

Analysis of Maqâshid Al-Sharî'ah on the Dutu Tradition in Hulondalo Tribe Wedding in Gorontalo

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ABSTRACT

This study examined the dutu tradition procession at the wedding of the Hulondalo Gorontalo tribe in the perspective of maqâsid al-syarî'ah. This study used a qualitative method. The data was collected through direct observation, in-depth interviews, and written document analysis. The data, then, was analyzed using thematic analysis to find themes from the data. The results of this study show that, the procession of the dutu tradition at the wedding of the Hulondalo Gorontalo tribe goes through stages called the wedding process in which the whole community performs (*lenggota lo nika*) or the standard order of Gorontalo tribal marriages. It has become a tradition that has been passed down from generation to generation and becomes mandatory before the marriage process takes place. The dutu tradition is a tradition that has elements that refer to the Qur'an and the Sunnah of the Prophet. The family tradition is good to carry out and will also be beneficial for human life in the future where in the processes of this dutu tradition contains a lot of sacred meaning. Our analysis of maqâsid al-syarî'ah in the traditions of the marriage dutu of the Hulondalo tribe showed that it belongs to the category of *maqashidhajiyyat* which maintains its *maqashiddharuriyyat*. Marriage is a form of *hifzalnasl*, which Allah commands. The high delivery price is in the position of *maqashidtahsîniyyat* to glorify a woman as a form of maintaining religion, soul, intellect, offspring, and property. This study concludes that the people of Gorontalo hope that giving Dutu (dowry) is not a burden for a man to marry a woman and that giving gifts is adjusted to the man's ability. The obligation to give gifts is to please all parties both men and women families.

ARTICLE INFORMATION

Keywords:

Maqashid al-shariah, Dutu tradition, Hulondalo tribe, dowry, wedding

1. Introduction

Gorontalo is located north of the island of Sulawesi, with a majority Muslim population. But the local population still adheres to ancient customs. This can be seen in ancient customary rituals that are still valid today, like wedding customs. The relationship between ancient customs and Islamic teachings in this area is considered to be very strong, especially if it is linked to the community's philosophy of life, namely, "adat is based on syarah, syarah is based on the book of Allah."¹

Traditions or customs in the language of Islamic law are known as 'urf and 'adah (adat). Etymologically, 'urf means something that is known. The word 'urf is synonymous with 'adah (adat), which means habit or practice. This means these two themes ('urf and 'adah) have the same meaning (*al-'urfwa al-'adah bi ma'nawahid*), which the public or groups of people use.² According to Abu Zahra, 'urf ('adah) is something humans get used to in *mu'amalah* affairs. The (customary) behaviors of a community in their association (social

interaction) are considered good and beneficial for their group, which they repeatedly do and will become a custom in a particular community. This custom will gradually become a written legal norm, which becomes a legal norm not because it is stipulated but because it is repeated, so that it originates not from above the authorities but from below (the people themselves), and this greatly influences legal life.³

The determination of mandatory delivery is based on the principles of simplicity and convenience recommended in Islamic teachings.⁴ In Presidential Instruction number 1 of 1991 on the Compilation of Islamic Rules, there is a discussion regarding delivery which states that dowry must be given in the amount, type, and form agreed upon by both parties.

The dowry is a mandatory condition among the promises that must be fulfilled in a marriage. The forms and types specified in each region vary according to local traditions and rules. However, the amount of delivery or surrender of the requested property often causes problems before the wedding.⁵ Many people prioritize social views over Islamic law, so the term buying and selling of children appears. A high dowry for the children will increase the family's self-esteem and honor, especially if the woman is beautiful, highly educated, or from a

¹Pribadi, 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.

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⁴Abdurrahman, (2000). Huruf d Pasal 1 Bab I Buku I dan Pasal 30 dan 31 Bab V, *Kompilasi Hukum Islam*, Jakarta: Akademika Pressindo.

⁵ Nasrin, S. (2011). Crime or Custom?: Motivations Behind Dowry Practice in Rural Bangladesh. *Indian Journal of Gender Studies*, 18(1), 27-50. doi:10.1177/097152151001800102

respected family. Not infrequently, this makes the man feel inferior, so he cancels the marriage. This can also lead to fahisyah acts (abominable and bad acts such as adultery), which we often hear about in cases out of wedlock pregnancies so that the number of dowries decreases. In essence, Muhammad's apostolic mission is to achieve goodness (maslahah) and avoid evil (mafsadah) in all human actions.

