

Acculturation of Islamic Law and Local Culture in Marriage Customs of the Buol People: An Anthropological Perspective

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ABSTRACT

The objective of this study is to examine acculturation of Islamic Law and Local culture in the Marriage Customs of the Buol People: This study examined two problems. First, how is the process of acculturation? Second, what acculturation occurs between Islamic law and local culture in the marriage customs of the Buol people?. This study used qualitative method with an empirical sociological legal research analysis approach. Data was gathered through in-depth interviews, direct observation, and participant observation, and physical equipment. The results of the study show that the process of acculturation occurs through power or politics, through trade, education, or da'wah and the arts, as well as through marriage and migration. Acculturation also occurs at every stage of the implementation of marriage customs among the Buol people, including through *Mongolyokap*, *Molyako* nikah or marriage proposal, *Motanduan moposakis* or determination and witnesses, *Mopake bolre* or decorating the bride's house, *Mogundud* nikah or delivering the requested property, *Moponika* or reading of *Ijab Qabul* (Islamic marriage contract), *Monobvuwunggag* or invalidating wudhu, *Mongoliayondigi*, *Mopalyom/Mogolya mongaano* or wedding reception, *Mosalyamat* or small post-wedding party, and *Mogolya mopolyong* or sleeping at the groom's house. The forms of acculturation are substitution or addition of cultural elements, syncretism or an amalgamation of cultural factors, addition or combination of cultural elements, and deculturation or replacement of cultural aspects.

ARTICLE INFORMATION

Keywords:

Acculturation, marriage customs, Islamic law, Buol customs, anthropological

1. Introduction

Indonesia is a country that has a very diverse cultural wealth. These cultures are still preserved today as valuable relics passed down from generation to generation as a tribute to their ancestors. Traditions focus on values and rituals that have developed and are embedded in the culture of a society. According to its etymology, culture refers to all that is created by human intelligence. The result of this intellectual power is in the form of initiative, creativity, and a sense of togetherness that appears in actions that eventually become habits in the form of ideas, art, morals, laws, customs, and manners that a group of people has accepted and become common property (Munandar Soeleman, 2005).

The issue between religion and culture is still an issue that provokes many societal judgments (Hordern, 2016; Jumahir, Nurdin, Pettalongi, Fitri, & Aftori, 2023). One group of people judges that religion must be separated from culture. This group views religion as not an essential part of their life (Demerath, 1991). These people do not seek solutions in life through religion but rather prioritize solutions rationally and technologically (Hasan Bakti Nasution, 2001). Meanwhile, others argue that religion and culture can interact as long as they uphold and pay attention to the sanctity of religion. This phenomenon is related to the presence of religious behavior and understanding of Islam. The conflict between religion and culture eventually reaches a crossroads. Does the culture that already exists and grows in society have to comply with Islamic law, or does Islamic law have to be modified to suit the culture that already exists and thrives in the community?

Textual and contextual approaches are the two main models of the religious approach used in studying acculturation between religion and culture today. Both produce various interpretations and religious behavior. The contextual approach recognizes that the source of values includes not only text but also local wisdom and the surrounding socio-anthropological context. In contrast, the textual approach is more limited to sources of value (Al Quran and As-Sunnah) with a literalist understanding paradigm (M. Amin Abdullah, 2011).

Islamic law, which in theory is said to be absolute and universal, must evolve with the times because change is necessary. In terms of substance, religion, and culture are similar to two

sides of a coin, both closely related, with religion as a creation of God and culture as a creation of humankind. Islam coexists with culture resulting in assimilation, mutual absorption, and acculturation. When Islam emerged, the culture of society changed because society experienced a shift for the better. At the same time, Islam does not disturb or isolate the community from its customs but works to protect what is universal in Islamic teachings and what is considered good and faithful from the past (Nurc holish Madjid, 2000).

According to Glifford Geertz, there is a close relationship between religion as a source of values and a cognitive source (Geertz, 1957). Religion is not only a spiritual matter. Likewise, it can act as a pattern for human conduct, which directs all human actions. This is the first model. The second model states that religion is a pattern of human activity. It is the result of human cognition, understanding, and practice. When viewed from the perspective of the second model, religion is often perceived as a component of the cultural system. (Garry E Kessler, 2012).

