



The Nyilih Manten Tradition in the Perspective of Islamic Law (Case Study in Planjan Village, Kesugihan District, Cilacap Regency in 2022)

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Abstract. This article discusses the tradition in marriage that is still being carried out by some Javanese people, namely the "Nyilih Manten" tradition. In this tradition the bride is presented in the groom's residence a day before they hold the ijab qobul. The purpose of this study was to find out the views of the people of Planjan Village as well as the the perspective of Islamic law towards the Nyilih Manten tradition. This study used field research, that is, the researcher went directly to the field to conduct the research on the object being discussed. This research is descriptive, that is, the researcher tries to reveal a phenomenon that is currently developing by using the type of Sociology of Law study. Based on the research results, it is known that the Nyilih Manten tradition is a tradition that does not deviate from Islamic teachings due to several good intentions and several things that are indeed considered where the procession is carried out. Meanwhile, from the review of 'Urf or Al-'aadah Muhakkamah it can be said that Nyilih Manten is a tradition because it has been believed and practiced or which have been passed down from ancestors since time immemorial by the people in Planjan Village.

Keywords: Islamic Law, Nyilih Manten, Tradition

1. Introduction

Tradition is one of the cultures owned by Indonesian people which is still preserved today. One of the traditions that is still valid and carried out by the community is the Nyilih Manten tradition. Nyilih manten can be said to be a unique pre-wedding tradition, because not everyone who is getting married carries it out. Looking at the general Javanese tradition of holding a wedding, it is famous for its pingitan tradition, where prospective brides and grooms are prohibited from meeting, but in this case the author found a tradition that is the opposite of the pingitan tradition that has been living among the community, namely the Nyilih Manten tradition. The tradition of nyilih manten is a tradition or habit of the community to present the prospective bride from the prospective bride's side who has not yet taken the Ijab Qobul, specifically the prospective groom usually holds a thanksgiving for his marriage or what is usually called walimah al 'ursy. According to customs and customs that exist in the area, the bride-to-be is only asked to accompany the host to receive invited guests on the day the walimah al'ursy is held.

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In this case the author found something interesting, namely that the traditions prevailing in the community, especially Planjan village, can be researched further into the meaning of the nyilih manten tradition itself, this tradition is not a matter of muamalah regarding borrowing and borrowing but rather its true meaning.

Nyilih Manten is a tradition carried out by people located in Planjan Village which is geographically close or could be said to be a village adjacent to Islamic boarding schools and the majority of the population is Muslim.

Traditions or customs that have existed in an area are not wrong and are not something to worry about. However, as long as this tradition does not deviate from the principles contained in Islamic religious teachings and does not conflict with the faith. If a tradition goes out and violates the objectives of Islamic law, then it is appropriate for the community to abandon it.

Based on the problems above, it is interesting to carry out research with the title "The Nyilih Manten Tradition from an Islamic Legal Perspective" (Case study of Planjan Village, Kesugihan District, Cilacap Regency).

Previously there were several articles that discussed marriages held using traditional traditions according to their respective regions, research on the Manten Collapsed Tradition from the Perspective of Islamic Law. In conclusion, the manten collapsed tradition is a tradition that was carried out before a valid marriage contract, in which the prospective groom who had applied was asked to stay at the prospective bride's house, but not only to stay overnight but also to help the future in-laws work. From these conclusions the researcher found differences between the Manten Collapsed Tradition and the Nyilih Manten Tradition. The Manten Ambruk tradition openly asks one of the bride and groom to stay in the same house from the start of the sermon or proposal procession until the wedding takes place for the prospective groom to be asked to help the future in-laws work. Whereas the tradition of nyilih manten, which is such a pre-wedding tradition, only presents the prospective bride to be asked to respect the invited guests when the walimah al 'ursy at the groom's residence takes place.

The Boyong Marriage Tradition in the Traditional Marriage of the Gesikan Community (Case Study in Gesikan Village, Kec. Grabagan, Tuban Regency), in this paper discusses when a person is about to marry, in this case before the prospective bride and groom will perform the Ijab Qabul ritual, the prospective husband must first stay in the same house as the future wife (the prospective husband is brought to the prospective wife's family home). Living together in one house depends on the agreement of both parties, that is, some are only one week, one month or even up to three months. But usually "boyong marriage" is accompanied by things that are forbidden in Islam, namely having extra-marital relations or adultery before carrying out the Ijab Qabul ritual and according to information from the people of Gesikan Village when carrying out the boyong marriage tradition, having relations outside of marriage has become a habit for the people of Gesikan Village.

