The Implementation of *Merarik* Customs in Marriage

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Abstract. Marriage especially concerns the implementation of the marriage ceremony, which is generally based on customary law. a marriage for Indonesian people in general, one of the tribes that inhabit Lombok Island, West Nusa Tenggara Province, which has culture and customs that can bind and unite them. Therefore, the Sasak people really respect and obey their customary law. Sasak custom has received a strong touch and influence from religion, both by Hinduism in its day and by Islam until now. So that in the custom of the Sasak tribe, especially during the transitional period, there is a mixture of Animism, Hinduism, and Islam. The mix is a close bond that cannot be separated. So that until now known the terms "traditional religion and religion based on custom. They mutually support each other which gives rise to the philosophy of "Gama customs" and "Kerama customs", to distinguish provisions in religion and manners in custom.

Keywords: Merarik customs, Lombok Island, Sasak tribe.

INTRODUCTION

Indonesia as a country based on Pancasila in which the first precept, namely Belief in One Almighty God, marriage has a close relationship with religion/spirituality, so that marriage does not only have a physical (physical) element, but an inner (spiritual) element that also has an important role. important. Forming a happy family, closely related to offspring, which is also the goal of marriage, maintenance and education are the rights and obligations of parents.

In the implementation to form an inner and outer bond between a man and a woman, this usually goes through a general process, starting from introductions followed by a new courtship period to the marriage process. This process sometimes does not run as smoothly as expected because there are obstacles that come from parents, for example because they do not agree with their child's choice of heart, so that children are forced to leave their parents secretly to be able to enter marriage with their choice of heart which is commonly known as elope (melaik). There are also parents who, for certain reasons, deliberately send their children away secretly as if they don't know they don't want their children to be proposed to. And there are also parents who report that their children were kidnapped even though their children deliberately went with the man of their choice to get married. As a result, the prospective groom is in trouble with the police.

Another problem that arises in marriage is that there are partners who have different origins, different tribes, different religions, and even different nationalities. For these matters in the Sasak tribe community, there are different arrangements between one village and another. There is also no regulation for this in the Regional Regulations of West Nusa Tenggara province or Regency/City Regional Regulations on Lombok Island which generally regulate matters relating to the customs of the Sasak tribe.

Regarding marriage customs on Lombok Island, Ida Bagus Mandra presented the results of his research:

"In West Nusa Tenggara, which consists of several ethnic groups, there are various customs in marriage, marriage ceremonies for Lombok, Sumbawa and Balinese people in West Lombok contain many similarities. Religious differences distinguish them from the legal or invalid notions of a marriage, for example, for people who are Muslim, they can only live together if it has been legalized according to the Islamic religion, while for Balinese people in West Lombok, living together has been in force. legal since a girl was rushed from her house."

Problems arise if the couple who is going to marry is a couple of different religions, such as a woman from the Sasak tribe marries a man from the Balinese tribe who is Hindu because there are differences in determining when a marriage is valid. Meanwhile, according to Article 2 paragraph (1) of Law no. 1 of 1974 stipulates that marriage is valid according to law if it is carried out according to religious law and beliefs. According to the results of initial observations, in practice, when such a situation occurs, it is usually the Kerama Adat who becomes the mediator to resolve it.

Related to the condition of an increasingly advanced and complex society, it requires extra arrangements that will function to overcome problems that arise while still relying on basic values originating from national cultural values and customs which are maintained and obeyed by members of the community. In relation to these traditional rights, the 1945 Constitution of the Republic of Indonesia recognizes and respects community units and their traditional rights. Article 18 letter B paragraph 2 of the 1945 Constitution stipulates that the State recognizes and respects customary law community units and their traditional rights if they are still alive and in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia which are regulated in the law.

For this reason, the authors are interested in conducting research with the title: Application of Merarik Customs in Marriage. Based on the description stated above, several problems can be formulated to be studied, namely:

1)   How is the application of local wisdom in traditional Sasak marriages?
2)   What are the factors that cause people to engage in attractive underage marriages?

