

The Tradition of *Nginjeum Panganten* in the Perspective of *al 'Urf*: Analysis of Sundanese Customary Practices in Tasikmalaya, Indonesia

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ABSTRACT

Marriage is a legal and social institution governed by religious norms, customs, and positive law, with the aim of forming a family that is *sakinah, mawaddah, and rahmah*. In the Sundanese traditional community in Mekarjaya Village, Padakembang District, Tasikmalaya Regency, there is a marriage practice called *Nginjeum Panganten*, which is a tradition where the reception and wedding procession are held at the groom's residence with the bride attending from her residence. This study aims to analyze the practice of *Nginjeum Panganten* from the perspective of Islamic law through the concept of *Al-'Urf*. This study uses field research with a descriptive-analytical approach. Primary data was obtained through in-depth interviews with traditional leaders, religious leaders, and communities directly involved in the implementation of the *Nginjeum Panganten* tradition. Secondary data was collected through a literature review of Islamic law, customary law, and relevant scientific works. Data analysis was conducted using an inductive approach to draw normative conclusions from empirical facts. The results of the study indicate that the *Nginjeum Panganten* marriage practice does not conflict with the principles of Islamic law, as long as the pillars and requirements of marriage are fulfilled. This tradition can be classified as *Al-'Urf Shahih*, which is a custom that is generally accepted by the community and does not contradict the provisions of Sharia law. Thus, *Nginjeum Panganten* has legal legitimacy from both the perspective of customary law and Islamic law, and reflects the harmony between local cultural values and the principles of Islamic Sharia.

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INTRODUCTION

Marriage according to customary law is understood as a bond of living together between a man and a woman that is not merely individual in nature, but also communal. The purpose of this bond is to form a sustainable community so that the lineage (family or clan) is not broken, and it is carried out and recognized through a series of customary ceremonies (Indonesian ministry, 2019). Thus, customary marriage functions not only as a legal event, but also as a

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social and cultural event laden with traditional values, norms, and symbols.

In various cultural systems in Indonesia, marriage rituals and customs have diverse characteristics. These differences reflect the unique cultural identities of each indigenous community. In many cases, marriage rituals serve as markers of cultural identity as well as a means of preserving social values that have been passed down from generation to generation. Therefore, marriage in a cultural context cannot be separated from the value system of the supporting community.

Marriage in a cultural context is a ceremonial tradition that is integrated into a particular cultural system, as are other aspects of social life. The marriage procession takes place through a series of traditional ceremonies that display various cultural symbols, whether in the form of symbolic actions, traditional speech, or traditional artistic expressions. These symbols represent the values, norms, and worldviews of the community concerned, so that this practice is commonly referred to as a traditional marriage (Saepudin, 2010).

In Sundanese culture, traditional marriages involve various stages of ceremonies that are rich in symbolism and meaning. These ceremonies are not only seen as complementary to the event, but are considered an integral part of the Sundanese traditional marriage itself. Each stage has a specific social and philosophical function that reflects family relationships, harmony, and respect for customs and ancestors. One of the traditions in Sundanese traditional marriage is *Nginjeum Panganten*, which is the procession of borrowing the bride-to-be to be presented at the groom-to-be's residence. This procession is carried out based on an agreement between the two families, with the aim of holding the wedding reception at the groom's residence first. Through this procession, the bride-to-be is introduced to the extended family and guests of the groom.

The *Nginjeum Panganten* tradition has long been an integral part of Sundanese wedding customs and has been passed down from generation to generation. Normatively, this custom stipulates that the reception or wedding invitation is held first at the groom's house. In practice, the bride is "borrowed" to be presented and accompanied to sit alongside the groom on the wedding stage, even though the official marriage ceremony has not yet been held and will only take place the following day.

This practice raises normative issues when viewed from the perspective of Islamic law. In Islamic law, the validity of a marriage is determined by the fulfillment of the pillars and requirements of marriage, especially the existence of a valid *ijab* and *kabul*. Before the marriage contract is concluded, the relationship between the prospective bride and groom is still legally considered as strangers (*ajnabiyyah*), so there are certain restrictions that must be observed. Therefore, the practice of placing the bride and groom together on the wedding stage before the marriage contract is concluded has the potential to cause debate regarding its compatibility with the principles of Islamic law.

