

Merariq Tradition of Sasak Tribe in Social Construction and National Law

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Abstract

Generally, Sasak society still maintains a culture of eloping or kidnapping girls to be wives. The aims of this study were to analyze the existence of *merariq* marriage tradition as a social construction in Sasak Tribe and how *merariq* marriage tradition in Sasak tribal is reviewed on the implementation of Law No. 1 of 1974. To achieve the goal, this research uses qualitative methods with descriptive. To collect data, this techniques are observation, document studies and interviews objectively describing the phenomenon. The 20 informants in this study are; eloping actors, indigenous leaders and environmental chiefs who are divided into 10 informants each in 2 locations. The findings showed that one of the normative teachings contained in the practice of *merariq* is a sense of pride in the identity of the individual and the identity of the female families is characterized by the desire that the girl married by a man which used the it escape process. The pride has a social contribution to the existence of the family in the middle of the local community. On the other hand, *merariq* tradition is contrary to Law No. 1 of 1974 on marriage.

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INTRODUCTION

According to Law No. 1 in 1974 marriage is an important social event must be passed by everyone. Marriage is the institution of the relationship between a man and a woman which is inaugurated according to the procedures of customs, law or religion in society. Marriage is also the basic human sustainability in every society (Makangiras, 2014). A new person is considered a full citizen of a society when he/she has a family.

Understanding the purpose and meaning of marriage is very important by candidates couples who are going to married. The purpose of marriage as stated in Law number 1 in 1974 is to form a happy and eternal family (household) based the True God (Erwinsyahbana, 2004). Marriage agreement is worship and a symbol of the sanctity of the relationship between the two types of human beings based on the command of God and the Sunnah of his apostle in the framework of implementing Law number 1 in 1974 on marriage and as the first foundation in forming a family of *sakinah, mawadah, warahmah* and eternal based on the God almighty (Prasetyo, 2017). Therefore, both religion and state regulate the issue of marriage carefully and in details.

Marriage in the sense of customary bonding is a marriage that has legal consequences (Hadikusuma, 2007). The enactment of Law No. 1 of 1974 on marriage, as evidence of the attention of the state that is legally formal as a national law governing marital problems in Indonesia. Marriage code has existed in the community that is maintained by members and leaders of indigenous peoples and or religious leaders. The rules and regulations continue to develop among the people who have government power in a country. The association of men and women occurs legally according to the position of man as a respectful being.

In sasak people there are three mating systems that generally occur, namely *tepedait* which means an agreement on the basis of

parents that coordinating someone who will marry their child, marry by proposal or often called *melakoq*. There is even an eloping or in customary legal terminology called *merariq*. *Tepedait* or matchmaking system is a marriage system implemented on the basis of parental agreement of both parties. This marriage system is usually done because there is a family relationship with the aim of keeping the lineage awake and not mixing with people who have low social status. Therefore, the *tepedait* marriage system is usually performed by nobles (Muhammad Sukri, 2018). Furthermore, the other two types of marriage practices are official or *melakoq* and carry run or *merariq*.

Apart from traditional domination of customary law and national law in Lombok. On standard marriage there is no competition between Islamic law, national law and local customary law. Unlike standard marriage that eloping is a practical option that can basically be permitted by lombok customary law even though this option is prone to squabble. If the sasak youth wants to marry the girl he loves, it must be stolen first. The daily language of sasak people calls it eloping is *merariq*. Stealing a girl to be a wife is a symbol of a man's courage or strong desire to marry. In Sasak Lombok tribal society that kidnapping a daughter or bride to marry is more a knight when compared to asking permission to the parents of women conventionally.