The legal theory that will be used in discussing and studying the problems in this research is:

Marriages

In the Marriage Law No. 1 of 1974 as contained in Article 1, paragraph 2, marriage is defined as: "Both physically and spiritually between a man and a woman as

husband and wife with the aim of forming a family, a happy and eternal household based on Belief in the One Supreme God". Based on this definition there are several elements in it, namely:

    a)   Inner Bond

Marriage is done because of an agreement between a man and a woman to unite to form a family. In fact, in this marriage process it can be said that there is an agreement/agreement, in this case there is the term "ijab-qabul". However, the engagement/agreement here is different in the sense that both parties (couples) are not only binding themselves outwardly, but also inwardly. There are rights and obligations attached to the end of the marriage (divorce or death). Rights and obligations arising from marriage are not outwardly, but also inwardly.

    b)   Between a man and a woman as husband and wife

Marriage is carried out between a man and a woman. Not a man and a man, nor between a woman and a woman. In this case, marriage is carried out by couples of different sexes, not the same sex. But in this modern era, many developed countries have legalized same-sex marriage, on the grounds of human rights. In fact, it has been determined well in all religions, that same-sex marriage is unlawful.

    c)   Aims to form a happy and eternal family, household based on Belief in the One and Only God.

Inclusion based on Belief in One Almighty God is because the Indonesian state is based on Pancasila, whose first precept is Belief in One Almighty God. Up to this point it is clearly stated that marriage has a very close relationship with religion and spirituality so that marriage does not only have a physical/physical element but also an inner/spiritual element.

Living Law Theory

Eugen Ehrlich was the first person to use the term "living law". Ehrlich in his book entitled grundlegun der sociological dis rechts is translated into English as follows: (translation)

"The organic relationship between law and culture and the nature and essence of a nation is maintained in the period of time that is in the world of experience, custom is taken in comparison with language. Because both are not in time that is eternal. Both are subject to the same development and progress as every activity of the nation and the development of both language and law are subject to the same laws and interests that come from within. The law grows together with the nation, develops with it and finally dies when the nation loses its individuality "this opinion gives rise to a new conception as a source of law, its function is no longer to determine absolutely what becomes their law is a statement that becomes and happens to replace interests in public awareness (voleksbewuotbein)".

Based on the concept put forward by Ehrlich above, it is known that society is a "general idea" used to signify all social relations, namely family, village, social institutions, nation-state, and world economic systems. In this context social relations mean that people come together in a unit that has authority over them and all legal relations are characterized by socio-economic factors. The economic system used in production, distribution and consumption is of a legal nature. Therefore, the social reality that exists in society according to Ehrlich's concept above is interpreted

economically as a determining factor in human life. In facing this life, humans become aware of their needs and because of this awareness direct laws arise, because these rules emerge from within society, not from outside society. Because the law arises from the needs of a society, the law is very closely related to the culture of the community concerned.

Legal Pluralism Theory

Law is very dependent on or originates from the soul of the people and what becomes the content of law is determined by the interaction of human life from time to time. The life of Indonesian society, which is multicultural, has a variety of value systems, norm systems, cultural systems, religious systems, and various rules make it difficult for a unification of law, so that in addition to laws made by the state (government) laws also apply that live and develop in Indonesia. in society. State law should adapt to the life of its people because the law is made for the benefit of society.

Sulistyowati Irianto stated: ".... the emergence of critical thoughts in legal studies which give honorable place to laws that do not originate from the state, according to him, first of all, it will be explained regarding the power of laws that do not originate from the state...."

Even though there have been various efforts from the government to organize legal arrangements in areas related to certain life in the social field with a legal centralization approach, it will still be a problem if state law (state law) still wants to regulate its people. Because in such circumstances, state law always puts forward regulations that contain requirements for the enactment of laws other than state law. For example, Law No. 1 of 1974 concerning Marriage reflects the recognition of the existence of legal pluralism, because in it there is recognition of the existence of state law, religious law, and customary law.

Even though every marriage is considered legal according to the religion and beliefs of the community, there is still an obligation for the community to fulfill administrative requirements, namely "marriage registration", because if it is not registered it can have implications for child status and inheritance problems in the future. This provision has shown that the government still tends to prioritize state law as a law that has a higher position than other non-state law laws, even though laws that do not originate from the state play a very important role in people's daily lives.

I Nyoman Nurjaya argues: The above situation is reviewed from an anthropological perspective, the source of the emergence of the phenomenon of conflict is precisely from the problem of the legal development paradigm (legal development paradigm) adopted by the government and legislative institutions, namely the paradigm that is patterned with legal centralism (legal centralism). This is not in accordance with the empirical life of a plural law in a multicultural society. Therefore, to achieve a culturally integrated society, the paradigm of legal centralism must be replaced by legal pluralism.