Based on these conditions, a legal question arises regarding the position of the *Nginjeum Panganten* tradition in the perspective of Islamic law. On the one hand, this tradition is part of the customs that are alive and respected in Sundanese society. On the other hand, the practice is carried out before the marriage contract, thus creating potential tension between customary norms and Sharia norms. This issue is the focus of this study, which analyzes the practice of *Nginjeum Panganten*, particularly the procession of presenting and pairing the bride and groom on the wedding stage before the marriage contract is performed.

This study aims to analyze the position of the *Nginjeum Panganten* tradition from the perspective of Islamic law, as well as to assess whether this practice can be categorized as a permissible customary tradition or whether it has the potential to conflict with the principles of Islamic law.

A number of previous studies have examined various marriage traditions that have developed in Indonesian society using an Islamic law approach. Latifah researched the *Ngadiuken* tradition in Sundanese customary marriage from the perspective of Islamic law and customary law (Siti Latifah, 2017). Rini Dwi Rahayu examined the traditional rituals of the Sundanese, Javanese, and Balinese tribes through an ethnobotanical approach (Rini Dwi Rahayu, 2019). Bella Qori Amalia examined *Kalangkah* marriages in Sundanese customs from the perspective of Islamic law (Bella Qori Amalia, 2019). Agus Gunawan discusses the traditional Sundanese wedding ceremony in Kuningan Regency, West Java (Agus Gunawan, 2019). In addition, Bidayatul Mutammimah examines the *Meleum Harupat* tradition in Sundanese traditional weddings through the '*urf*' approach (Mulamammimah, 2023).

Although there are similarities in the study of traditional marriage and the perspective of Islamic law, these studies have not specifically discussed the *Nginjeum Panganten* tradition, particularly in relation to the practice of pairing prospective brides and grooms before the marriage contract. Thus, this study has novelty in its object of study and focus of analysis, namely examining the *Nginjeum Panganten* tradition within the framework of Islamic law to determine its position as an '*urf*' that can be accepted or rejected based on the principles of sharia.

RESEARCH METHOD

This study is a qualitative study that produces descriptive data to understand social and legal phenomena in depth, particularly the practice of the *Nginjeum Panganten* tradition in Sundanese customary marriage and its implications from the perspective of Islamic law. Based on the location of its implementation, this research is classified as field research (Susiadi, 2015) conducted in the village of Mekar Jaya, Padakembang subdistrict, Tasikmalaya regency, West Java. This field research aims to explore in depth the *Nginjeum Panganten* tradition that is alive and thriving in the community, as well as to gain a direct understanding of the views of traditional leaders, religious leaders, and the community regarding the implementation of this tradition.

The data sources in this study consist of primary and secondary data. Primary data was obtained directly from primary sources through in-depth interviews with informants (Kartono, 1986) who were considered to have knowledge and experience related to the *Nginjeum Panganten* tradition. These informants included traditional leaders, religious leaders, community leaders, and couples who had undergone the *Nginjeum Panganten* traditional marriage ceremony. This primary data was used to describe the actual practices of the *Nginjeum Panganten* tradition and the community's views on its implementation.

Meanwhile, secondary data was obtained through literature studies sourced from books, scientific journals, previous research results, laws and regulations, and other literature relevant to the study of customary law and Islamic law. Secondary data serves as supporting and comparative material in analyzing primary data, as well as strengthening the theoretical and normative basis of the research.

Data collection techniques in this study were carried out using several methods. First, interviews, namely semi-structured interviews conducted with informants (Kartono, 1986), including Mr. Yahya Yunus as a religious leader, Mr. Abdul Halim as a traditional leader, Mrs. Iis as a community leader in Mekar Jaya Village, Padakembang District, Tasikmalaya Regency, West Java, as well as a married couple who carried out the *Nginjeum Panganten* tradition with the initials N.S. and F.N.

Second, documentation, namely data collection through written and electronic documents originating from relevant agencies or institutions, such as traditional records, village archives,

photos of activities, and other relevant documents. The documentation data was used to supplement and reinforce the interview data.

Data analysis was conducted using descriptive qualitative analysis, which involves analyzing data by interpreting and systematically describing empirical facts obtained in the field. The analysis was carried out through the stages of data reduction, data presentation, and conclusion drawing and verification (Abidin, 2006). The empirical data that had been analyzed was then examined using the perspective of Islamic law, particularly the concept of *'urf*, to assess the position of the *Nginjeum Panganten* tradition and its conformity with the principles of Islamic law. The conclusions of the study are based on empirical findings and normative analysis so that the results of the study can be scientifically and objectively accounted for (Abdul Qodir Zaelani, 2016).

