran, Rafael Raga. *Manusia Dan Kebudayaan dalam Perspektif Ilmu Budaya Dasar*. Jakarta : Rineka Cipta, 2007.

decisions of legal functionaries who have authority and influence and which in practice apply spontaneously and are wholeheartedly obeyed. Customary law is a complex of customs which are mostly not codified and are coercive, have sanctions or legal consequences.

3. Methodology

This study used qualitative research method. The research location is the Saluan tribe in Banggai Regency. Data sources are primary data and secondary data. The data was gathered through direct, in-depth interviews and written material analysis.^{11, 12}. The interviews were conducted with the ethnic figures and local citizens. The data, then, was analyzed through data reduction, data presentation, and verification. From the data analysis, the researchers built themes by categorizing the data according its similarities^{13, 14}. The researcher also checks the validity of

the data through the verification of , the data from different sources.

4. Results and Discussion

4.1 Research Lokation

Bualemo District is one of the sub-districts in Banggai Regency, Central Sulawesi Province, which is geographically located to the east of Banggai Regency. In the process of the development as a sub-district, it has gone through a series of events that must be recorded in a historical document. Bualemo sub-district, part of the separation of the Pagimana sub-district, was formed through Regional Regulation No. 6 of 2002 concerning the Expansion of the Bualemo Sub-district and then since it was inaugurated on January 2, 2002, the implementation of government administration, development and community service tasks has also been officially carried out.(Bualemo Subdistrict Documents, 2021-2022).

Since 2000 as the beginning of the sub-district formation movement until 2002, the Bualemo community has experienced developments in various aspects of life. In 2002, the people of Bualemo have found the awareness to unite themselves into a new group that has the same position as their original group. Being a sub-district itself was a necessity desired by the people at that time, along with the spirit of Indonesian reform which changed the development paradigm from centralized to decentralized.

In the process of forming the sub-district, community awareness to unite themselves in an area became the main strength. Apart from that, support from the regional government and also the

¹¹ Rusli, R., & Nurdin, N. (2021). Understanding Indonesia millennia Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*. doi:10.1007/s10639-021-10779-7

¹²Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.

¹³Nurdin, N., & Pettalongi, S. S. (2022). Interpretive case study to understand online communication in an e-tendering project implementation. *Jurnal Manajemen Komunikasi*, 7(1), 39-54.

¹⁴Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.

DPRD of Banggai Regency has also become a strength in itself. Many events occurred in the formation of the sub-district starting from the process of naming the sub-district, the location of the sub-district capital, to the process of inaugurating the sub-district. Everything can be resolved because it has been instilled in the minds of the Bualemo people to look at differences as a force for achieving prosperity which is the goal of forming the sub-district.

2 The practice of marriage based on Saluan ethnic custom

The Saluan traditional ceremony is one of the traditions in carrying out traditional marriages that have been carried out since ancient times, the implementation of the Saluan Traditional Wedding in Bualemo District, Banggai regency as follows: Traditional marriage must be understood as a marriage based on customary rules that apply in the local community. These rules are an embodiment consisting of values and norms. Based on an interview with an informant, there are several stages that were passed in the traditional Saluan marriage in Buakemo District, Banggai Regency as follows:

a. Finding information (*Montoi Tanggal*)

This activity is carried out by the man concerned to explore the girl he likes. This activity is carried out at night when the girl he likes has been found and is suitable, the boy returns to tell his parents. If the parents are happy, the parents hold a deliberation with the close family to discuss it to explore the girl

b. Bargaining (*popitoi*)

After obtaining approval from the parents, the man's family concerned, a proposal is made by the male's family relatives to contact the woman unofficially at special places, or directly to the woman's house to convey good intentions through figurative words, namely: Is there a way for us to enter this field "*ugatdano komoilolon mousoh doipokolian*". If the parents or close relatives from the woman's side open the way, then the male envoy comes home and informs them to carry out the proposal.

c. Making Proposal (*Monsodoi*)