According to Griffiths, the ideology of legal centralism has indirectly harmed the legal theory of society, the thoughts and goals of the ideology of legal centralism, the thoughts and goals of the ideology of legal centralism with its implementation in the field have created an "unqualified spectacle" for efforts to socially study the character of law as reviewed by Galanter where "a repeated proof occurs on the other side of

the legal world....(facts that occur in) modern law, society is not monolithic but plural, has individual and public characters, and state law (which is public and official)) is often not used as the main legal order for the community".

Decision Theory

This decision theory was put forward by Ter Haar who stated: adat will become customary law if it is decided by a judge. Judges here include judges in the sense of state judges, village judges or judges who are generally held by the Customary Chief. This theory has similarities with the theory put forward by Kusumadi Pujosewojo, namely a provision becomes law when it has been determined by an authorized authority. Thus, there is a period called the "existential moment" when a custom becomes customary law.

These three theories are related to the problems studied in this research, namely the problem of local institutions in the form of customary Sasak marriage law which is a non-state law which is a living law, developing, recognized and decided to be used as a reference by the Sasak people in implementation of marriage on the island of Lombok and continues to maintain its existence in the life of the Sasak people.

RESEARCH METHODS

The research method uses a normative-empirical legal research type, the approach method includes; Statutory Approach, Conceptual Approach, Sociological Approach, Analysis of Material Legal Data, from all legal materials/data obtained and collected, then processed, then analyzed using descriptive qualitative analysis method, namely by formulating in the form of an outline that can provide a significant explanation of the main problem that becomes the object under study, so that it is the answer as a result of the findings of the results of research objectives with a pattern of thinking that is sequential and systematic.

RESULTS AND DISCUSSION

Application of local wisdom in traditional Sasak marriages

Marriage in indigenous peoples is a very important and sacred event. The marriage bond does not only concern the two sides of the husband and wife, but also involves other parties and can affect the integrity of a marriage bond. The other parties in question include the parents of both parties, their siblings and even their respective families. Thus, a marriage will not easily and simply be carried out according to the wishes of the two prospective bride and groom but requires recognition and approval from other parties.

In general, in Indonesia, marriage in society is carried out in various ways and terms, this is because the Indonesian nation is a unit of various ethnic groups. The Sasak tribe is one of the tribes in Indonesia, namely a group of legal communities or legal alliances who live in the territory of Lombok Island. The Sasak tribe has its own

way of carrying out a marriage, namely by merariq (elope). Merariq is a way in the Sasak ethnic community to get married by carrying away or stealing a future wife from the girl's parents' house without the knowledge of the girl's parents and family, after the couple first agrees to get married, or there is no prior agreement. first from the girl. In general, in Lombok there are 4 (four) ways to carry out marriages, namely:

a. Memandik (Sign on)
b. The family of the prospective groom comes to the bride's family to ask that their child be accepted to marry a daughter from the women's family.
c. Mesopok / betempuh pisak
d. Marriage between a man and a woman who still have a close family relationship (missing), namely between a man's parents and a sister-in-law, this marriage is based on the wishes of the parents of the bride and groom.
e. Merarik
f. Running together to get married the definition of running here is trying to get the woman out of the power of her parents to then enter the power of the male family (husband).
g. Memaksa/memagah
h. Forcing the girl to marry against the will of the man. Marriage hanging marriage desired by the parents of both parties since the two prospective bride and groom were still small.

Merarik or marriage by running together is a very dominant way of carrying out marriages carried out by the people of the Sasak Tribe of Lombok, so that in its development the word merarik can also be interpreted as marriage. According to local custom (local wisdom) this is caused by several factors, among others:

a. The method of implementation, from the introduction between the man and the woman until the completion of the marriage implementation, has been regulated, including sanctions if these provisions are violated.
b. Reducing the occurrence of conflicts between the parties or relatives who are directly involved in the implementation of the marriage due to differences in social status and economic status.
c. Can avoid divisions in the family due to the choice to choose a man as a potential husband against the wishes of the family or parents.
d. The woman is free to choose which future husband she wants among the men who want her because they are preceded by an event called midang where men are introduced to come to visit the girl's house at night, which has previously been preceded by introductions between the woman and the man in certain places, for example when planting rice, harvesting, or gathering for other traditional events.

Factors That Cause People to Underage Marriage by "Merarik"

Talking about the definition of marriage according to customary law, Surojo Wignjodipoero, stated the following: "Marriage is one of the most important events in the life of our society because marriage does not only concern the woman and the groom, but also the parents of both parties, siblings - their siblings and even their respective families.