Different customs from various other tribes. Stealing a girl to be a wife is an act that violatation a custom and rules in people's lives. This is no longer the case in the lives of sasak people. The process of eloping is carried out by abducting a girl from the environment without the knowledge of parents or relatives of the women creates a bad image in the community. It is often regarded as a disgrace or as an insult. Girls are not like items that have no price, or like betel leaves that can be asked for just like that (Suhadi, 2012). Eloping often creates problems and social conflicts for the families of two brides because eloping in the eyes of the community is not a good thing to do (Amna et al., 2016). So that some areas such as Bugis-

Makassar will give customary sanctions for eloping actors. For example, there would be a murder for them to escape a girl even with the intention of marrying. It becomes an act of series siri or disgrace and tarnishes honor.

Merariq or called eloping is commonly done by sasak people that is considered as a tradition which is needs to be maintained and preserved it (Arif, M. & Ryna, P., 2015). There is a customary law that applies to the Sasak people because this law has existed since before the marriage occurred, namely with the existence of a relationship that is a sense of relatives (relationship of single children) and curiosity (relationship between the parents of the families of the prospective spouses). Therefore, according to customary law marriage can be a matter of relatives, family, dignity, can also be a personal affair, depending on the arrangement of the society concerned (Mustafid & Prasetyo, 2019).

Marriages performed by sasak people are contrary to Law number 1 in 1974. On the other hand, the Head of Religious Affairs government prohibits underage marriage and on the other hand sasak customs require marriage even if the child is a minor for that reason. First customry. Both keep the family's good name. The three feared that unwanted things would happen during the escape of one example, doing things that are prohibited by Islam (Mustafid & Prasetyo, 2019) under the title Perspective of The Marriage Law Against Underage Marriage.

Based on the above phenomena, the objectives of this research include; (1) analyze the existence of merariq marriage tradition as a social construction in Sasak Tribe and (2) how the tradition of merariq marriage in Sasak tribe community reviewed according to the implementation of Law number 1 in 1974.

METHODS

This research used a qualitative research method using phenomenological design. The data source was obtained from 20 informants namely eloping actors, indigenous leaders and environmental heads who were divided into 10

informants each in 2 locations of West Nusa Tenggara province (NTB). Determination of samples is purposive sampling techniques. It selected, because of it the nature and characteristics of the research object. Among them is in the village rembitan Central Lombok because the tradition of stealing girls to be made wives is still very traditionally and the second location in Tanjung Karang Mataram City is about social construction in the Sasak lombok tribal community, which is a traditional event of pre-marital behavior called merariq or known as eloping marriage.

Data collection of this research there are three stages. The first is to be interviewed. At this stage, researchers collected data from various sources of informants (eloping actors and indigenous stakeholders) who are more aware of merariq tradition. Second, through observation that is about the tradition of merariq sasak tribal communities and stealing girls to be wives and the role of indigenous figures in the process of marriage in social construction and national law. Finally, the data is collected through documentation studies.

RESULTS AND DISCUSSIONS

The Existence of Merariq Marriage Tradition as a Social Construction in Sasak Tribe

Based on the results of this study, showed that:

The Existence of Merariq Tradition in Sasak Tribe

Based on the existing data, the findings in the field show that merariq exists in society because it is a symbol of male knights and becomes a tradition carried out as evidence that a man has courage, seriousness and responsibility to his future wife.

Marriage is a social bond or legal covenant bond between individuals that forms a kinship. It is an intermediary of local culture that formalizes between personal relationships. All official religions in Indonesia view marriage as sacred, must be respected and must be maintained. Therefore, every parent feels that

his duty as a parent's mandate has been completed when his child has entered the marriage level (Al-Hamdani, 2019).

A marriage requires the existence of functions that must be performed and fulfilled in order to foster a feeling of happiness and satisfaction in the partner. Some important functions in marriage, among others as follows:

Maintaining the survival of "kinship" and avoiding extinction,

As a means of legalizing sexual relations between men and women is viewed from the point of custom and religion as well as state laws,

Determination of rights and obligations, social status and protection of husband and wife and children,

Meet human needs for life friends, social status, and especially to obtain inner peace,

Providing a sense of security and acceptance, the majority of people seek a sense of security and acceptance and complement each other when making mistakes so that they can learn from it and can accept their partner's shortcomings,

Ensuring continuous togetherness through marriage that is expected to always be obtained by family members.