This proposal or application is carried out to obtain an answer that is officially rejected or accepted. If the proposal is accepted, it is necessary to know the conditions that must be met from the suitor (the man's side) such as the dowry (*Saibatango*) which is a dowry, the wedding expenses on the day of the implementation at the woman's house, provided that the girl is not at home. The implementation of the proposal consists of a number of male delegates (*Paulanggai*) consisting of families who have experience in proposing. Delegations from the women's side from close families together with traditional leaders and members ready to accept the proposal (*mantarima Pasodoi*). The tools provided by the woman in the proposal ceremony consist of a piece of gold or silver, betel nut, areca nut, tobacco filled in a betel container (*kapuan*). Not all of the property owned by the prospective husband is brought to the house of the prospective wife, but only some as a symbol. Even if the prospective groom has something (wealth and throne), then

that will be a secret until after they officially become husband and wife.

d. Marriage planning meeting
(*Mobisalakou Saibatango*)

The implementation of this deliberation is very important to discuss regarding the dowry (*Saibaango*) which must be discussed according to the status of the bride and groom because in general the Saluan tribe is the parent of the dowry of control. The amount of control is determined by their status, if the status of aristocrats (*Banganga*) the amount of dowry is 40 or 60 grams of golds. In practice, the man gives the dowry according to what is requested by the bride and groom which has a symbolic meaning, to honor the wife's mother for her efforts to care for and raise her daughter. *Palakasau* is a ransom or reward in the form of a necklace (*Inong*), earrings (*Donate*), in other words only to be worn on the upper neck. The last requirement is costs and other equipment to expedite the process of carrying out the marriage. Furthermore: "The male family gives money or dowry as a token of appreciation to the female family as a sign of gratitude for accepting the proposal."

e. Marriage process

The process of carrying out the traditional wedding ceremony of the Saluan tribe is carried out in the afternoon after the Asr prayer or at night after the *Isha* prayer, by bringing the produce of the garden, namely three sugarcane trees in their entirety, which are removed from the roots to the leaves, five coconuts, three young coconuts and two old coconuts, one bundle of

firewood, one pipe of water, ripe bananas on the tree, and other sweet fruits. The values contained in some food ingredients are brought by the groom's family. This can be explained as follows: The three cane trees, namely from the roots to the leaves, are tied into one bunch. The three meanings of the cane tree are that the family consists of three levels of social strata, namely those who are rich in wealth or have certain positions, the middle class, and the lower or less well-to-do layers. Prospective grooms must embrace all of them, without discriminating between one another, both in terms of association, and in terms of giving something that they already feel is more to be given to the woman's family.

The trunk of the cane tree consists of several segments. Each segment is sweet and some are less sweet, some even taste bland. The point is, that if the prospective bride has a sister (sister-in-law), then when buying clothes for her wife, she should also buy clothes for her sister.

f. Marriage contract (*Monikakon*)

In the process of marriage which was carried out by the customary leader because before that Islam had not entered the Banggai area. However, after the Islamic religion entered the marriage system in this way, they left because they had to follow the conditions for marriage according to Islamic teachings. The implementation of the marriage contract can be carried out by the woman's parents witnessed by traditional parents and community leaders, but in general the implementation is witnessed by two witnesses. At the time of the implementation of the marriage contract, the dowry or dowry that has been

agreed beforehand must be stated as a condition for the validity of the marriage.

g. Taking the bride (*Mengundulkan Mangantokon*)

In the process of sending the bride and groom, the groom is escorted to the bride's house according to the custom of her social status. It should be noted that the equipment used in accompanying the groom is *gong*, *babalong*, and laughter. The bride and her entourage used a car in the process of carrying out the wedding "In the process of undoing the *mangantokon* the groom must use a traditional object in the form of an umbrella so that the meaning does not change in accompanying the prospective bride and groom". Upon arrival of the group at the bride's house, it is not allowed because the groom must be accompanied by rhymes before entering or going up to the house.

