

# THE RELATIONSHIP BETWEEN ISLAM AND TRADITIONAL MARRIAGE OF SIAK MALAY

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## THE RELATIONSHIP BETWEEN ISLAM AND TRADITIONAL MARRIAGE OF SIAK MALAY

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**Abstract:** this reseach focuses on the marriages customs of the Siak Malay Community. There are thres stages of the tradition that are the focus of research, namely the stage before the wedding party, the on going stage of the wedding party, and the stage after the wedding party. The traditional marriage procession needs to find a common ground between Islamic law and custom that has lived in the Siak Malay Community. This research uses a qualitative descriptive analytic approach. While the data collection method in this study combines the Library and Field Research by conducting interviews with related parties. The results showed that: first, in each series of wedding party traditions starting before the wedding, during the wedding ceremony and after the wedding party, it turns out that it has religious philosophical meanings that come from the teachings of Islam both in the Qur'an, Hadith and Ijtihad using the 'urf frame of mind. The rule explains that whatever has been determined by the syara' absolutely without any definite provisions in religion and in language, then it is returned to 'urf. Second, the relationship between Islamic law and custom in this marriage tradition in the historical context originated from the tradions carried out by the Siak Sri Indrapura Kingdom. This was due to the Sultan's function as the Head of State as well as the religious guide at that time, including in matters of marriage. This has implications for the mixing of the wedding procession traditions containing religious values that are packaged in cultural forms. So that the marriage tradition of the Siak Malay community needs to be maintained and preserved as part of the cultural wealth with Islamic nuances without burdening the economies of both parties in the implementasion of the wedding procession.

**Abstrak:** Penelitian ini memfokuskan pada adat perkawinan Masyarakat Melayu Siak. Ada tiga tahapan tradisi yang menjadi fokus penelitian, yaitu tahap sebelum pesta perkawinan, tahap sedang berlangsung pesta perkawinan, dan tahap setelah pesta perkawinan. Prosesi adat perkawinan tersebut perlu dicari titik temu antara hukum Islam dan adat yang telah hidup di Masyarakat Melayu Siak. Penelitian ini menggunakan pendekatan *kualitataif deskriptif analistis*. Sedangkan metode pengumpulan data dalam penelitian ini menggabungkan antara Metode Perpustakaan dan Penelitian Lapangan

dengan melakukan wawancara terhadap pihak-pihak yang terkait. Hasil penelitian menunjukkan bahwa: Pertama, pada setiap rangkaian tradisi pesta perkawinan mulai dari sebelum pesta perkawinan, sedang pesta perkawinan dan setelah pesta perkawinan ternyata mempunyai makna-makna filosofis keagamaan yang bersumber dari ajaran agama Islam baik Al-Qur'an, Hadist, dan Ijtihad menggunakan kerangka berfikir 'urf. Kaidah ini menjelaskan bahwa setiap apapun yang telah ditetapkan oleh syara` secara mutlak tanpa ada ketentuannya secara pasti dalam agama dan dalam bahasa, maka hal tersebut di kembalikan kepada 'urf. Kedua, hubungan hukum Islam dan adat pada tradisi perkawinan ini dalam konteks sejarah berawal dari tradisi yang dilakukan oleh Kerajaan Siak Sri Indrapura. Hal ini karena fungsi Sultan sebagai Kepala Negara sekaligus sebagai pembimbing agama waktu itu, termasuk juga dalam hal perkawinan. Ini berimplikasi pada percampuran tradisi prosesi perkawinan mengandung nilai-nilai agama yang dikemas dalam wujud budaya. Sehingga tradisi perkawinan masyarakat Melayu Siak perlu dipertahankan dan dilestarikan sebagai bagian kekayaan budaya yang bernuansa Islami dengan tidak memberatkan ekonomi kedua belah pihak dalam pelaksanaan prosesi perkawinan.