ANALYSIS AND DISCUSSION

Al-*'Urf* in Islamic Law

In Islamic law, custom (*habit*) is known as *al 'urf*. According to the science of *ushul fiqh*, *al- 'urf* is something that has become customary among humans or some of them in terms of *muamalah* and has been seen or remains within them with several things continuously that can be accepted by common sense (Muhammad Abu al-Azhar, 2011). *Al- 'urf* is something that is repeatedly done by a certain community and repeatedly practiced either over a long period of time or only at certain times (Asnawi, 2011). However, a custom that has become ingrained in society is not necessarily in line with the values of Islamic law, because Islamic law itself has authority based on the Qur'an and Hadith, which are used as a benchmark to determine whether the custom is contradictory or not.

Scholars divide *'urf* into several categories. First, in terms of its object, *'urf* is divided into two types, namely *urf lafzi*, which is a custom related to the use of certain expressions or terms in society (Amir Syarifudin, 2011), and *urf amali*, which is a custom in the form of actions or practices that are carried out repeatedly in social life (Sulaiman Abdullah, 1995). Second, in terms of scope, *'urf* is divided into *urf amm*, which is a custom that is generally and widely practiced in society (Muhammad Abu al-Azhar, 2011), and *'urf khas*, which are customs that only apply to certain regions or groups of society (Abdul Wahab Khalaf, 2003). Third, based on its validity, *urf* is divided into two types, namely *'urf sahih* and *'urf fasid*. *'Urf sahih* is a custom that is recognized and can be used as a legal consideration because it applies in society and does not conflict with the provisions of Islamic law (Satria Effendi, 2015). Conversely, *urf fasid* is a custom that is considered corrupt because it contradicts the basic principles of Islamic law, so it cannot be used as a basis for determining the law (Muhammad Abu Zahra, 2011).

Islamic law basically recognizes customs (*'urf*) as one of the sources of legal consideration. This recognition is based on the awareness that customs have played an important role in regulating social relations and maintaining public order. In this context, customs and traditions serve as unwritten laws, but are obeyed by the community because they are perceived to be in accordance with the sense of justice and legal awareness that exists among them (Muhammad Abu Zahra, 2011).

The position of *'urf* as a method in the application of Sharia law plays a very important role, especially in ensuring that Islamic law can be applied contextually without deviating from the objectives and essence of Sharia. Despite the ongoing developments of the times and technological advances, *'urf* can still be used as a basis in the process of *istinbat* law. However, *'urf* is not a standalone argument, but rather obtains legal legitimacy when supported by other sources, such as *ijma'* and *maslahah*. Therefore, Islamic teachings and community traditions do

not need to be contested, because both can essentially complement and reinforce each other (Buzama, 2012).

This view is in line with the theory of *receptio a contrario*, which states that customary law is subordinate to Islamic law and must be in accordance with the principles of Sharia (Buzama, 2012). Thus, a custom or tradition can only be enforced as long as it does not conflict with and has been legitimized by Islamic law. Consequently, customary laws that are in harmony with sharia can be accepted and incorporated into legal practice in Muslim societies.

The Practice of *Nginjeum Panganten* among the Sundanese Indigenous Community in Mekarjaya Village, Padakembang Subdistrict, Tasikmalaya Regency

The *Nginjeum Panganten* tradition in the Sundanese indigenous community in Mekarjaya Village, Padakembang District, Tasikmalaya Regency, is a customary practice that has been passed down from generation to generation and has become part of the local cultural heritage. This tradition reflects the strengthening of family ties, the value of togetherness, and the preservation of cultural identity in the wedding procession. The main feature of *Nginjeum Panganten* lies in the reception and traditional procession held at the groom's residence, with the bride being brought from her residence to participate in the series of events.

Based on interviews with traditional leaders, the *Nginjeum Panganten* practice serves as a means of introducing the bride-to-be to the groom's extended family before the marriage ceremony. This procession is generally held one day before the ceremony and is accompanied by traditional elements, such as traditional music, traditional dances, and transportation by *lengser*. This tradition demonstrates the strong value of respect for women and the involvement of the extended family in welcoming the marriage (Interview with Yahya Yunus, 2024).