Anthropologists believe that religion is a component of a cultural system (Johnson, Hill, & Cohen, 2011). Religion orders people to behave well, it is a value that must be upheld. Religion is photographed from social, religious behavior and practices, not only from its main tradition, which uses text as the guide. This is because lesser traditions heavily influence religion. According to Ernest Geller, every place is almost guaranteed to run on small traditions that follow larger traditions (CONVERSI, 2007).

The Buol people place religion as part of the culture in their life. Apart from the religious beliefs held by the community, customary practices have developed into a system that regulates family relations and the social structure of the Buol community. The system is then used as a reference for acting, behaving, and interacting with the social environment. The ongoing acculturation of culture and religion is in line with the social changes of the Buol people, one of which has been formed is the marriage custom of the Buol people.

Religion continues to be explored by society, and culture is also moving forward together in its preservation, so it is not surprising that between the two, assimilation is increasing. The study of *maqasid sharia* in terms of culture or customs within the Islamic religion

is also increasingly being explored. Particularly in the study of marriage customs where acculturation has occurred between Islamic law and customary law, it will only be perfect if it involves religion and culture as a study factor.

In connection with the above, the researchers would like to conduct further studies on the acculturation of Islamic law and local culture in the customary marriages of the Buol people from an anthropological perspective. This study will focus on how acculturation occurs and what acculturation occurs between Islamic law and local culture in the marriage customs of the Buol people. It is hoped that this research can contribute to the development and progress of science, become input for researchers who are interested in conducting research in the future, and can be used as a reference source for society and the preparation of scientific work in the future, more specifically on the acculturation of Islamic law and local culture in the marriage customs of the Buol people.

2. Literature Review

2.1 The Definition of Islamic law and its functions

Law always develops due to developing social phenomena that align with the movement of space and time (Tajul Arifin, 2016). Sir Henry Maine argues that law extends along with the development of society, which moves from a simple (primitive), traditional, and ethnic (tribal) towards a complex and modern society. The law inherent in society initially emphasized status, in turn, developed into a contractual form.

From an anthropological perspective, law is studied as an integral part of the culture as a whole (Kubal, 2013). Law is studied as a product of social interaction influenced by many aspects of other cultures, such as politics, economics, ideology, religion, and social structure (Luh Suryatni, 2013). The law, from an anthropological perspective, is not merely in the form of statutory regulations created by the state (state law) but also local regulations originating from community habits (customary law/folk law), including regulatory mechanisms within society (self-regulation) that function as a means of social control (legal order).

In general, the law functions as social control and controller of social change (social engineering) and is also expected to become an

instrument of community empowerment (Cattani, Clemente, Durand, & Mai) (Zainul Hakim, 2015). A social condition in which society and the state are both concerned about maintaining the balance of the fulfillment of rights and obligations, both for the benefit of public satisfaction and fulfillment of civil rights.

Laws are also influenced by religion, culture, local customs, and habits (Purwandani & Yusuf, 2021). In simple terms, the law is defined as rules or a set of norms concerning human behavior in society, both regulations that grow and develop in culture and regulations or norms that are made in a certain way and enforced by the authorities. Hukum Islam is an Indonesian term translated from al fiqh al Islami or, in specific contexts, from al Shariah al Islami. This term in Western legal discourse is called Islamic law. The term al Hukm al Islam is not found in the Quran and Hadith but in the term shariah.

Islamic law is a law that is associated with Islamic religious beliefs. The term Islam itself implies obedience, which means obeying the commands of Allah and the Messenger. Islamic law is a legal system that originates from din al Islam. Islam believes that law is not just a secular building to regulate human life in the world but rather a straight path to the hereafter (Mohamed Abdel Khalek Omar, 1997).

Islamic law in the context of the Quran is referred to as shari'ah. Etymologically, the word shariah comes from the Arabic word al-Shari'at, which means the path to a water source or the path that must be followed, which implies the path to the primary source of life. The word shariah comes from the verb shara'a, which means marking or drawing a clear path to a water source. Shariah, in the context of Islamic law studies, describes a collection of legal norms resulting from the tashri process (Mohamed Abdel Khalek Omar, 1997).