**Keywords:** *Relation; Islamic Law; Custom; Marriage; Siak Malay.*

## INTRODUCTION

Islam is perfect religion in regulating human life. Human behavior gives birth to *al-maqasid al-'ulya hakimah al-maqasid al-'ulya hakimah* consisting of the principles of al-tauhid (the oneness of Allah SWT), *al-tazkiyah* (self-cleansing) and al-'umran (civilization).<sup>1</sup> One of these aspects that is regulated in Islam is marriage. Based on the sharia side, marriage contains the values of *'ubudiyah*. Thus, the marriage bond is often called "*mitsaqon ghalizhan*", a bond that contains the values of worship which makes its validity to be very principle.<sup>2</sup> The law of marriage is an integral part of *shari'ah* which is inseparable from the *Islamic* faith and morals. Meanwhile, from the perspective of *al-umran* or civilization, the technical implementation of the wedding ceremony varies from one region to another, both from one nation to another. This diversity is actually a manifestation of its moral values, which are universally recorded in behaviors that become a custom or 'urf.

The combination of sharia and marriage customs is the traditional marriage of the Siak Malay society in Siak Regency, Riau Province. This region becomes interesting to be examined in this research due to several factors; First, Siak Regency is the former kingdom of Siak, which until now the palace and the remains of Siak history books are still kept neat. As the center of the Islamic empire in the past, Siak applied the motto of its people's life with the phrase "*Adat with syara*", *syara; bersendi kitabullah*; second, is part of an area that is the center of

<sup>1</sup> Chasnak Najidah, "Konsep Maqasid Al-Syariah Menurut Taha Jabir Al-'Alwani," *Jurnal Al-Ahwal* 9, No. 1 (2016): 1.

<sup>2</sup> Bustami Saladin, "Tradisi Merari' Suku Sasak Di Lombok Dalam Perspektif Hukum Islam," *Jurnal Al-Ihkam* 8, No. 1 (2013).

Malay civilization culture in Riau. The correlation of culture as part of the motto unites and formes to a culture that is part of the essence of Islamic teachings, including in the tradition of the wedding ceremony of the Siak Islamic society. Third, some Muslim societies have begun to oppose the marriage tradition of the Siak society, which has been a tradition since the heyday of the Islamic empire in Siak. According to them, there are elements in the series of wedding ceremony processions that are not in accordance with Islamic sharia, and even consider part of the activities of *mubazir*, *bid'ah* and it must be removed from the tradition of society and replaced with the Islamic system.

Responding to this problem in the context of Islamic law, it must be seen from its function as a social institution that has two functions; first, as social control and second, as new values and social change processes. If Islamic law is placed first as a blueprint or blueprint of God, which is not only as control but also as social engineering for the existence of the society.<sup>3</sup> Islamic law is sharia that is inseparable from society. Sharia has been interpreted in various ways, and it has even become a guideline or pattern for people's behavior. Thus, in fact Islamic law in this term, it has been integrated into the culture of society.<sup>4</sup>

Islamic law as social control finds out a correlation or relationship between Islamic law and custom in solving a problem. There are several theories relating to this problem, namely; first, the *Kredo theory*. This theory states that when a Muslim has asserted the shahada, the individual is obliged to carry out Islamic law with all the consequences. Second, the *theory of Receptio in Complexu*. This theory asserts that what applies to Muslims, although in practice there are still deviations. Third, *Receptie Theory*. This theory reveals that indigenous people apply customary law. Indigenous people can use Islamic law if it is accepted by the society as customary law. Fourth, *Receptie Exit*. This theory argues that Muslims use Islamic law. Fifth, *Receptio a Contrario Theory*. This theory points out that the new customary law can be applied if it does not conflict with Islamic law.<sup>5</sup>

Many studies have been carried out on Malay-Riau, Malay marriage customs, and the integration of Malay-Riau customs with Islam, among others; Tenas Efendy<sup>6</sup>. It contains the marriage customs in the society of Malay-Pelalawan. Meanwhile, Wan Ghalib<sup>7</sup>, examine the customs of marriage and the regulation in

<sup>3</sup> Sakirman, "Integrasi Hukum Islam Dan Adat Jawa Atas Harta Waris Bagi Anak Angkat," *Ahkam* 6, No. 2 (2018): 339.

<sup>4</sup> Kutbuddin Aibak, "Membaca Kembali Eksistensi Hukum Islam Dalam Keragaman Hidup Dan Kehidupan," *Ahkam* 5, No. 2 (2017): 232.

<sup>5</sup> Abdullah Jarir, "Teori-Teori Berlakunya Hukum Islam Di Indonesia," *Al-Ahkam Jurnal Hukum, Sosial Dan Keagamaan* 14, No. 2 (Desember 2018): 80-88.