Based on interviews with community leaders, the uniqueness of *Nginjeum Panganten* lies in the shift in the location of the traditional ceremony, which differs from the usual Sundanese traditional wedding practices, which are usually centered at the bride's residence. In addition, the use of *lengser*, which is played by elderly figures, reflects respect for elders as symbols of wisdom and role models for the community. The purpose of this tradition is for the guests and extended family of the groom to get to know the bride. In this case, the tradition is also carried out when marrying within the Sundanese community, where the bride and groom usually come from the same district and their addresses are within close proximity (Interview with Iis, 2024).

Although the changing times have brought about changes in the community's marriage patterns, the *Nginjeum Panganten* tradition is still upheld by some members of the community as a way of preserving traditional values and local cultural identity. This tradition functions as customary law that regulates social behavior based on norms and customs that have been collectively accepted and practiced, thus remaining relevant in the life of the Mekarjaya Village community to this day. On the other hand, tradition can also be a medium of communication between generations, which means that through it we can gain knowledge and information, especially about the marriages of previous generations (Musbikin, 2001).

Based on interviews with the bride and groom, N.S and F.N, it was revealed that the *Nginjeum Panganten* tradition was carried out due to a desire to preserve and protect local cultural heritage amid the tide of modernization, which has caused many traditional customs to be abandoned. This couple views the *Nginjeum Panganten* tradition not only as a customary procession, but also as a means to strengthen family ties, social solidarity among residents, and community involvement in weddings. In addition, the implementation of this tradition is interpreted as a concrete effort to preserve Sundanese culture so that it remains alive and does not become extinct (Interview with N.S and F.N, 2024).

Nginjeum Panganten* Marriage from the Perspective of *al-Urf

Islamic law has clearly regulated the provisions of marriage, from the parties who are allowed to marry to the pillars and conditions of a valid marriage. As long as these pillars and conditions are fulfilled, the marriage is declared valid according to Islamic law. As for practices that are carried out outside of these pillars and conditions, they are basically not mandatory and are not absolutely prohibited, as long as they do not contain elements that contradict the principles of Sharia. In practice, the application of Islamic law in society is not always fully identical to the social norms that have developed, given the influence of customs, traditions, and practices that are deeply rooted in society.

Based on interviews with religious leaders, it was found that historically, customs and traditions have been used as a means of spreading Islam, especially during the missionary work of Sunan Kalijaga, who integrated Islamic values into local traditions and culture. This process shows that Islam developed in the archipelago through a cultural approach that was accommodative to local customs. Therefore, over time, various customs that exist within society cannot be separated from the influence of Islamic teachings, because in practice they have undergone the internalization of Islamic values. Thus, traditions that develop within society are essentially religious in nature as long as they do not conflict with the principles of Islamic teachings (Interview with Abdul, 2024).

In the context of the Sundanese indigenous community in Mekarjaya Village, Padakembang District, Tasikmalaya Regency, the *Nginjeum Panganten* tradition is a custom that has been passed down from generation to generation. This tradition is not carried out unilaterally, but is based on an agreement between both families and is grounded in applicable customary laws. This shows that *Nginjeum Panganten* is not merely a ceremonial practice, but part of a social norm system that is recognized and practiced by the local community. In addition, marriage also means forming a legal relationship that involves relatives of the wife or husband (Hilman Adikusuma, 1977).

The values and objectives of marriage in the perspective of Islamic law will essentially be achieved if the pillars and requirements of marriage as stipulated by Sharia law are fulfilled. The pillars of marriage that must be fulfilled include the presence of a prospective groom, a prospective bride, a guardian from the bride's side, two witnesses, and a marriage contract in the form of *ijab* and *Kabul* (Rohmat, 2011). In the context of the *Nginjeum Panganten* tradition, the series of customs carried out before the marriage contract does not eliminate or replace these pillars and requirements of marriage. This customary practice is still concluded with the execution of a valid marriage contract in accordance with Islamic law, so that in terms of the validity of the marriage, the *Nginjeum Panganten* tradition does not conflict with Islamic law and does not affect the validity of a marriage.