2. Problems

With regard to the problems above, it is deemed necessary to examine it with the formulation of the problem as follows:

- a. What is the view of the people in Planjan Village regarding the tradition of Nyilih Manten?
- b. What is the perspective of Islamic law on the tradition of Nyilih Manten?

3. Method

The type of research in compiling this scientific article is field research, that is, the researcher goes directly into the field to find the object being discussed.[1] This research is descriptive in nature, that is, the researcher tries to reveal a developing phenomenon using the Sociology of Law study type.[2] The approach used in this research is a qualitative approach, namely research that does not use calculations but rather describes or analyzes data expressed in the form of sentences or words.[3]

4. Discussion

The goal of research is something that will be achieved after the research process is completed. Based on the problems that have been formulated in the problem formulation above, the aim of this research is to find out how the people in Planjan Village view the existence of the nyilih manten tradition that has taken place and to find out how Islamic law views the existence of the nyilih manten tradition in the community.

4.1. Tradition

There are various ethnic groups in Indonesia, one of which is the Javanese ethnic group. Java is divided into several regions, namely West Java, Central Java and East Java. Java has a very diverse wealth, one of the cultural elements that contain noble values is the traditional wedding ceremony. Central Java also has its own customs in a series of bridal ceremonies, both in the procession and the language used or in the clothes worn.

According to some Javanese people, marriage traditions are very important and sacred. Each series of traditional processions has meaning and good wishes for the bride and groom. Apart from that, preserving regional culture is also very important, especially in advancing that culture so that it is known and developed. In the changes to the amendments to the 1945 Constitution Article 32 it is clearly stated "The state advances Indonesian national culture in the midst of world civilization by guaranteeing the freedom of society in maintaining and developing cultural values.

There are various kinds of marriage traditions that are still preserved by most Javanese people.

4.2. The Nyilih Manten Tradition in Planjan Village

Planjan Village is a village in Kesugihan District, Cilacap Regency, Central Java. According to the story of the village elders, the word Planjan comes from the word “lanjan” which means migrants, because in that village there used to be a village where the majority of the population were immigrants. In general, the typology of Planjan village consists of rice fields, cultivation, plantations and livestock. So the majority of residents in Planjan village are farmers.

In terms of marriage culture, the people in Planjan village know the Nyilih Manten tradition which has been carried out from generation to generation. In fact, the tradition of nyilih manten, from the exposure of the interviews that have been conducted by the researchers, has elements, namely, among others, only presenting the bride and groom to honor the guests who were present at the walimahan event which was held at the groom's residence, which was carried out the day before the qobul contract took place.

Basically, every action carried out by humans should have meaning and a basis for why the action is carried out. In the Nyilih Manten tradition, the people of the village of Planjan inform that there are several factors that have made this tradition carried out to this day, namely:

- a. The factor of tradition or habits from the ancestors, cannot be denied because after all the factors of habits or teachings from the ancestors are very influential for a group of people who live with their own traditional customs, so that people tend to survive and maintain this tradition.
- b. The brotherhood factor of harmony for people's lives, because a community living in a village will always maintain harmony and uphold tolerance in society, so that this tradition can still be carried out for those who still use it.

The relationship between individuals and society is essentially a functional relationship, meaning that the relationship between individuals in a collectivity is an open unity and dependence on one another. The main reason for these conditions to occur is that individuals in their lives will always link their interests and satisfaction to other people. Therefore, the relationship of brotherhood and harmony between individuals and society is considered very important.[4] For this reason, the relationship of brotherhood and harmony between individuals and traditions continues, and is even maintained and carried out alongside the teachings of Islam as a religion that is believed to be true.

This research was conducted by requesting information from various informants, namely the Head of Planjan Village, Carik of Planjan Village, religious leaders in Planjan village, as well as several members of the Planjan village community. According to information from the Head of Planjan Village, regarding the Nyilih Manten tradition which is still being carried out in Planjan village, the word Nyilih means borrowing or in more appropriate language, namely presenting the prospective bride with the aim of being introduced to the family and guests at the groom's house.

The Nyilih Manten tradition has been passed down from generation to generation because the local community considers that it is okay to do this tradition if only the bride and groom are present at the walimah event which is held at the prospective groom's house and does not stay overnight, and also as long as the tradition takes place it does not violate religious law Islam itself. But vice versa, no sanctions will be obtained from someone who does not carry out the Nyilih Manten tradition as a local culture that accompanies marriage customs. Most of the informants said that these customs or traditions were conditional, meaning that if the bride and groom live in an area that is quite far away and it is not possible to be picked up and delivered one day, then this tradition does not need to be carried out and no social or other sanctions apply.