<sup>6</sup> Tenas Efendy, *Adat Istiadat Dan Upacara Nikah Kawin Melayu-Pelalawan* (Pelalawan: Sutra Benta Perkasa, 2009), 3.

<sup>7</sup> Wan Ghalib, *Adat Istiadat Melayu Riau Di Bekas Kerajaan Siak Sri Indrapura: Pengkajian Dan Pencetakan Kebudayaan Melayu Riau* (Pekanbaru: Lembaga Adat Daerah Riau, 1991), 22.

the Siak society. Husni Tamrin and Koko Iskandar<sup>8</sup> discuss about the economic side of the Malay society and the religious style that is often identified with the Malay society is Islam. Next, Maimun Abdullah Amin discusses the *peusijuek* in the Aceh Malay Society.<sup>9</sup> The study of Aslan and Ari Yunaldi discusses the importance life of the Malay Sambas, which is often conveyed by messages to the bride and groom in starting a married life<sup>10</sup> Then, the study of Nova Yohana and Kurnia Husmiwati examine the marriage customs of the Kampar Malay society related to the interaction rules of the oral tradition of *basiacuang* communication on wedding ceremony of the Riau Kampar Malay.<sup>11</sup>

Hence, during the exploration that is conducted by the researcher, the relationship between Islam and the marriage customs of the Malay ethnic in Siak has not examined by the previous research and this encourages the current researcher to conduct this research. This is important, considering that the society in this region has its own uniqueness.<sup>12</sup> The region is located extending from Minas with hilly geomorphological conditions to the eastern coast of Central Sumatra which is a swampy lowland.

This research focuses on the relationship between Islamic law and custom on several traditions in the marriage procession of the Muslim society of Siak Malay which consists of three stages, namely: the stages before marriage and after marriage. These three stages are the object of study in order to find the relationship between Islamic law and custom of each marriage procession. Definitely, this research will be very useful to contribute to the society in carrying out the marriage procession that does not conflict with either Islamic law or the community customs of the Siak Malay. To achieve the research objectives, researchers used integrated research, namely field research (field research) by conducting observations and interviews and library research (library research).<sup>13</sup> by collecting data from scientific journals and books that can support this research.

## **THE TRADITIONAL MARRIAGE OF SIAK MALAY SOCIETY**

The marriage tradition of the Malay-Siak society has characteristics and uniqueness. As the region that used to be the center of the Siak Empire, the circumstance of Islam can be explored, starting from the procession before the

<sup>8</sup> Husni Tamrin and Koko Iskandar, *Orang Melayu: Agama, Kekerabatan, Perilaku Ekonomi* (Pekanbaru: LPPM UIN Suska Riau, 2009), 123.

<sup>9</sup> Maimun Abdullah Amin, "Peusijuek Dalam Perspektif Hukum Islam (Kajian Teori Tafa-UI)," *Jurnal Kalam* 7, No. 1 (2019).

<sup>10</sup> Aslan and Ari Yunaldi, "Budaya Berbalas Pantun Dalam Acara Adat Istiadat Perkawinan Melayu Sambas," *Jurnal Transformatif* 2, No.2 (2018): 114.

<sup>11</sup> Nova Yohana and Kurnia Husmiwati, "Kaidah Interaksi Komunikasi Tradisi Lisan Basiacuang Dalam Adat Perkawinan Melayu Kampar Riau," *Jurnal Penelitian Komunikasi* 18, No. 1 (2015).

<sup>12</sup> Tamrin and Iskandar, "Orang Melayu: Agama, Kekerabatan, Perilaku Ekonomi."

<sup>13</sup> Lexy J Maleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2001), 178.

marriage is carried out, the procession for implementing the marriage, and the procession after the wedding.