Islamic law also has a very close relationship with fiqh issues, even though fiqh can be interpreted as Islamic law. Fiqh is a science that can sometimes be used as a synonym for shariah, even though the two are different. Jurisprudence (Fiqh) relating to al-Ahkam al-Khamsah is more in line with religious ethics (A. Qadri Azizy, 2003). Shariah is also closely related to the revelation, the knowledge from the Quran and Hadith. In contrast, jurists largely developed fiqh, which consisted of rules based on reasoning (ijtihad) from the Quran and Hadith. Fiqh itself is

a concept that has been evenly distributed among Muslim communities.

In principle, Islamic law is divine law because its binding nature is different from man-made law and is considered a social phenomenon that is subject to human needs and values. The law in Islamic teachings is understood as an institution that is neither rooted nor carved from sociology. Islamic law is a law that is regarded as a means of serving God. Human reason only functions as a tool to find law through *ijtihad*.

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2.2 Definition of Acculturation and Its Types

Acculturation is the combination of two complementary things (Arends-Tóth & Vijver, 2003). The term in Anthropology (acculturation or culture contact) has several meanings, all of which involve the concept of social processes that arise when a group of people with a particular culture is exposed to elements from a foreign culture so that these foreign elements are gradually accepted and blend into that culture without causing the loss of other cultures.

Considering the notion of acculturation, most people associate it with the term assimilation, whereas both are two different terms. Raymond H.C Teske Jr. and Bardin H. Nelsen argue that assimilation is merging two cultures into a new one (TESKE JR. & NELSON, 1974). It could occur due to cultural fusion, indirectly eliminating the original culture and making a new one more dominant (Raymond HC Teske Jr, 1974).

The process of acculturation generally takes a long time. The reason is that the elements of foreign culture are absorbed or accepted selectively. Therefore, the change process through the mixing mechanism still shows some original personality elements.

There are many types of acculturation currently developing, some of which are: (Causal Factors, Types and Forms of Culture, n.d.) 1) Substitution is a process of replacing old cultural elements with new ones by providing added

value to its users. 2) Syncretism is forming a system combining old and new cultural elements. 3) Addition combines two or more cultural elements to provide added value to the elements themselves. 4) Deculturation or replacement replaces old cultural elements with a new culture because of new cultural elements. 5) Organization is a process of entering a new culture that provides significant changes in the scope of society in a particular area. 6) Rejection is a process of rejecting a new culture. Rejection was made because the new culture was considered to harm society. This could be due to a lack of readiness or disagreement with the existence of this culture.

Even though the acculturation of Islam with local culture is a necessity as a logical consequence of its universal nature, which has occurred in the history of the journey of Islam from the beginning, it still leaves spaces that need to be critically noted, as follows: (Rahmatul Izad, n.d.) The position of Islam and local culture in the acculturation process cannot be viewed as equal and directly proportional entities. In this case, Islam must still be seen as something that has a higher position than local culture. If both are considered equal, syncretism will occur. b) Acculturation is defined as a process of Islamization, meaning that Islam coming to an area does not necessarily erase its people's whole system of values and culture, but Islamizes it.

2.3 The Correlation Between Islamic Law, Culture and Custom

Culture, which in Dutch is *culture*, and in Arabic is *tsaqafah*, is derived from the Latin *colere*, which means to cultivate, work on, fertilize, and develop, especially cultivating land or farming. (Joko Tri Prasetya, 2009) This meaning creates culture as "all power and human activity to process and change nature."

Meanwhile, civilization comes from desire and passion, where the higher and purer being at the top has a practical purpose in human relations, such as music, poetry, religion, ethics, and others. From an anthropological perspective, culture is a system in the form of ideas, behavior, and results of conduct which includes three things: culture as a system of beliefs, culture as a system of ideas, and culture as a system of behavior results (Nur Syam, 2007). Simply put, culture results from creation, taste, and human initiative.

From an Islamic perspective, tradition is called *urf*, a habit that exists in a society that has been carried out continuously from generation to generation, without distinguishing between traditions that have sanctions and those that do not. *Urf* (tradition) are forms of *muamalah* (relationships of interest) that have become customary and constant in society (Muhammad Abu Zahra, 1995).