From the explanation above, it can be said that the intent and purpose of carrying out the Nyilih Manten tradition is as a form of functional relationship between individuals and society regarding their interests and satisfaction with other people. In the view of the people of Planjan village, this nyilih manten tradition is a good tradition and has good goals, one of which is to establish friendship. According to information from the people of the village of Planjan, this tradition has been passed down from generation to generation and has been carried out since our ancestors until now. Meanwhile, from the research results obtained, it turns out that many respondents did not know when the Nyilih Manten tradition originated before the marriage contract began. But it has become a tradition, even though nowadays only some people still do it, especially if there are living elders in the house.

4.3. Sources of Law according to Imam Syafi'i

The sources of law used by Imam Syafi'i in establishing law are as follows:

a. Al-Qur'an

Imam Syafi'i emphasized that the Qur'an carries instructions, explains what is lawful and unlawful, promises rewards for heaven for those who obey and hell for those who disobey, and provides comparisons with the stories of previous people. Everything that Allah revealed in the Qur'an is proof (proof, argument) and mercy. A person's level of knowledge is closely related to his knowledge of the contents of the Koran. A knowledgeable person is one who knows the Koran, while an ignorant person is one who does not know it. Therefore, every student of knowledge needs to work hard to master the knowledge of the Qur'an, both obtained from texts (affirmation of expressions) and through istinbath (legal exploration). According to him, every case that happens to someone must be related to the arguments and instructions in the Al Qur'an, this is found in Al-Shafi'i, Al Risalah, Beirut: Dar Al-Fikr, 1309 AH.

b. Sunnah

Imam Syafi'i emphasized that the Sunnah is a proof that must be followed, just like the Koran. To support his opinion, he put forward several naqli arguments (verses of the Koran) and aqli arguments (ratios). Imam Syafi'i stated that Allah SWT strictly requires humans to obey Rasulullah SAW. In several verses the commandment is mentioned together with the command to obey Allah SWT

(Surah An-Nisa': 59), and some of it is stated separately (Surah An-Nisa: 65). In addition, there is a verse which states that obedience to Rasulullah SAW is essentially obedience to Allah SWT (Surah Al-Fath: 10), so it is clear that accepting the guidance of Rasulullah SAW is the same as receiving it from Allah SWT. Imam Syafi'i emphasized that if there was an authentic hadith (thabit) from Rasulullah SAW, then "proofs" in the form of other people's words would no longer be needed. Imam Syafi'i stated that the sayings five (why) and kaifa (how) regarding the sunnah are wrong. This is stated for rational reasons. If the law established by the Sunnah is still questioned, using qiyas and ratios, then there will be no final words (al-qa'ul al-lazim) that can be used as a benchmark, this will undermine the position of qiyas itself (as a legal proposition), This is found in Al-Shafi'i, Al-Umm Volume VII, Beirut: Dar Al-Fikr, 1321 AH.

c. Ijma

Issues that are not explicitly regulated in the Qur'an or Sunnah, so that the law must be sought through ijihad, clearly provide opportunities for differences of opinion. In this regard, mujtahids are given the freedom, even the obligation, to act or give fatwa according to the results of their respective ijihad. This was emphasized by Imam Syafi'i: "something that is not regulated in the texts of the Book or Sunnah, and the mujtahids seek the law with ijihad, then they are free to do and say according to what they consider right." Furthermore, their fatwas are not binding. These issues remain open as a field of ijihad for scholars who come later and lay people are free to choose to follow one of the existing opinions. However, in certain cases, after carrying out ijihad according to their respective abilities, all the scholars come to the same conclusion so that an agreement is formed regarding the law. Such an agreement is called ijma' and is seen as a proof that has binding power, and a study of the matter.[5]

d. Qiyas

According to Imam Syafi'i, qiyas is an effort to find something that is sought through arguments in accordance with the news in the Book or Sunnah. Ijtihad means looking for something that already exists, but is not visible ('ain qa'imah mugayyabah), so that to find it requires evidence, evidence, or efforts to equate something with something that existed before. In his various descriptions, Imam Syafi'i uses the words qiyas and ijihad interchangeably and emphasizes that these two words are two names for one meaning (ismani li ma'nan wahid).

4.4. Tradisi Nyilih Manten in term of Islamic Law

A woman who has been given a sermon is still a foreigner (not a mahram). Because halal has not been obtained, it is not permissible for a man and woman to be alone together without a third person, the Khitbah is not the opening door for halal in every deed to the person being preached. Khitbah is only the opening door to approval to accept the request as a future husband or wife.