**First**, the Procession Before Marriage. The procession before the marriage is carried out in four stages, namely; a) *Merisik*. This procession is an activity that must be carried out due to it is very important in the selection of a prospective bride. *Merisik* is an initial process carried out with the aim of investigating the existence of a prospective bride both physical (face, hair, skin, eyes, offspring, skills of embroidering, cooking, culture and others) and spiritual (behavior, knowledge of religion, nature, character, etc.). The person assigned to *merisik* is called "Mak Telangkai" or "Suluh Peraih".<sup>14</sup>

b) Propose or propose. This procession is the stage of asking a woman to be a wife. Previously, the marriage ceremony was carried out, the following were carried out; First, Notifying the date, day and time of arrival of the group to the women; Second, the male group consists of relatives, elders, neighbors, and a spokesperson or chanter; Third, wearing a dress of teluk belangga, kebaya labuh, neat and polite.<sup>15</sup> If the proposal has been accepted, then at that time the engagement bond will also be formalized as well as the time for the "antar-tanda" ceremony.

c) This procession is conducted with the giving *pontun*, namely; At the time of the Siak Malay Empire, antar tanda was carried out by preparing various tools and all delivery items were arranged in a *poho* (a type of three-legged pan) which was also called a *semerit*.

d) Antar belanja essentially hands over spending money from the man to the woman as a symbol of mutual cooperation and togetherness to assist the woman in carrying out the marriage event of their two children. The amount of money in delivery is regulated and agreed upon by both parties. Money of antaran belanja is usually used for funds, such as procuring a wedding hall, or booth, place for the bride and groom, *bangsal*, or tent and other ceremonies such as *berinai*, marriage agreement, and direct ceremonies.<sup>16</sup>

**Second**, the Procession for the Implementation of Marriage. The second procession is the procession for the implementation of the marriage, the stages are as follows: 1) Enforcing the *Bangsal* as a place to accommodate invited guests or pickups carried out by intimate friends, and relatives, in mutual cooperation. 2) Hanging ornaments and jewelry from outlets or aisle and hanging red, yellow and green veils. This work is done by a group of relatives and Mak Andam. Hanging is carried out three to five days before the marriage contract is carried

<sup>14</sup> Zulfakri, "Wawancara," September 29, 2018.

<sup>15</sup> Zulfakri.

<sup>16</sup> Nazir Katan, "Wawancara," September 22, 2018.

out. 3) *Berinau curi* is to attach henna to the nails of the hands, toenails, palms of the hands, and the soles of the feet of the bride and groom which is done at night.<sup>17</sup> 4) *Berandam* is an activity to beautify the bride by cleaning dirty and fine hairs on the face, face, neck and nape of the bride. The goal is to maintain and shape physical and inner beauty. 5). Solemnization of a marriage is the culmination of the marriage procession. This ceremony is a religious and traditional ceremony which is carried out in a sacred manner at the House of the Bride.<sup>18</sup> 6) *Tepuk tepung tawar* is one of a series of customs after the marriage ceremony. In the stage of *tebuk tepung mawar* is also interspersed with the recitation of prayers and blessings for the bride and groom in order to they will be safe and prosperous physically and spiritually throughout its life.<sup>19</sup> 7) Reciting al-Qur'an is held at the bride's house in the morning around 08.00-10.00 am by the bride and usually followed by her younger siblings. The recite of al-Qur'an event is led by a teacher of the recitation of the bride<sup>20</sup> 8) The direct day is also called a side by side ceremony and is carried out after the midday prayer at the bride's house. The day ceremony is carried out directly by inviting relatives, friends and relatives who are treated to a dinner dish and placed on a long table and each dish is prepared for four people<sup>21</sup> 9) Feeding bribes in front of the parents of the woman, pick up and the elders of the groom. This ceremony symbolizes the embodiment of love between husband and wife.

**Third**, the procession after marriage. The procession after marriage is carried out through five series of events, namely: 1) *Mandi Damai* (*mandi taman*), the essence reflects gratitude to Allah who has given blessings in this event and gratitude to relatives and friends for carrying out and taking place the wedding ceremony to be safe so that the two brides have been united in a marriage bond where the virgin has become a wife, while the single has become a husband. 2) *Drowsiness and teeth sharpening*. The two brides are brought by the *mak andam* out of the room of the bed and sit on the aisle booth to carry out a ceremony for drowsiness and sharpening the teeth of the two brides. 3) *Worship* for both parents and family are done after the event of drowsiness and teeth sharpening is over. 4) *Eating nasi damai* is a family event after the ceremony of *mandi damai/mandi taman* takes place. *Eating nasi damai* is eating together accompanied by mutual forgiveness. 5) The evening of visiting parents-in-law is also called before the parents-in-law and family and is held after all official wedding ceremonies have finished.

<sup>17</sup> Wan Syaiful, "Wawancara," September 22, 2018.