To invite the bridal entourage to enter, as a signal, then greeted with a sprinkling of yellow rice from the bride's family, and the groom enters or enters the house and then steps on the tray, a sign of acceptance of the bride and groom to unite in the family. At the time of the big problem, one of the women's family reads a prayer, the contents of which are more or less "hopefully the bride and groom will be spared from distress, hunger, divorce, and wish them longevity."The reception of the bride and groom is a symbol to pray that their family will be spared from harm"

h. Visiting parent's in law house
(*Mobilangi Tama*)

The purpose of this guest mobilization is to give appreciation and respect to the two in-laws, as a sign that

there is already a family relationship, in return the son has officially become the woman's family, then the bride and groom are greeted with a sprinkling of yellow rice, which symbolizes safety and hope as well as easy sustenance. Then arriving at the door of the bride is greeted by the mother-in-law which symbolizes that the families of women and men have been bound in one big family bond, and the bride is stepped on an ax or machete which symbolizes this marriage will not be easily destroyed or divorced or called *balayou mupesak bobalo kanmageak nahkomi* which means marriage is not easily broken, then the groom is greeted with a shawl which symbolizes the groom's family welcoming the bride with an open heart.

In the car the two brides spend one or two nights and then return to the bride's house. During the implementation of the *mobilagitama*, the daughter-in-law was greeted by giving tokens (*Kinonmodui*) in the form of jewelry and other items as a sign of her parents-in-law's joy over the visit of her daughter-in-law, then the event was closed by reading a joint prayer led by Ustadz who was present with the hope that they would always be happy in carrying out their new life together. In any teaching devoted to both parents is an obligation for children, as well as the teachings of Islam. Islam teaches to respect and glorify both parents.

In the Word of God has commanded mankind to always do good and speak honorably to both parents. Children must do the best they can to their parents. The word *ihsan* here is interpreted as an act or way of getting along with children when dealing with parents. Obedience to orders must be instilled in the child, but obedience is not

absolute, because if parents order children to commit immorality, there is no obligation to obey parents. Every child certainly has obligations and responsibilities towards the parents who have raised and cared for him from childhood to adulthood. For example, when the parents are elderly, children have many things to do. Like giving attention, affection, and guarding against everything that can hurt him. In this way, a child will create a family that is complete, prosperous, full of love and balance between children and parents. With rights and obligations, life becomes more neutral, balanced and fair.

4.3 Islamic law perspective on the Saluan ethnic marriage

With the existence of belief in God Almighty which is reflected in the religion he adheres to, he will provide guidance and guidance to those who embrace him. Religion will lead to good things and avoid despicable behavior. Likewise, if religion is associated with marriage, the religion adhered to by each member of the couple will provide guidance and guidance on how to act properly. With a strong religion or belief, this situation can be used as a formidable fortress to deal with actions that are not commendable. So it can be said that in general, there is the influence of a religion on the substance and development of a legal regulation, so it is appropriate if the influence of religion. This is most evident in marriage and family law. That the teachings of a religion are mainly about spirituality, and the personality of a human being in society. So with the teachings of a religion can be more pervasive in terms

of marriage and family. The influence of Islamic religious law.

In Indonesia, there are things that greatly affect long before the enactment of Islamic religious law, namely the existence of Islamic religious courts in various regions. The Religious Court only has power: 1. Tries disputes between husband and wife who are both Muslim. 2. Trying civil cases between Muslims regarding marriage, divorce, reconciliation and termination of marriage according to *pasah*, is only determined by the intervention of the Islamic religious court. 3. Determines that a marriage is broken up. 4. Declare, that a condition is fulfilled from a conditional refusal (*taklik*).

Choosing a mate is an important thing that must be done by a man and a woman before sailing the household ship. This is done to make a family that is *sakinah, mawaddah, warohmah*. There are several motivations that encourage a man to choose a woman as his life partner in a marriage bond. Likewise, a woman's urge to choose a man to be her life partner. The main ones are because of the beauty of a woman and the courage of a man, because of his wealth, because of his position, because of his religion. However, what is prioritized in choosing a partner in Islam is religion. According to the Compilation of Islamic Law in Article 2 explains that: Marriage according to Islamic law is marriage, namely a very strong contract *miitsaqan ghaliizhan* to obey Allah's commands and doing so is worship. The purpose of marriage is regulated in Article 3 of the Compilation of Islamic Law (KHI). Marriage aims to create a *sakinah, mawaddah, and rahmah* family life.