More than what has been stated above, in customary law marriage is not only an important event for those who are still alive, but marriage is also a very meaningful event and one that is fully attended to and attended by the spirits of the ancestors of both parties. and his family hope for his blessing for the bride and groom, so that after marriage they can live happily and in harmony as husband and wife. Important events in people's lives can also be stated because this is driven by the fact that every normal person has the desire to carry out these life events.

Even the most special in customary law, namely the assumption that a marriage is not only an act that concerns each party but is considered to have a relationship as an important event involving their ancestors who have passed away.

So, marriage does not only concern people who are still alive, but also those who have died, namely those who have ancestral ties with the parties. Therefore, in carrying out a marriage ceremony according to customary law, one must ask permission from the ancestors who have passed away so that they get a blessing for the continuation of family life with full safety and happiness.

The implementation can be seen in one of the traditional wedding ceremonies, namely by visiting the graves of their ancestors or ancestors, praying solemnly with the hope that the marriage to be carried out will become an eternal marriage. Perhaps all of these could be called superstitions, but it turns out that until now these things are still very pervasive in the beliefs of the majority of the Indonesian people and therefore, they are still being practiced everywhere.

The factor of early marriage is the will of the parents.

Some people in the Praya sub-district tend not to consider the age of the child to be married important. Because they think that the age of a child will not affect their marriage, especially related to their household life later. Parents assume that one's age is not a guarantee for achieving happiness. For them, the most important thing is that the child in religion has reached the age of "akhil baligh".

When the child feels "akil baligh", then at the same time the parents feel entitled to immediately hasten their child's marriage. In general, people in the Praya sub-district often ignore the marriage rules set by the government; the most important thing according to them is that it is 'legal' according to religion. So, it is no longer a concern when they want to take care of paperwork for their child's marriage, they disobey it. Especially when they have to apply for a letter of dispensation to the religious court, for prospective brides who are less than the legal age for marriage according to Article 7 of Law no. 1 of 1974 concerning Marriage, namely that the prospective husband is at least 19 years old, and the prospective wife is at least 16 years old.

The child's will without parental intervention

That in the community tradition in Praya sub-district, young couples are given the freedom to choose their life partner. This then encourages the youth to continue to 'enthusiastically' look for a partner in life. This fact is at least due to the influence of the local environment and parents who prefer to be passive, they just follow what their children have chosen. Indeed, children are given the freedom by custom to be able to choose their life partner, but parents also have a big contribution in fortifying children so that they do not enter underage marriages.

The implementation of underage marriages is also inseparable from the bride and groom who love each other and have the same desire to be together in establishing a more official relationship through marriage.

Influence of custom and culture

In general, such a view still places children who are "adult of puberty" who are not married as "unsellable" or as old maids. Of course, this is a concern and a separate 'disgrace' for parents when they want to let their children marry at a relatively old age. So, to ward off this skewed assumption, the parents prepare their child's wedding as soon as possible.

This is also at least a habit that has been established and regulated in the customary law of the community in the Praya area, namely, to reduce the occurrence of conflicts between parties, to avoid divisions in the family due to choices not in accordance with the wishes of parents, to be free to choose the partner they want.

The effect of low education

Education is also an element that is quite important as a frame of mind for them. With low education, at first glance they can only think narrowly, not advanced, and far from considerations. This is reasonable, considering their level of law enforcement is very weak. Never mind arranging marriages with the KUA, they don't even have identity cards as citizens. This certainly proves that the level of state participation in complying with the rule of law is very weak. In a word, there was only one family that only asked for a dispensation from marriage to the religious court in 2010.

Thus, apart from being beneficial to humanity, education is also a scourge for those who stop midway due to underage marriages.

Economic factors

A person's economic factor can be one of the factors causing underage marriages. The economic situation in question includes the economic condition of families who are well-established or capable as well as the economic conditions of families that are not yet well-established or underprivileged. As for families whose economic condition is not yet well established or who are not well off and have many children, the parents usually marry the biggest child, even though they have not yet reached the age of enough to marry, with the intention that the burden on the family will be reduced immediately. In fact, it comes not only from the parents but also from the desire of the child concerned after he sees the deplorable condition of his family.