<sup>18</sup> bdul Malik, "Wawancara," September 26, 2018.

<sup>19</sup> Said Arf Fadilah, "Wawancara," September 22, 2018.

<sup>20</sup> Zulfakri, "Wawancara." September 29, 2018.

<sup>21</sup> Malik, "Wawancara." September 26, 2018.

## THE RELATIONSHIP OF ISLAM AND MARRIAGE CUSTOMS OF SIAK MALAY

In relation to the relationship between Islam and local customs, there are various patterns according to the kinship that adopted,<sup>22</sup> namely; **The first stage**, in this stage, is seen between custom and syara' are running independently within boundaries that do not affect each other. The new customs take some aspects of faith and worship from Islam, but those concerning the social life of the old customs still apply. At this stage, custom still shows its authority and still views Islam as foreign something. **The second stage**, in this stage it has begun to appear that between tradition and Islam have begun to claim each other's rights, as the result, there is combination because both are treated equally without shifting the other's position, even in practice one of them relies on the other party. Each other needs each other, so there is a compromise both of them. The implementation of compromise leads to the conflict within community members. For example, a boy faces a conflict of interest between his position as the son of his father and the nephew of his uncle. **The third stage**, this stage is the submission of customs to Islam. The relationship between custom and Islam is no longer a compromise, however, custom in the whole conforms to syara', which is based on al-Qur'an and hadith. Submitting custom to Islam at this stage, it does not mean that custom has adapted itself to Islam, because the process of submission or adjustment takes a long time and the process is not without conflict. The three types of relationship theory, the researcher takes an approach in analyzing law based on Islamic law, comes from the arguments of syara` that have been agreed by the majority of scholars, namely *al-Qur'an, hadith, ijma` and qiyas*. However, if there is a new habit that has no regulation that regulates these sources, then Islamic law is required to solve the problem by using *ijtihad*. Method of legal withdrawal uses '*urf*'. This is a theory of Islamic law that can be set into law. This rule explains that whatever has been determined by syara` absolutely without any definite provisions in religion and in language, thus it is returned to '*urf*'.

'Urf, which is commonly called "tradition", is very essential in establishing Islamic law. according to qarafi, in preaching, the mujtahid must know the 'urf or tradition of a society previously before giving a legal fatwa so that it does not interfere with the benefit of the people. Through 'Urf, Islamic law will be more contextual, so that Islam will be more dynamic in accordance with the socio-cultural conditions which in subsequent developments will make Islamic law to be more humanist.<sup>23</sup>

<sup>22</sup> Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau* (Jakarta: Gunung Agung, 1984), 173-80.

<sup>23</sup> Saihu, "Urgency of 'Urf in the Male Tradition and It's Relevance in Islamic Dakwah in Jembrana-Bali," *Jurnal Bimas Islam* 12, No. 1 (Desember 2019): 174.



The customs in the marriage of the Siak Malay society are characteristic of the regency. So that, the level of regency has the authority to issue its own regulations<sup>24</sup> as part of regulations to protect the existence of a culture. The traditions in the marriage procession are;

First, namely the tradition of *merisik*. The word of *merisik* comes from the word "risik" which means "to investigate". This means, prior to a marriage, an investigation into a girl needs to be carried out by the male family to assess and simultaneously determine whether the girl is worthy of being his wife or not. This custom is clearly taken from Islamic law which regulates a man when applying for a woman must refer to his lineage, nature, social status, and also its religion. The woman who is going to be married, she has a loving nature and can give birth to offspring (physically healthy), and vice versa, the woman who is being married, she should also know the condition of the man who proposed her.<sup>25</sup>

Second, namely *Mengantar Tanda*, which is a symbol that a woman has been proposed by a man to be her life partner. The goal of this custom is the man knows the status of the woman. One of the forms is wearing a gold engagement ring on her ring finger. So that, this custom becomes common knowledge and it is easy to understand the status of these women in the Malay Siak Muslim society. This custom refers to the Islamic teaching that a man cannot propose to a woman who has been proposed by his brother. Imam Malik in the Book of *Al-Muwatha* mentioned the hadith of the Prophet Muhammad SAW about it is not allowed to propose to a woman who has been proposed by his brother,<sup>26</sup> namely: "From Abu Hurairah, in fact Rasulullah SAW once said: one of you may not apply for what has been proposed by his brother" (H.R. Imam Malik).