In this instant and fast era, in fact people, especially those who are Muslim,

still adhere to the points initiated by Islamic Law in choosing a life partner. The concept of equality in Islam which includes religion, health, lineage, status of independence, and work seems to be still being practiced by society, except for equality in status of independence, because slavery is no longer valid in Indonesia, even in the world. Researchers can confirm the applicability of the concept of equality in society, from various small talk with people around the author, as well as from television shows, for example, some celebrities whose relationships are constrained because of different religions, and so on.

Scholars agree that it is permissible to see a woman who is proposed to be married for the purpose of marriage. But regarding the "area" or which part can be seen, the fuqaha divided opinion. This is partly due to the generality of the hadith which mentions that it is permissible to see women for marriage. Jumhur scholars are of the opinion that this permissibility is only limited to the face and palms of the hands. Because the face and palms do not include genitalia for women. In addition, by looking at the face and palms what is meant by "seeing" the woman has been achieved. Because by looking at the face one can see the beauty of the face, while by looking at the palms one can see the smoothness of the skin. Unlike the jumhur ulama, Imam Auza'i allowed to see the "protruding" (al-mawadi'u al-lahmi) parts of the woman who was betrothed. While Daud al-Dzahiri allowed to see the entire body of the woman who was betrothed. The reason is, dzahir hadith "undzur ilaiha" (look at that woman), it is absolute. It is permissible to see anything that encourages the intended marriage to take place.

5. Conclusion

From the results of the study it can be concluded that the implementation of marriage according to the Custom of the Saluan tribe in Banggai Regency begins with the Montoi Date or determines the wedding date. Then, it is continued with exploratory (popitoy), after that proposes marriage (Monsodoi), then marriage deliberation (Mobisalakon Saibatanggo), and after that the last process of traditional marriage is escorting the bride and groom (*Menggundulkan Mangantokon*) to hold the wedding and visit the mother-in-law's house (*Mobilangi Tama*).

Marriage according to the customs of the Saluan tribe, when viewed from the perspective of Islamic law, is permissible. In addition, when viewed from a *maqâsidal-shariah* perspective, it also does not violate Islamic law because it embodies good intentions, namely to protect lives and property. However, if there is something in this tradition that is deemed contrary to Islamic law, it must be abandoned immediately. So we shouldn't be able to say something is legal or illegal before we know the legal basis and see what actually happened.

REFERENCES

- Adi, Rianto. *Metodologi Penelitian Sosial dan Hukum*. Jakarta: Granit, 2004.
- Afandi, Ali. *Hukum Waris, Hukum Keluarga, Hukum Pembuktian*. Jakarta : Rineka Cipta, 1997.
- Ahmadi, Abu. *Sosiologi Pendidikan*. Jakarta: PT Renika Cipta, 2007.
- Ahmadi, Wirani. *Hak Dan Kewajiban Wanita Dalam Keluarga Menurut UU No. 1 Tahun 1974 Tentang Perkawinan*, Jurnal Hukum Pro