The relationships that are prohibited after the sermon include:

- a. Seeing the private parts of the woman being khitbah (apart from the face and palms);

- b. Holding the woman being preached to; and
- c. Having halwat or being alone with a woman without the woman's mahram.

Meanwhile, relationships that are permitted after the sermon include:

- a. just look at the face and palms;
- b. Listen to the voice of the woman being preached; and
- c. Meeting the woman who was being given the sermon accompanied by the woman's mahram.

Even though in this case the Nyilih Manten tradition is clearly an event that is carried out before the contract, in reality it is also related to and also alludes to matters relating to the boundaries of post-khitbah relationships and relationships that are permissible after the khitbah. In looking at an object of research, one must first understand what their traditions are like, including whether these traditions are appropriate if they are related to Islamic law.

After the researcher explained about the meaning of the Nyilih Manten tradition itself, until now there are still many who use it, all of this cannot be separated from 'Urf as something that is usually done by the community. The Al-'aadah Muhakkamah rule also explains that in a customary situation it can be used as a basis for issuing laws when there is no proposition from syar'i. However, not all customs can be used as a legal basis. Because basically these rules are taken from social reality that all ways of life and life are formed from values that are believed to be norms that are said to have been going on for a long time so that they have their own pattern of life and life specifically based on values that have been lived together. These values are known as 'adah (customs or habits), culture, traditions and so on.

In the same meaning and substance, there is another term for al-'adah, namely al-'urf which linguistically means a condition, deed, utterance, or provision known to humans that has become a tradition to abandon or implement it. Whereas the meaning of the word "muhakkamah" in Islamic law is a judge's decision in a court that resolves a dispute, meaning that adat can also be a reference for judges in deciding a dispute issue submitted to court.

Conditions for the application of the rules of Al-'aadah Muhakkamah. Al-'aadah that can be considered in determining a law is not al-'aadah al-fasidah but al'aadah as-shalihah. Thus the rule cannot be used if:

- a. Al-'aadah contradicts the texts of the Qur'an and hadith.
- b. Al-'Aadah brings harm or eliminates benefit including not causing difficulties or damage;
- c. Al'aadah generally applies to Muslims, meaning that it is not only done by a few people.

As explained above, they are related to the limitations that are permissible after the sermon such as: relationships that are prohibited and permissible after the khitbah, an explanation of Al-'aadah Muhakkamah from: the definition of 'Urf, the basis of

Nash Al-'aadah Muhakkamah, as well as the requirements implementation of Al-'aadah Muhakkamah.

This is the explanation that is considered sufficient to correlate the law-making regarding the Nyilih Manten tradition based on research into several respondents that this tradition only presents candidates from the female side with the aim of participating in respecting guests who come during walimah at the groom's place is not out of the Shari'a , because the author so far conducted research in the form of respondents from various sources that the tradition of Nyilih Manten does not deviate from the boundaries or relationships that are permissible after the khitbah or the boundaries between men and women before marriage. The researcher also sees that the Nyilih Manten tradition is included in the category of al'aadah as-shalihah (customs that are considered valid), because none of the conditions came out or were violated at the time the rule was enforced.

5. Conclusion

Based on the presentation of research results and analysis as previously presented, several conclusions can be drawn, including:

- a. According to most of the Planjan people, the Nyilih Manten tradition is a tradition that has been passed down from generation to generation in the area. Meanwhile, many parties agree that the Nyilih Manten tradition is a tradition that does not deviate from Islamic teachings due to several good intentions and several things that are indeed considered when the traditional procession is carried out.
- b. Meanwhile, from the review of 'Urf or Al-'aadah Muhakkamah it can be said that Nyilih Manten is a tradition, because this tradition has been practiced or has been passed down from generation to generation by the people of the village of Planjan. And from the connection regarding the adoption of Islamic law, it is included in the rules of al'aadah as-shalihah (customs that are considered valid).

References

- [1] Sugiyono, *Sugiyono, Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Bandung: CV Alfabeta, 2008.
- [2] A. S. Susiadi, *Metode Penelitian*. Lampung: LP2M Institut Agama Islam Negeri Raden Intan Lampung, 2015.
- [3] S. Arikunto, *Produser Penelitian (Suatu Pendekatan Praktik)*. Jakarta: Rineka Cipta, 2006.
- [4] Abdulsyani, *Sosiologi Skematika, Teori dan Terapan*. Jakarta: PT Bumi Aksara, 2007.
- [5] Z. Nasution, *Pembaruan Hukum Islam dalam Mazhab Syafi'i*. Bandung: PT Remaja Rosdakarya, 2001.

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