Islamic law appreciates custom with the concept of *al'adah al muhakkamah*. Custom can be used as a legal standard. Even though not all custom can be used as a legal basis, in certain circumstances and conditions, it can be used as a basis for issuing laws when there is no argument from *syar'i*. The initial basis for this rule to exist was from social reality, where values that have been believed to be norms that have been practiced for a long time will shape a way of life so that they will choose their lifestyle and live based explicitly on values that have been internalized together (Ramli Nuamara, 2020).

The existence of a reciprocal relationship between Islam and local culture is the rule of "custom being the law," or in another language, the custom is "shariah being the law." Thus customs or habits in society are part of Islamic law. The emergence of Islam in a place results in *tajdid*, or renewal of society towards a better direction. At the same time, Islam does not mean to cut the community's traditions but to preserve what is good and faithful from old traditions and maintain it in the universal teachings of Islam called *'urf*. *'Urf* is a local tradition commonly referred to as local culture, including various processions in marriages containing *'urf*, which the local community makes a local culture (M Dahlan, 2013).

2.4 Definition and Legal Basis of Marriage

The words *nikah* and *zawaj*, which mean marriage according to Arabic *fiqh* literature, are often used in the Qur'an and the Hadith. According to Islam, marriage is a holy agreement that is strong and sturdy to form an eternal family, mutually supportive, loving, safe, happy, and lasting between a man and a woman, witnessed by two male witnesses. Islam places marriage as something noble and sacred, which is a form of worship to Allah and obedience to the Sunnah of the Prophet and is carried out based on sincerity, responsibility, and following legal provisions that must be respected. In the Law of the Republic of Indonesia Number 1 of

1974 concerning Marriage Chapter I, article 1, marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on belief in the one supreme God (Wahyu Wibisana, 2016).

Marriage is a solid contract, or *mitsaqan ghalidzan*, carried out to obey Allah's commands as worship to him and to carry out the Sunnah of the Prophet following Article 2 of the Compilation of Islamic Law. Therefore, it can be concluded that marriage is a solid sacred agreement between a man and a woman based on mutual consent and mutual liking carried out by the guardian according to the nature and conditions which can justify the biological needs of the two of them and be able to continue the lineage (Aisyah ayu Musyafah, 2020).

Islam has provided a clear concept of the procedure or process of a marriage based on the Qur'an and As-Sunnah. Therefore, in this article, the researchers explore the notion of marriage, the legal basis, conditions, pillars, wisdom in the law on marriage, and matters closely related to the acculturation of Islamic law, especially regarding marriage with local culture.

2.5 The Pillars of Marriage

The pillars of marriage must exist, or the marriage act will be considered invalid or canceled. The pillars of marriage include: (Zakaria al Anshari, n.d.) 1) Prospective bride and groom, 2) Wali (guardian), 3) Two witnesses, 4) *Sighat ijab* and *qabul* (Islamic marriage contract). Meanwhile, conditions are one of the basics that must be met to determine whether or not a marriage is valid. Therefore, the conditions in marriage must also be fulfilled because it is related to the obligations and rights of husband and wife to establish household life in the future. The bride and groom and the bride's family should consider these conditions because if the conditions are fulfilled, the contract will be broken.

2.6 Marriage Laws

In marriage, the following laws apply: (Ahmad Atabik, 2014) a) It is obligatory for people capable of getting married, especially when their desires have urged them to have sexual relations, which they fear will later fall into the act of adultery. b) It is unlawful for a person who has not been able to meet his future wife's physical and spiritual needs, and his

desires are not urgent, and he has goals other than those prescribed by religion. c) Sunnah, for people whose desires are urgent and who can marry but can still refrain from doing haram. d) Makruh, for people whose lust is weak and unable to meet the needs of their future wives. e) Mubah, for people not pressured by reasons requiring immediate marriage or prohibiting marriage.

2.7 Marriage Goals

People who are married should not only aim to fulfill their sexual desires but should get married for the following purposes: a) Carrying out what the Prophet recommended in his words: "O young people! Whoever among you can marry should he marry...." b) Increasing the numbers of the ummah, because the Prophet said: "Marry you with women who are loving and fertile, because (on the Day of Resurrection) I will boast of your large number in front of other people." c) Another purpose of marriage is to protect the private parts from committing illegal sexual intercourse, and to lower the gaze of what is unlawful. (Wahyu Wibisana, 2016). Islam has provided a clear concept of the procedure or process of a marriage based on the Al-Qur'an and As-Sunnah as follows: 1) Getting to know the prospective spouse, 2) *Nazhor* (seeing the prospective spouse). 3) *Khithbah* (proposal) 4) Carry out the marriage contract. 5) Organizing *walimatul urs* (Ibnu Qudamah, 2016).