Merariq Tradition as Social Construction of Sasak People

Merariq marriage as a culture that initiates marriage, not proposing to a girl through her parents, but by bringing away a beloved girl in this way has become a habit of sasak people in Lombok. After a girl under the run and told to stay in Bale Penyeboqan various actions carried out by the community then aims to continue the process of marriage bonding so that eventually the girl actually becomes the wife of the husband concerned with the recognition of protection from the family and society. Therefore, the custom opens the opportunity for youth and girls to meet and get acquainted in order to make their choice. For example, on planting rice under the ground, hoeing in fields, fetching water in rivers, parties and so on.

Marriages performed by sasak people by stealing girls to be made wives. This kind of thing has become popular in Sasak people's lives. Turning girls away is a custom that must be preserved. When a man wants to marry his girlfriend must be preceded by eloping or stealing his future wife from the supervision of parents or from the female family. Merariq tradition in the view of people outside the Sasak tribe is an islamic sharia law in the national law of Law No. 1 of 1974 governing marriage. Meanwhile, according to (Judiasih, Dwi., & Sonny, 2015) that the habits carried out by the youth of sasak people when performing a marriage must be by merariq. If not, then the parents of the woman feel offended if her daughter is not rushed.

Usually, eloping is carried out at night between the time of Isha until midnight. In the process of running there are two versions that the first version of the girl does not know will be taken or under the run and secondly there is a mutual agreement between men and women. When going to do merariq is the girl will be picked up at the agreed place of both brides-to be. After the bride is rushed, it will be hidden in the groom's family home for at least three days. The next process is pickup by parents, family, relatives and or traditional figures. We received word from an informant named Burhan as the perpetrator of the elopement telling us about the series of marriages performed by the Sasak people. Human beings form a society but then human beings are formed by society. This contains meaning according to the actual situation in the field experienced by the research subject directly.

Merariq Tradition Still Developing in Sasak Tribe

Eloping or more appropriately called marriage run the traditional system of marriage that is still applied in the Sasak tribal community in Lombok NTB (West Nusa Tenggara) marriage or marriage run in Sasak language called merariq (M. Nur Yasin, 2008). Sasak customs basically faithfully follow the implementation of marriage institutions by

running away. The customary law that lives for sumba people provides a bright spot in carrying out marriage in a traditional manner, but the existing customary law has not developed completely (Lede, Bidaya, & Anshori, 2017).

Running away is the first act of the young man with or without the girl's consent that he wants from the power of his parents or family members who become the girl's guardian to take the girl from her family environment. Furthermore, if the girl agrees to comply with the customary provisions will make her a wife. Merarikan is intended as the start of the execution action. Some of these actions may result in failures. But there is very little chance of such failure if a girl has been successfully run over by a young man. Merariq is contrary to Law No. 1 of 1974 on marriage, one example of eloping of minors, merariq contrary to Islamic teachings, merariq can cause social conflict between women's families and male families, parental conflict with children who do not accept merariq tradition.

Eloping with the runaway with the girl he loves or just as like to impress becomes a form of choice in an attitude that uses customary legality as an instrument of achievement of desire. Eloping becomes a choice than asking or martial arts is sometimes quite burdensome and requires capital and psychological readiness that must be carried by the groom. The possibility of application being rejected and disapproved by the women's family is given a different social status or caste. Eloping also facilitates the approval of guardians if there is no customary provision that is attached, because in the custom of marriage sasak people if two couples have fled must be married waupun still underage. If you are not married, it becomes a disgrace to the family.

The Tradition of Stealing Girls to be Wives

Marriage in the indigenous sasak people of Lombok is known as merariq. This marriage is a process in which there is the implementation of three laws namely legal pluralism as well as the law of Theology (shari'a), Custom (Culture) and State (State) in the right by (Lukman, 2014).