2. Literature Review

1.1 Maqâşid al-Syarī'ah

Etymologically, *maqashid* is the plural form (jama') of the word *maqashid* which means something to aim for or a goal to be achieved. The word *al-shari'ah* means the place where water flows. Terminologically, *shari'ah* are Allah's laws destined for humans, which contain wisdom and welfare in life in this world and the hereafter. Thus, any rule that replaces justice with injustice, compassion with opposites, good with evil, or wisdom with nonsense is a rule that is not included in the shari'ah.

The word shari'ah can be found in many verses in the Qur'an, one of which is in surah Al-Maidah verse 48: meaning:

"We have revealed to you this Book with the truth, as a confirmation of previous Scriptures and a supreme authority on them. So judge between them by what Allah has revealed, and do not follow their desires over the truth that has come to you. To each of you We have ordained a code of law and a way of life. If Allah had willed, He would have made you one community, but His Will is to test you with what He has given each of you. So compete with one another in doing good. To Allah you will all return, then

He will inform you of the truth regarding your differences."

There are five matters related to religion as follows:

a. Maintaining Religion (Hifz al-Din)

Protecting and maintaining religion based on its interests can be divided into three levels:

1. Maintaining religion at the *dharuriyat* (principal) level, namely maintaining, and carrying out religious obligations included in the primary level, such as performing the five daily prayers. If this prayer is neglected, the integrity of religion will be threatened.
2. Maintaining religion at the *hajiyyat* level, namely carrying out religious provisions to avoid difficulties, such as congregational prayers and qashar for people who travel. If these provisions are implemented, it will not threaten the existence of religion but only make it easier for people traveling.
3. Maintaining religion at the *tahsiniyat* level, namely following religious instructions, upholding human dignity, and completing one's obligations to God. For example: covering the awrah both in prayer and outside the prayer, cleaning clothes and body. This activity is closely related to commendable morals. If this is not done, it will not threaten the integrity of religion and will not make things difficult for those who do it. This means that if there is nothing to cover awra, a person may pray, not leaving the prayer, which is considered *daruriyyat*.

b. Nurturing the Soul (Hifz an-Nafs)

Caring for souls based on their importance can be divided into three levels:

1. Maintaining the soul at the *daruriyyat* level, such as meeting basic needs in the form of food to sustain life. If this need is not met, it will result in a threat to the human soul.
2. Maintaining the soul at the *hajiyyat* level, such as allowing hunting and enjoying delicious food and drinks. If this activity is neglected, it will threaten human existence and complicate his life.
3. Maintaining the soul at the *tahsiniyyah* level, such as the stipulation of eating and drinking procedures. This is only related to the issue of decency and will in no way threaten human life or complicate human life.

c. Nurturing Mind (*Hifz a-Aql*)

Maintaining mind in terms of importance can be divided into three levels:

1. Maintaining the mind at the *dharuriyyah* level is like prohibiting drinking liquor. If this is not heeded, it will damage the mind.
2. Maintaining the mind at the *hajiyyah* level, such as the suggestion to seek knowledge. If this is not done, it will not damage the mind but complicate one's life.
3. Maintaining reason at the *tahsiniyyah* level, such as avoiding imagining and listening to something useless. This is closely related to ethics and will not directly threaten the existence of reason.

d. Preserving Offspring (*Hifz al-Nasf*)

Caring for offspring in terms of the level of their needs can be divided into three levels:

1. Maintaining offspring at the *dharuriyyah* level, such as the law on marriage and the prohibition of adultery. If this rule is not obeyed, it will threaten the integrity of the offspring.
 2. Caring for offspring at the *hajiyyah* level, as stipulated, to mention dowry for the husband at the time of the marriage ceremony and giving divorce rights to the husband. If this is done, it will be easier for the husband because he must pay for the missile dowry. As for the issue of divorce, the husband will experience difficulties if he does not use his right to divorce while the situation in his household is no longer harmonious.
 3. Maintaining offspring at the *tahsiniyyah* level, such as the stipulation of *khitbah* (proposal) or *walimah* in marriage. This is done to complete the wedding activities. If this is not done, it will not threaten integrity but only slightly complicate it.
- e. Maintaining Assets (*Hifz al-Mal*)
- In terms of importance, maintaining assets can be divided into three levels, namely:
1. Maintaining assets at the *dharuriyyah* level, such as the law on how to own assets and prohibiting taking other people's assets illegally. If this rule is violated, it will threaten the integrity of the property.
 2. Maintaining assets at the *hajiyyah* level, as the law prescribes buying and selling by greeting. If it is not used, it will not threaten the existence of assets but will make it difficult for people who need capital.
 3. Maintaining assets at the *tahsiniyyat* level, such as provisions to avoid

fraud. This is closely related to the issue of muamalah ethics or business ethics.