- Justitia, Oktober 2008 Vol. 26 No. 4.
- Anshari, Endang Saefuddin. *Ilmu, Filsafat, dan Agama*. Surabaya: Bina Ilmu, 2004.
- Arikunto, Suharsimi. *Manajemen Penelitian*. Jakarta: Rineka Cipta, 2005.
- Azhar Basyir, Ahmad. *Hukum Perkawinan Islam*. Yogyakarta: UII Press, 2000.
- Azra, Azyumardi. *Perspektif Islam di Asia Tenggara*. Jakarta: Yayasan Obor Indonesia, 2010.
- B. Taneka, Sulaiman. *Hukum Adat Suatu Pengantar Awal dan Prediksi Masa Depan*. Bandung : E.esco, 2004.
- Bahreisy, Salim. *Terjemahan Singkat Tafsir Ibnu Katsier jilid 7*. Kuala Lumpur: Victory Agencie, 2003.
- Batubara, Robi Efendi. *Tesis: Tradisi Pernikahan Angkap Pada Masyarakat Muslim Suku Gayo*. Medan: Program Studi Hukum Islam Program Pascasarjana IAIN Sumatera Utara, 2014.
- Budiman, Agus dan Rahayu, Ade Restu Sri. *Tradisi Sawaka Di Desa Andapraja Kecamatan Rajadesa Kabupaten Ciamis*, Jurnal Artefak Vol. 2 No. 1 – Maret 2014.
- Bungin, Burhan. *Metode Penelitian Kualitatif*. Jakarta: PT. Raja Grafindo Persada, 2003.
- Casser, Ernits. *Manusia dan Kebudayaan* Jakarta: PT Gramedia, 2013.
- Dahlan, A. *Hakikat Penciptaan Manusia dan Hancurnya Alam Semesta*, Semarang: Pena, 2012.
- Delvianty Fr. Betty, Yosaphat Haris dan Nusarasriya. *Jurnal: Tata Cara Perkawinan Adat Suku Timor Dan Nilai yang Terkandung di Dalamnya*, Jurnal Ilmu Sosial dan Humaniora, Vol 9 No 1, Tahun 2020.
- Departemen AgamaRI. *Al-Qur'andanTerjemahannya*. Bandung:Mizan,2009.
- Drajat, Zakiah. *Ilmu Pendidikan Islam*. Jakarta: PT. Bumi Aksara, 2000.
- Gunawan, Agus.*Tradisi Upacara Perkawinan Adat Sunda (Tinjauan Sejarah Dan Budaya Di Kabupaten Kuningan)*, Jurnal Artefak Vol 6, No. 2 (2019).
- Hadi, Sutrisno. *Metodologi Penelitian*. Yogyakarta: Andi Ooffset, 1989.
- Hadikusuma, Hilman. *Hukum Perkawinan Adat*. Cet. II; Bandung: Alumi, 2002.
- Hariyanto, Andry. *Tesis: Perkawinan adat dalam perspektif antropologi hukum: Studi kasus perdamaian adat sebagai syarat perkawinan di Kecamatan Pulau Enggano*, Fakultas. Jakarta: Ilmu Sosial dan Ilmu Politik Universitas Indonesia, 1997.
- Hazairin. *Tinjauan mengenai UU Perkawinan Nomor: 1-1974*. Jakarta: Tintamas, 2014.
- Isdiyanto, Ilham Yuli dan Putranti, Deslaely. *Perlindungan Hukum Atas Ekspresi Budaya Tradisional Dan Eksistensi Masyarakat Hukum Adat Kampung Pitu*, JIKH Vol. 15, No. 2, Juli 2021.
- Iyan, Anugerah Purnama. *Kompilasi Hukum Islam Dalam Perspektif Hukum Positif Indonesia*, Lex Crimen Vol. VI/No. 8/Okt/2017, 57-64.
- Jarbi, Mukti Ali. *Pernikahan Menurut hukum Islam*, PENDAIS Volume I Nomor 1 2019.

- Khallaf, Abdul Wahab. *Ilmu Ushul Fiqhi*. Indonesia: al-Haramain, 2004.
- Kompilasi Hukum Islam Pasal 2 dan 3.
- Kountur, Ronny. *Metode Penelitian Untuk Penulisan Skripsi dan Tesis*. Jakarta: PPM, 2007.
- Manafe, Yermia Djefri. *Komunikasi Ritual pada Budaya Bertani Atoni Pah Meto di Timor-Nusa Tenggara Timur*, *Jurnal Komunikasi*, Volume 1, Nomor 3, Juli 2011.
- Manan, Abdul. *Reformasi Hukum Islam di Indonesia*. Jakarta: PT Raja Grafindo Persada, 2006.
- Maran, Rafael Raga. *Manusia Dan Kebudayaan dalam Perspektif Ilmu Budaya Dasar*. Jakarta : Rineka Cipta, 2007.
- Margono, S. *Metodologi Penelitian Pendidikan*. Jakarta: Renika Cipta, 1999.
- Nurdin, N., & Pettalongi, S. S. (2022). Interpretive case study to understand online communication in an e-tendering project implementation. *Jurnal Manajemen Komunikasi*, 7(1), 39-54.
- Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.
- Pribadi, M., & Nurdin, N. (2021). The Practice of Salawat Nariyah in Rural Javanese Society Indonesia: Religiosity or Sociality? *Review of International Geographical Education Online*, 11(5), 2545-2555.
- Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.
- Rusli, R., & Nurdin, N. (2021). Understanding Indonesia millennia Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*. doi:10.1007/s10639-021-10779-7
- Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 35-45.