On the basis of the girl's consent outside of her parents' control as a form of chivalry as well as a form of seriousness of the man to marry the girl. But in the midst of its weakness, merariq system has provided an alternative means of settlement in the form of negotiations between representatives of the bridegroom and the family of the bride-to-be termed with selabar to agree on the payment of ajikrame and pisuke in order to lead to the peace of the parties according to Fatma Amilia, T, & Samsudin, n.d 2015).

On the other hand, the connotation of stealing a girl to be a wife is an act that violates a custom and rules in people's lives. However, this has become a culture of pre-marital behavior in the life of sasak people. Girls are not like things that have no price, or like betel leaves that can be asked for just like that. Customary law of marriage can be a matter of relatives, family, pertujan, dignity, and can be a personal affair, depending on the arrangement of the society concerned (Haq & Hamdi, 2016).

In general, there are three views that are expressed about the tradition of merariq in the middle of the Sasak community, namely: first, the agreed view of merariq, both elementary, junior high, high school educated. Sometimes those who live in rural areas or in urban areas. Sasak Muslim communities scattered throughout the island of Lombok in general are permitif to the practice of merariq.

There are several reasons underlying their approval of merariq practices, namely:

- a. Eloping is a tradition and customs, not entirely contrary to Islamic teachings.
- b. Eloping is an ancestral heritage that has been traditional.
- c. Eloping can make a happy married couple.
- d. Eloping can improve a husband or wife's social status.
- e. Elopement is considered a normal and ordinary.

Marriage is a necessity of life for all people from time immemorial, present, and future until the end of time (Erwinsyahbana 2004). Therefore marriage is a problem that is always only in the community and in the law.

Marriage is a legal act that has a profound and profound influence on people who perform their own marriages as well as for society and the state. Marriage is a widespread effect in the legal relationship between husband and wife. With that marriage a bond arose containing rights and obligations (Siti Ropiah, 2011).

One of the contributing factors to the population increase is marriage. Marriage occurs because human beings as social beings always live together with other human beings in a life relationship. Relationships that occur between humans as individuals, especially men and women, one of which is marriage that aims to carry out offspring. Cases related to marital problems include early marriage and polygamy. Early marriage is a marriage performed by a child under the specified age of less than or equal to 19 years. Some of the things that result in early marriage in women are economic reasons, strong tradition of young mating, and a higher status view for married women (Devi & Sari 2014).

Conflict Due to *Merariq* Tradition (Eloping)

Merariq points out that there are several levels of conflict in the *merariq* tradition series in sasak people. The 1st level of conflict occurs between families when girls are stolen or run over by people who are considered not in accordance with the expectations of the parents of the bride. 2nd, the conflict between the bride-to-be and the woman's ex beraye (boyfriend) (Al-Hamdani, 2019). The 3rd level conflict occurred during the bargaining process of the handover and *aji krama* or the price dropped to the woman. This bargaining process can last several months even up to 2 months if there is no agreement between the two sides of the bride's family. The 4th level conflict occurs during the *ngiring* process where the process usually shows the identity of the youth or local villagers. A bride who is lured can jam the highway up to tens of kilometers is considered to have its own prestige. The 5th conflict is a cultural and religious conflict that is generally seen as a continuing conflict until now.

Conflicts in the tradition of *merariq* Lombok people are often resolved by customary procedures as the narration of one of the traditional figures *Merariq* conflict is always resolved through *krame dusun* (existing customary institutions *didusun*) if it can not be resolved in *kramme new hamlet* brought to *krame village* to be resolved. In the process of completion involves the village *krame* or village *krame* of the two brides. *Krame* is an institution that is specially formed in the village. The findings of field data show that the reality of conflict in *merariq* tradition often occurs at several stages and often the conflict can be resolved by customary measures for conflict cases that do include customary devices.