2.8. Customary Marriage

Marriage in the sense of "traditional engagement" is a marriage that contains customs applied in the community concerned. The series of customs has been carried out since before the marriage took place, for example, with the existence of a proposing relationship which is "rasa senak" (relations of both prospective husband and wife) and "rasa tuha" (relations of parents or families of future husband and wife). After the marriage bond occurs, the rights and obligations of the parents, including family members and relatives according to local custom, arise by carrying out traditional ceremonies and then continue to carry out the role of fostering and maintaining harmony, integrity, and longevity in the lives of their children who are involved in the marriage (Hilman Hadikusuma, 2003).

3. Methodology

This study employed qualitative method to understand the fatwa of the Indonesian Ulema Council on the Legal Consequences of Violations of Divorce Taklik in Momunu District, Buol Regency. This research was conducted by taking the research location at the Buol Religious Court.

Qualitative research is characterized by collecting descriptive data, including the informants' words, actions, and feelings, who serve as the needed data sources (Nurdin & Pettalongi, 2022). The collected data is supported by textual and documentary data (files, audio, visual, audiovisual) that support the research (Rusli, Hasyim, & Nurdin, 2021; Rusli & Nurdin, 2022). With this approach, the researcher aims to provide a detailed description of the phenomena occurring in the field, the nature of the phenomena, and all aspects related to the theme under investigation (Nurdin, Stockdale, & Scheepers, 2013).

This study is classified as a case study research. Case study research delves more intensively into the current situation to gather information (Nurdin, Scheepers, & Stockdale, 2022). In other words, the researcher must build good relationships with various individuals and entities to become sources of information within the environment, such as academic units, social groups, individuals, institutions, and communities. The researcher also immerse themselves in the surrounding environment to gather as much data as possible.

2 Results and Discussion

4.1 The process of acculturation of Islamic law and local culture

The Buol people are a heterogeneous society, as J.G.F. Riedel stated that this condition has existed for a long time (JGF Riedel, n.d.). This condition made it easier for Islam to enter the Buol region. The strength and roots of Islamization in Buol are caused by two factors, namely internal and external factors. The internal factors are due to the success of the rulers and elite groups, which were carried out since the king of Eato. Rulers played a role in maintaining Islam as a communal force and identity because Islam is the basis for running the government and other social management. The external

factors are caused by Arab, Malay, Bugis, Mandar, and Gorontalo traders and other Muslim traders who helped the process of Islamization in Buol (Janeke Peggy Slippy, 2020).

Apart from trading, the traders also preached or spread Islam in Buol. Among them were those who married into the royal family or ordinary people and those who settled and lived in Buol (Muhammad Nur Ichsan A, 2020). Thus, according to the researchers, the acculturation process of Islamic law and local culture in the marriage customs of the Buol community occurs through 1) Power or political channels. 2) Trade, education (da'wah), and arts. 3) Marriage and migration.

4. 2 Acculturation of Islamic Law in the marriage customs of the Buol people

The arrival of Islam brought major changes to the life of the Buol people. These changes include perspectives on the socio-cultural society and changes related to religious practices. The influence of Islamization in Buol also impacts changes in the economic, political, religious, and intellectual institutions, as well as other artistic activities (Muhammad Nur Ichsan A, 2020).

The acculturation process of Islam in the local culture is inevitable and inseparable from religious and cultural values. Religion, as something that is attached to human life, must be understood and lived within the framework of culture. Every religion is inseparable from the long tradition owned by the nation or society that adheres to it. This development becomes an interaction between religious beliefs and human creativity so that Islam absorbs elements of the local culture it passes through (Machasin, 2011).

Particularly in the marriage customs of the Buol people, there is a form of similarity in values between religion and culture. The concept of ta'awun in Islam and the concept of affection in Buol culture gave birth to marriage customs. Islam enters and influences traditional marriage values and can dominate this marriage custom. In this case, the marriage customs of the Buol people are Islamic culture or the local Islamic culture of the Buol people.