The manifestation of *maslahah* is to achieve benefits and avoid harm and damage for humankind in this world and the hereafter. The intention is to realize human life in the world and in the hereafter, which is full of security, peace, harmony, order, and prosperity, and not often feel the chaos and subsequent damage to human life in the hereafter to achieve eternal happiness in heaven as a pleasure and be safe from the punishment of Allah which is terrible in hell and full of doom and misery hereafter.

1.2 Tradition ('Urf)

Al-'Urf is a condition, speech, deed, or provision known to humans and has become a tradition to implement it or leave it. Among the people 'urf is referred to as *adat*. (RachmatSyafe'I, 1999) Whereas in terms of terminology, as stated by Abdul KarimZaidan, the term 'urf means: Something that is familiar to a community because it has become a habit and integrates with their lives either in the form of actions or words. In terms of 'urf it is divided into al-'urf al-lafzi (habits involving expressions) and al-'urf al-amali (habits in the form of actions).

a. Al-'Urf al-Lafzî

It is the custom of the people to use certain pronunciations/expressions in expressing something so that the meaning of that expression is understood and comes to mind in the community. For example, the expression "meat" means beef, even though the words "meat" covers all the meat that exists. If someone goes to a butcher,

while the butcher has various kinds of meat, then the buyer says, "I buy 1 kg of meat," the trader immediately takes the beef because the local people's custom has specified the use of the word meat for beef.

b. Al-'Urf al-'Amali

It is a community habit related to ordinary deeds or civil *mu'amalah*. What is meant by "ordinary actions" are people's habits in matters of their lives that are not related to the interests of other people, such as the habit of taking off work on certain days of the week, people's habits of eating special foods or drinking certain drinks and people's habits of wearing certain clothes on special occasions.

1.3 Definition of Dutu

Dutu is a word in the Gorontalo language that means to put, put something, or deliver. The term Dutu in wedding customs in Gorontalo is to deliver the marriage property from the groom to the bride. The groom's family will bring dowry, which was previously agreed upon during the traditional *tolobalango* (proposal) procession. Along with the delivery, there are also several other treasures, usually all the needs of the bride in the form of clothing, jewelry, cosmetics to underwear. In addition, the groom's family will also bring various kinds of fruits, spices, and rice.

2.4 Definition of Marriage

Marriage in Arabic *fiqh* literature is called by two words, namely *nikāḥ* and *zawāj*. These two words are used in the daily life of Arabs and are found in many places in the Qur'an and the traditions of the Prophet. The word *na-ka-ha* is widely found in the Qur'an with the

meaning of marriage, as well as the word *za-wa-ja* in the Qur'an, which means marriage.⁶ Some interpret that marriage as a contract that justifies association and limits the rights and obligations between a man and a woman who is not a *maḥram*.⁷ Here are some explanations of marriage law, including:

a. Compulsory

The marriage law is obligatory if someone is worried that he will commit adultery. At the same time, he can bear the responsibility of marriage and maintenance because marriage is a way to maintain his honor and keep him from falling into something illegitimate. As stated in the Al-Qur'an Surah An-Nur verse 33: the translation is:

Those who are unable to marry should keep chaste until Allah gives them enough out of His bounty. If any of your slaves wish to pay for their freedom, make a contract with them accordingly, if you know they have good in them, and give them some of the wealth Allah has given you. Do not force your slave-girls into prostitution, when they themselves wish to remain honourable, in your quest for the short-term gains of this world, although, if they are forced, Allah will be forgiving and merciful to them.