When the prospective bride wears the ring of engagement shows that she has tied herself with a man who will become her husband voluntarily. This tradition has the positive side, namely closing parents forcing their daughters to marry a man who is not according to his child's choice. Because the essence of marriage is the voluntary consent of the daughter. According to Khalid Abdurrahman as cited by A. Darussalam said that the step of marriage is asking for "approval" for permission from the prospective wife, if giving permission (and directing) to the guardian, then the intention of the marriage is allowed to be carried out, and if the wife is forced to accept outside the "approval" it will end divorce, thus, Islam prohibits the element of coercion in marriage.<sup>27</sup> It shows that women in

<sup>24</sup> Ahmad Fuad Fanani, "The Implementation Of Sharia Bylaws And Its Negative Social Outcome For Indonesian Women," *Indonesian Journal of Islam and Muslim Societies* 7, No. 2 (2017): 156.

<sup>25</sup> A Darussalam, "Memintang Dalam Islam (Perspektif Hadist Nabi Saw)," *Jurnal Tahdis* 9, No. 2 (2018): 168.

<sup>26</sup> Imam Malik, *Al-Muwatha* (Beirut: Dar Al-Fikri, 1989), 330.

<sup>27</sup> Darussalam, "Memintang Dalam Islam (Perspektif Hadist Nabi Saw.)"

Indonesia have succeeded in advancing the movement to increase their rights and freedoms<sup>28</sup>, including freedom to determine her life partner.

Third, *Antar Belanja* is the arrival of the groom's family delegation to the prospective bride's house to hand over spending money as assistance for the cost of carrying out the wedding ceremony in an amount that is adjusted to the groom's ability. This term is a Siak Malay custom which actually comes from Islamic law. according to Muhammad Takari bin Jilin Syahrial, as quoted by Aslan and Ari Yunaldi, the custom is owned by the Malay tribe, it cannot be separated from Islamic values.<sup>29</sup>

In fact, antar belanja in philosophy has the aim of educating the responsibilities of the prospective groom for his duties as head of the household. The other side is also a form of respect for the teachings of Islam for the dignity of women. Even though in Islam, the amount of dowry is not determined, however Islam respects women from the point of view of human values which must have the same degree as men, namely their piety.<sup>30</sup> Thus, antar belanja is giving lessons in the life of household about the importance of managing assets in the household. This is part of the *dharuriyat al-khamsah* (five basic needs) where it is the *maqashid al-sharia* (the goals of sharia), namely protecting religion, soul, descent, reason and property. Hence, property is one of the five very important things discussed in Islam.<sup>31</sup>

Fourth, the tradition of enforcing *Bangsai* is to prepare a wedding venue for invited guests. This place is for guests to sit and eat a banquet which is often referred to as walimah. This is in line with the words of the Prophet Muhammad<sup>32</sup>:

أَوْلَمَ وَلَوْ بِشَاةٍ

"Hold a wedding event even with only one goat"

إِنَّهُ لَا بَدَّ لِلْعُرُوسِ مِنْ وَّلِيمَةٍ

"Wedding ceremony (party) is a must for married couples"

The aim is the same as berinai, namely to avoid disasters or negative things. Tepuk Tepung Tawar is a symbol of giving prayers and blessings for the welfare of the two brides. In this ceremony, the penepung tawar uses a certain bunch of leaves to sprinkle water on the person who is given tepung tawar. The water is first given fragrances such as lime and so on, then the rice is sprinkled on the

<sup>28</sup> Fuad Fanani, "The Implementation Of Sharia Bylaws And Its Negative Social Outcome For Indonesian Women."160.

<sup>29</sup> Yohana and Husmiwati, "Kaidah Interaksi Komunikasi Tradisi Lisan Basiacuang Dalam Adat Perkawinan Melayu Kampar Riau."116.

<sup>30</sup> Arifah Millati Agustina, "Hak-Hak Perempuan Dalam Mengarusutamaan Ratifikasi Cedaw Dan Maqasid Asy-Syari'ah," *Jurnal Al-Ahwal* 9, No. 2 (Desember 2016): 207.

<sup>31</sup> Muhamad Masrur, "Konsep Harta Dalam Al-Qur'an Dan Hadist," *Jurnal Hukum Islam* 15, No. 1 (June 2017): 98.