The acculturation of Islamic law and local culture in the marriage customs of the Buol community is clearly seen in every stage of implementation of the Buol community customary marriage, including 1) *Mengoyokap*, which is interpreted as the first step in tying the marriage bond done by the prospective groom's parents to approach the prospective bride's

family. This is part of *silaturrehim* and, more specifically, to determine whether the girl to be proposed is already married or single. This kind of *silaturrehim* follows Islamic guidance as the message of QS. An Nisa: (4): 1. 2) Proposing. In Islamic terms, it is called *khitbah* or getting engaged, while in the Buol language, it is *molyako nikah*, a stage or process towards marriage which is part of the sunnah of the Prophet. 3) The stage of *motanduan/ moposakisi* (determination/ witnessing) is also a form of practice of Islamic teachings where the agreement made by the two families is witnessed by the government and *syar'i* employees, which in Buol's terms called *Hukum duiyan bwutak*. 4) *Mopake Bolre* is not a form of implementation of Islamic teachings.

However, when understood more deeply about its value, it will be seen that *Mopake Bolre* is a form of gratitude for the marriage that will take place and spread the news that the marriage will be held in that house. Then this is also part of the practice of Islamic teachings. 5) means the stages of delivering the requested property following the agreement of the two families. In general, there is a religious practice in the *Mogundud* process that is helping each other. 6) *Moponika* is the reading of *Ijab Qabul* (the Islamic marriage contract). 7) *Monobvuwunggag* invalidates *wudlu* by placing the hand of the husband on the top of the wife's head. This act is intended to pray for the wife. 8) *Mongolyondigi* rubs the palms, forehead, elbows, and knees of the bride and groom with eggs and *bajo* oil while reciting prayers for the safety of both. This is an expression of the prayers and hopes of the two families for the bride and groom, which is manifested through the materials used for *mongolyondigi*. 9) *Payangan* (*Monidoko Umu*) is part of Islamic guidance that after completing the marriage ceremony, a *walimah al ursy* (wedding reception) should be held. The primary purpose is to inform the community that a marriage has taken place. 10) *Mopoalyom / Mogolya Mongaano*, where the couple is brought to visit the groom's house. 11) *Mosalyamat* (a small post-wedding party at the bride's house) 12) *Mogolya Mopolyong* (Invitation to sleep at the groom's house). The stages of traditional marriage 10, 11, and 12 are the final part of the Buol community's customary marriage procession, which aims to strengthen the *silaturrehim* relationship.

The acculturation of Islamic law and local culture in the marriage customs of the Buol

community that the researchers have described occurs in various forms, including:

- 1) Substitution or addition of cultural elements.
- 2) Synccritism, or a blend of cultural elements.
- 3) Addition or combination of cultural elements.
- 4) Deculturation or replacement of cultural elements.

Of the various forms of acculturation that occur between Islamic law and local culture in the marriage customs of the Buol community above, they are part of an organized unit so that it becomes a culture that is currently developing amid the Buol community which is called Islamic culture or local Islamic culture of the Buol community.

4 Conclusion

The dialectic between Islam and culture places religion and local rituals as a field of contestation. The Islamic values seen in the marriage customs of the Buol people are found in almost all stages of the Buol people's customary marriage process. The acculturation of Islamic law and local culture in the marriage customs of the Buol people occurs through a process that is inseparable from the history of the spread of Islam in Buol land using several ways: First, through power or politics. Second, through trade, education (da'wah), and art by merchants or traders. The third is through marriage and migration. Acculturation of Islamic law and local culture in the marriage customs of the Buol people occurs in the form of substitution or addition of cultural elements, syncretism or a combination of cultural elements, and deculturation or replacement of cultural elements, occurs at every stage in the customary marriage of the Buol people so that it is organized into a culture that is currently developing amid the Buol community.

The acculturation of Islamic law and local culture in the customary marriages of the Buol people shows that Islam and local traditions are one unity. The understanding of divinity is the starting point for the inner approach. The existence of God with all His power and love is used as a backup. The recitation of prayers and zikr in the Buol people's customary marriage increases Islamic nuances, called local Islamic traditions.

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