Likewise in the hadith:

حَدَّثَنَا عُمَرُ بْنُ خَفْصَةَ بْنِ جَبْرِ حَدَّثَنَا أَبِي حَدَّثَنَا الْأَحْمَشُ قَالَ حَدَّثَنِي عُمَرُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ يَدْقَالَ
نَحْنُ مَحْفَلَمَتُو الْأَسْوَدِ عَلِيٍّ عَبْدُ اللَّهِ هَذَا مَا خَالَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَهُوَ سَلَّمَ شَبَابًا لَا تَجِدُ شَيْئًا فَقَالَ النَّارُ سَوْءًا لِلَّهِ عَلَيْهِ وَسَلَّمَ مَا خَالَ

سَرَ الشَّبَابِ مَنَاسِطًا عَالِيَاءَ فَأَبْتَرَّ وَجْفَانَهَا غَضُّ الْبَصَرِ وَأَحْصَانُ الْفَرْجِ
جَوْ مَنَّمَيْسَتْ خَفَهَا لَيْهَابًا صَوِّمَ فَمَانَهَا هُوَ جَاءَ

Meaning:

Has told us Amru bin Hafsh bin Ghiyats. Has told us, my father. Has told us Al A'masy he said; Had told me Umarah from Abdurrahman bin Yazid he said; I, Alqamah and Al Aswad once met Abdullah, then he said; When we were young, we were with the Prophet sallallaahu 'alaihi wasallam. At that time, we didn't have anything, so the Prophet sallallaahu 'alaihi wasallam said to us: "O young people, who among you has the ability, then let him marry because marriage can lower the gaze, and also better able to guard the genitals. However, who has not been able to, let him fast because it can relieve his lust. (Narrated by Bukhari)

Based on historical records, the factors that play a role in the development of customary law are animist factors, religious factors, and factors of a higher power from the customary law alliance. Religion as a factor that plays a role in the development of customary law can be seen in the theory of customary law, which is influenced by religious elements. The theory of customary law, influenced by religious elements, consists of 2 (two), namely the theory of *receptie in complexu* and *receptive theory*.

3. Methodology

This study used a qualitative case study. The case study is marriage custom in Gorontalo province. We studied marriage process of Dututradition in Hulondalo tribe in the province using the

⁶ Amir, Syarifuddin. (2011). *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-undang Perkawinan*. (cet. Ke-1), Jakarta: Kencana.

⁷ Saebani, A.B. (2001). *Fiqh Munakahat*. (cet. Ke-1), Bandung: Pustaka Setia.

perspective of maqashid al-shariah. Data was gathered through direct observation, in-depth interviews and written material analysis^{8, 9}. The interviews were conducted with traditional leaders, religious leaders, local government figures, senior community members. 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 to the similarities of phenomena^{10, 11}. The researcher also checks the validity of the data through the verification of the data from different sources.

4. Results and Discussion

4.1 Gorontalo Region

Gorontalo was designated as a province based on Law Number 38 of 2001, dated December 22, and became the 32nd Province in Indonesia. The area of Gorontalo Province is based on the

⁸ 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

⁹ 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.

¹⁰ 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.

¹¹ 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.

Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 137 of 2017, concerning Codes and Data on Government Administration Areas of 11,257.07 Km, or only 0.63 percent of the total area of Indonesia.

Figure 1 Map of Gorontalo Province



Table 1. Population of Gorontalo

No.	Region of the Province	2021	2022
1.	Boalemo	145 868,00	147 038,00
2.	Gorontalo	393 107,00	395 635,00
3.	Pohuwato	146 432,00	147 689,00
4.	Bone Bolango	162 778,00	164 277,00
5.	North Gorontalo	124 957,00	126 521,00
6.	Gorontalo City	198 539,00	199 788,00
7.	Gorontalo Province	1 171 681,00	1 180 948,00

Table 2. Gorontalo administrative districts

No	Regency/City	Capital City	area (km2)
1.	Boalemo	Tilamuta	1829,46
2.	Gorontalo	Limboto	2149,62
3.	Pohuwato	Marisa	4359,87
4.	Bone Bolango	Suwawa	1915,44
5.	North Gorontalo	Kwandang	1723,44
6.	Gorontalo City	Gorontalo	55,93
7.	Gorontalo Province	Kota Gorontalo	12033,66

Gorontalo became independent in 1942 when the Japanese replaced the Dutch colonialists. Gorontalo, like other

regions in Indonesia, was colonized by the Dutch for a long time but was independent before Indonesia.

4.2 The *Dutu* wedding tradition procession

The term *dutu* in wedding customs in Gorontalo is to deliver the marriage property from the groom to the bride. This event is the sixth stage of the customary aspect of marriage according to Gorontalo custom. The implementation was a formal forum which, apart from being attended by traditional stakeholders and families, was also attended by elements of the government who witnessed the handover of the delivery of traditional wedding assets and their costs.

Marriage in Gorontalo is considered sacred, glorious, happy, and memorable. That is why the bride and groom must feel the meaning of marriage. Both husband and wife who have entered into a marriage contract should not think that marriage is easy. Because of that, it is also easy to divorce. According to tradition, a marriage can only be terminated by death.