Meanwhile, an established or capable economic situation can sometimes encourage a person to enter underage marriages. If a person feels that his life is stable because he has worked and already has the desire to get married, he will immediately carry out the marriage regardless of his age. Or if the man feels that he is secure and is of sufficient age to marry, he may propose to a girl who is under that age. In fact, sometimes this tendency is based on the encouragement of their parents who feel happy if they have a daughter-in-law who can live independently, or these parents feel worried about losing a prospective son-in-law who is already established so they want their child to get married quickly before the prospective son-in-law will change his mind. others.

Thus, it can be said that economic conditions can cause the parents and children concerned to have an urgent desire to marry even though they are still underage.

The economic factor is the main obstacle. Based on interviews with H. Lalu Wiranata, there is a certainty that, in general, after parents have the costs (funds) from selling agricultural crops, parents feel worried when they have no money, their children ask to marry. To anticipate this, parents seem to have an obligation to marry off their children when entering the agricultural harvest or when parents have enough money. To hold a wedding, let alone to get a girl as a result of the merari' process, a lot of money is needed for a traditional wedding party. Especially when the girl is a village flower in a village, from there there will be competition and of course it will increase the bargaining power of her pisuge and when she wants it, no matter how much money will be paid by the prospective groom.

There is an adage that states that economic needs are not a complicated problem but serve as a complement to the purpose of marrying off their children because the bride and groom are still dependent on their parents. However, because of the desire of the child and the customs that allow it, of course this need has further fueled the enthusiasm of the parents to marry off their children early.

Pride factor and closer family relationships

Pride and the desire to bring family relationships closer is one of the factors that usually arise from parents. Not infrequently between parents talk about each other's children and then match each other. This often happens because the family relationship that has existed between the two parents will be even tighter if they are tied by the marriage rope of their child. Or if the two parents both feel that they have sufficient assets so that these assets do not fall into the hands of other people, then they try to marry their children even though they have not yet reached the age of marriage as stipulated by the Marriage Law. Besides heredity, it has an influence on the desire to get closer to family relations. If there is a family that is respected and has a girl child, then other families feel they are respected also try to match their children with the girl through their parents with the aim of bringing closer family relationships that both feel respected so that later it will become a matter of pride for the family concerned.

Sometimes a city community's pride lies not only in wealth. They will also feel proud if their child has been proposed by someone else, for example the sooner the girl is proposed, the prouder the parents will be if the child sells quickly, showing that the family is good in the eyes of society towards their daughter. Similarly, on the other hand, the community's perception of a family where an agdis child does not exist or is not immediately proposed to by other people, indicates that the family's daughter is not good in the eyes of society. So, for the sake of presuming a good name, even though when their child is proposed, the parents are underprivileged, the parents try their best to continue their child's marriage, even if they must lend money to their neighbors or relatives. This is a clear bad effect that occurs in society just for the sake of pride which is not necessarily for the future of their daughters, especially children who are married underage.

Religious factor

There are many reasons when early marriage is a factor. Religion also cannot stand idly by. Usually, parents argue that they adhere to religious doctrine so that their children do not fall into immoral acts, due to increasingly sophisticated technological developments such as promiscuity and prostitution as well as facilities that indulge lowly desires such as films, VCDs, tabloids, novels, the internet which has spread to remote villages, addicted to illegal drugs such as drugs, alcohol, and the like.

This concern on the one hand is true. But on the other hand, religion does not place limits on the age of one's marriage. When someone has reached the age of puberty, in religion the child is allowed to be married.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the description that has been done above, it can be concluded as follows:
1. Application of marriages of interest in general, in Lombok there are 4 (four) ways to carry out marriages, namely:
    a. Memadik (apply).
    b. Mesopok / betempuh pisak.
    c. Interesting.
    d. Forcing / encouraging
2. Factors that influence underage marriages by attracting, among others,
    a. factors, early marriage at the will of parents,
    b. religious factors,
    c. Pride factor and closer family relationships.
    d. economic factors,
    e. economic factors

Recommendations

1. It is hoped that the Regional Government will regulate the existence of customary law, especially regarding customary marriage in statutory regulations, especially the Law on marriage, because it is feared that the existence of customary law in the midst of national law, especially in the current era of globalization, will become extinct.
2. It is hoped that all traditional, religious and community leaders in Lombok can get customary law as the original law of society, it needs to be preserved and synergized with Indonesian laws and regulations, especially regarding the minimum age limit for someone to marry, which until now has become an issue that has not been resolved. Solved.

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