From the perspective of the theory of *urf*, the practice of *Nginjeum Panganten* in traditional Sundanese marriages in Mekarjaya Village can be categorized as *urf sahih*. This is because in its implementation, this tradition does not conflict with the principles of Islamic law and does not interfere with the validity of the pillars and requirements of marriage. In terms of its object or substance, *Nginjeum Panganten* falls under the category of *urf fi'li*, which is a custom in the form of certain actions or activities that are carried out continuously until they are accepted as social norms in society. Meanwhile, in terms of its scope, the *Nginjeum Panganten* tradition is classified as *urf khass*, because it only applies and is known in certain communities, particularly the Sundanese indigenous community in the Mekarjaya Village area.

Thus, the practice of *Nginjeum Panganten* can be understood as a traditional custom that has social legitimacy and is acceptable under Islamic law as long as it remains within the

boundaries of Sharia law. In addition, it is also in line with the objectives of Islam, namely to create a family life that is *sakinah, mawadah, and rahmah* (Ghozali, 2003) and to realize a family that is pleasing to Allah (Ahmad Azhar Basyir, 2004). This confirms that the existence of local customs and traditions does not always conflict with Islamic teachings, but can go hand in hand and reinforce each other in shaping the social and legal order in society.

In addition to being reviewed from the perspective of *urf*, the practice of *Nginjeum Panganten* is also relevant to be analyzed within the framework of positive Islamic law in Indonesia. In the Compilation of Islamic Law (KHI), marriage is defined as a contract to obey Allah's commands, and carrying it out is an act of worship. The KHI explicitly states that the marriage contract is what determines the validity of a marriage, while the customs and traditions that accompany marriage are not strictly regulated, as long as they do not conflict with the provisions of Sharia and applicable Islamic law.

In this context, the *Nginjeum Panganten* tradition does not conflict with the provisions of the KHI or Law Number 1 of 1974 concerning Marriage in conjunction with Law Number 16 of 2019, because this tradition does not eliminate the obligation of a marriage contract as a requirement for a valid marriage. The traditional procession conducted before the marriage contract is only ceremonial and social in nature, not a replacement or substitute for the marriage contract itself. Thus, from a normative legal perspective, the practice of *Nginjeum Panganten* can be considered consistent with Islamic law as applied in Indonesia.

Furthermore, when viewed from the perspective of *maqasid syariah*, the *Nginjeum Panganten* tradition contains values of benefit. This tradition serves to strengthen family ties, maintain social harmony, and prepare prospective spouses for married life. The involvement of the extended family in the traditional procession reflects social control and collective responsibility in fostering the institution of marriage.

Thus, this analysis confirms that the existence of the *Nginjeum Panganten* tradition is not only sociologically and culturally acceptable, but also has normative legitimacy in Islamic law and positive law in Indonesia. This shows that Islamic law is adaptive and responsive to social realities, and is able to accommodate local traditions as long as these traditions are in line with the basic principles of Sharia.

CONCLUSION

Based on the results of the research and discussion described above, it can be concluded that Islamic law in principle recognizes customs (*urf*) as one of the bases for consideration in determining the law, as long as these customs do not conflict with the principles of Islamic law. The recognition of *urf* demonstrates the flexibility of Islamic law in responding to the social and cultural realities that exist within society, without neglecting the basic objectives and values of Sharia. The *Nginjeum Panganten* tradition practiced by the Sundanese indigenous community in Mekarjaya Village, Padakembang District, Tasikmalaya Regency is a custom that has been passed down from generation to generation and is carried out based on the agreement of both families and local customs. From the perspective of Islamic law, the practice of *Nginjeum Panganten* does not affect the validity of the marriage as long as the pillars and requirements of marriage are fulfilled through the implementation of a valid marriage contract. Based on the classification of *urf*, *Nginjeum Panganten* falls under the category of *urf sahih*, as it does not contradict Islamic law, including *urf fi 'li* in terms of its object and *urf khass* in terms of its scope. Thus, the *Nginjeum Panganten* tradition can be accepted as a legitimate customary practice within the framework of Islamic law and can continue to be preserved as part of the local cultural heritage, as long as its implementation continues to observe and uphold

the boundaries of Islamic law. This conclusion confirms that Islamic law and customs are not always in conflict, but can coexist harmoniously and complement each other in society.

AUTHOR CONTRIBUTION

H.P.S. is the main author of this study and is responsible for the entire research process, from research design, fieldwork, data collection through interviews, management and analysis of primary and secondary data, to the drafting and finalization of the article.

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