1. In common for most people.
2. Traditionally, *pohu-pohuli* and *pohu-pohutu* are for guardians, sub-district heads, and district heads.
3. Traditionally, *pohu-pohutu/pongo-pongoabu* for *olongia* and honorary returnees
4. *Lenggota Modulohupa* is a deliberation for both parents
5. *Baalanga Baalanga* (conveying the day of the proposal)
6. *Motolobalango*
7. *Dutuor* Transfer of Property
8. *Mopotilandahu*
9. *Sarondeo* Dance
10. Marriage Contract

11. Gorontalo Traditional Clothing
12. Shades of Color for the People of Gorontalo

4.3 Analysis of *Maqâshid Al-Sharî'ah* on the *Dutu* marriage tradition

Islamic law is a law made for the benefit of human life. For human life, whatever is done and questioned, and the rules made to organize human life, Islamic law can provide solutions and instructions, including responding to developments and changes in society. This is what causes the importance of considering modernity in Islamic law.

The formation of Islamic law, which regulates all acts of behavior in human life, is due to changes in society that always occur, both in terms of social order, culture, socio-economic, and others. This is explained in the rule of *fiqh*, which reads:

لَا يَنْكُرُ تَحْيِيرُ الْأَحْكَامِ بِتَحْيِيرِ الْأَزْمَانِ

Meaning:

It cannot be denied that there have been changes in law due to time changing.

Marriage is sacred and important in life, marked by when the Prophet Adam AS was created in pairs with SitiHawa RA. This reinforces that humans are destined to live together in pairs between men and women not only to continue offspring but marriage is worship and is the *sunnah* of the Prophet Muhammad SAW.¹² So marriage is a way to get *ridho* from Allah SWT, and humans are one of the creatures Allah SWT glorifies according to His words in the Qur'an (Q.S At-Tin: 4). It cannot be denied that there have been changes in law due to time changing.

¹² Muthiah, Aulia. *Hukum Islam : Dinamika Seputar Hukum Keluarga*.

The explanation of the verse above makes it clear that humans are physically and spiritually exalted over other creations. In Islam, marriage is one way of worship to perfect one's religion. When the marriage is carried out between bride and groom, there is a way to unite the two families. It can even be unification between the two communities if the marriage is carried out between two groups of people whose backgrounds have differences. Therefore, in a marriage, many things must be considered, both in terms of rules and others, when you want to establish a household relationship.

The delivery of this dowry also followed the agreement between the two parties. Still, there was a bargaining process, delaying the wedding until the marriage was canceled due to the high dowry requested following the level of education attained by the woman. While the dowry recommends that it be given according to the man's ability, the best woman is the woman who lightens the dowry. Dowry is given when the marriage contract is held as a sign of responsibility, seriousness, appreciation, and respect. Still, it is different from the delivery that occurs in the Gorontalo community, which is given at the time of the proposal, after the proposal, and before the marriage contract is held, but also, as a tradition, it can include dowry money as well. Because even though they have quite fundamental differences, it cannot be denied that delivery and dowry have similarities. Therefore the author will present several theories of Islamic law to see the relevance of delivery with Islamic religious teachings.

5. Conclusion

The maqasid syari'ah analysis of the tradition of dutuat the wedding of the Hulandalo Gorontalo tribes is very closely related to the nuances of tradition that are strong, namely the customary tradition where the Dutu tradition in the wedding procession of the Hulandalo Gorontalo tribe has many meanings.

In the analysis of maqasidshari'ah, protecting religion must take precedence over protecting oneself, and protecting oneself must take precedence over protecting one's offspring. The concept of this priority scale cannot be implemented in reverse conditions; for example, if one of the bride and groom cannot dance, then there will be no wedding between the two. According to the findings, it is a paradigm that needs to be reconstructed. The Hulandalo tribal wedding tradition does not aim to undermine religion. On the contrary, it is intended to elevate and uphold noble Islamic values and teachings so that the bride and groom can navigate a harmonious family life and are always under the protection of Allah's grace.

The explanation of the informants above shows that the implementation of marriages, from delivering assets to the process of getting married by the people of Gorontalo, creates a problem of its own. Dependents in the marriage dowry are very large and are borne by the man. Therefore, the costs that the man must prepare will increase because there are also dowry costs (although not too heavy) in addition to administrative record-keeping costs. Still, the most burdensome are the costs of a wedding or wedding party and delivering assets (Dutu).

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