Merariq Marriage of Sasak Tribe Community Reviewed in Implementation of Law number 1 in 1974

According to Article 1 of Law number 1 in 1974 on marriage and Government Regulation number 9 in 1975 concerning the implementation of it on marriage confirms that marriage is an inner birth bond between a man and a woman as a husband and wife with the aim of forming a happy and eternal family (household) based on the God almighty (Erwinsyahbana, 2004). While in article 2 confirms that marriage is valid if performed according to the laws of each religion and belief.

The pillars of marriage are explained in the compilation of Islamic law article 14, covering the existence of husbands and future wives. Furthermore, both pillars must meet the requirements where the explanation is contained in the compilation of Islamic law article 15 to article 17 and Law No. 1 of 1974 on marriage article 6 and 7 which can be described as follows. First, both brides must meet the predetermined age, where for the husband-to-be is 19 years old and for the future wife is at least 16 years old. Second, the marriage that will be held is not due to compulsion, meaning that both brides-to-be both agreed to hold the wedding, either with a firm and clear statement through writing, oral or gestures, even just

silence as long as there is no explicit rejection from one of the bride-to-be.

All postulatats described are standardized in non empirical statements based on theoretical sistiem and should be postulaf based on empirical rather than theoretical. According to Merton, structural functionalism analysis focuses on organizations, groups, communities and cultures. Any object that can be targeted for functional structural analysis certainly reflects other standards (patterned and repetitive). The objectives of functional structural studies include: social roles, equipment for social control and so on (Arsal, 2014).

One of the conditions of human beings as the subject of law to be said to be capable of committing legal acts is to be mature. So maturity is a measure of how or not a person should take legal action. The adult age in Marriage Law No. 1 of 1974 is 19 years for men and 16 years for women. While in the Law of the Republic of Indonesia Number 4 Year 1979 concerning the welfare of children article 2 mentioned that the child is a person who has not reached the age of 21 years and has never married. In the Population Law that to obtain a National Identity Card (KTP) must have reached the age of 17 years (Makangiras, 2014). Therefore, to suppress early marriage by the Government implement various policies.

Regarding various efforts in suppressing early marriage. One of them is by raising the minimum age of marriage that can be done in various ways. The regulation can be applied through the Law and also by attracting a high fee if you want to get a marriage license. Minimum age restriction of marriage passed by Marriage Law No.1 of 1974 with Government Regulation Decree No. 9 of 1975. Thus, through the Family Planning and Potential Development Program of women in accordance with the contents of Repelita (Amna et al., 2016). Marriage is a sacred bond, so in fact, in a marriage there should not be anything that damages its sacredness (Makangiras, 2014). The government of KUA always accords with Law No. 1 of 1974 on marriage (Arif Marsaland Ryna Parlyna, 2015).

From some of the explanations above about marriages performed by the Sasak people, there are conflicts among them. First, the process of marriage by turning away underage women can cause social conflict between the families of both men and women. Second, it can cause conflict between parents and children who do not accept merariq tradition. Third, with the Law numbr 1 in 1974 in accordance with his explanation that the government of kua prohibits underage marriage to be legally married. Finally, sasak tradition requires marriage even if the child is a minor for reasons including; customs, keeping the good name of the family, fear of unwanted things at the time of escape such as examples of fear that is doing things prohibited by Islam.

CONCLUSION

Based on the findings and discussion, the results of the research can be concluded as follows:

The implementation of marriage carried out by the Sasak people took the girl by secretly or looking away at night or called merariq is a custom that becomes an identity and ability. One of the normative teachings contained in the practice of merariq is the pride of the individual identity and family identity of the women who are characterized by the existence and desire that the girl married by a man must be first by the escape process. The pride has a social contribution to the existence of the family in the middle of the local community. This is a social construction according to the theory issued by Berger and Lukman in the theory of Social Construction Reality.

Marriages performed by sasak people cause opposition to the existence of Law number 1 in 1974 as explained that the KUA government prohibits underage marriages from being legally married. Minimum age restriction of marriage passed by Marriage Law number 1 in 1974 by Decree of Government Regulation number 9 in 1975.

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