<sup>32</sup> Muhammad Ibn Isma'il Abu 'Abullah Al-Bukhari, *Sahih Al-Bukhari* (Beirut: Dar Ibn Kasir, 1987), 205.

person who is intended. Finally, Feeding the lime (or other) food to its mouth. There are several variations of this ceremony for different regions, but the goal remains the same, which is to hope for something good. This tepuk tepung tawar is usually filled with reciting Shalawat to the Prophet Muhammad and praying to Allah SWT, so as to build a family of *sakinah mawwadah wa rahmah*. According to Maimun Abdullah Amin, Tepung Tawar is one of the customs which is seen from the sharia side is mubah/allowed, because it does not contain an element that leads to sin. The purpose of the Tepuk Tepung Tawar is to hope for the good pleasure of Allah.<sup>33</sup> This is because the characteristics of Islamic law that stand out include, among others, Islamic law which is built on the principles of faith (faith and tauhid) and morals (morals), it is universal (natural) created for the benefit of all human and the universe.<sup>34</sup>

Sixth, Tradition of *Berina Curi* is a tradition of decorating the hands and feet with henna leaves. This tradition has the intention of avoiding *bala/bad luck*' and adding the beauty of the couple by decorating the hands and feet of various forms of flowers and leaves. *Mak Andam*, in carrying out the process of ber-inai, always hopes for help from Allah through the ingredients of the leaves in the henna so that the two partners are spared from bala', so that in the marriage process, both of them look happy, cheerful and smooth in the program, and negative things do not befall to both parties. The process of requesting Allah by using the leaves which are considered to have good properties to refuse bad things in Islam is permissible. Because logically, even though using Leaf Media, the one believes that prayers are answered only from Allah SWT.

Wishing goodness to Allah through media such as leaves is the *sunnah* of the Prophet. The basis of the hadith is as follows:

Hadith from Ibn Umar He said: Once upon a time the Prophet was passing through a garden in Makkah or in Medina. Then the Prophet heard the voices of two people who were being tormented at its grave. The Prophet SAW said to his companions: "These two people (who are buried) are being tortured. The two of them were tortured not because they had done the other, but they were tortured because they often incite each other. The Prophet then told his friends to take the palm leaves, then split them in half and put them on each of these graves. The friends then asked; "Why are you doing this O Rasul SAW?" Rasul Saw replied: "May Allah SWT forgive the sins of the two people as long as these two palm fronds are not dry."<sup>35</sup>

<sup>33</sup> Amin, "Peusijuek Dalam Perspektif Hukum Islam ( Kajian Teori Tafa-Ul)."

<sup>34</sup> Shinta Dewi Rismawati, "Mengukuhkan Otentitas Tradisi Hukum Campursari Dalam Sistem Hukum Nasional," *Jurnal Hukum Islam* 15, No. 1 (June 2017): 90.

<sup>35</sup> Al-Bukhari, "Sahih Al-Bukhari,."

This hadith is a scientific argument that hopes for goodness which is often referred to as *tafa-ul* is allowed in Islam. Either using berinai curi or tepuk tepung tawar is *tafa-ul* or a sign of good thing, optimism, or other terms of *sempena*, in order to get good and avoid bad luck'. Ahmad Al-'Ayad said *Al-tafa'ul* is an Arabic sentence which has the meaning of optimism, confidence and pleasure in doing something or mentioning something. He also hopes for a good thing at work and thinks well with it. The opponent is pessimist (*al-asha'um*).<sup>36</sup> The essence of the sentence *al-tafa'ul* usually refers to a good meaning, which can also be manifested in two forms, namely *al-tafa'ul al-salih* (*good tafa'ul*) and *al-tafa'ul al-qabih* (*tafa 'bad ul*).<sup>37</sup>

These traditions are part of the process of completing the *Ijab Qabul* ceremony as the core of marriage. It is due to the Marriage Agreement is also something that cannot be neglected, because it is a principle of marriage that must exist in a marriage. The marriage contract is an engagement agreement made by the prospective husband and wife to tie themselves with the marriage agreement by saying the *shigat* of the marriage agreement, namely *ijab qabul/ solemnization of a marriage*.<sup>38</sup> Definitely, these traditions do not become a process of marriage to become non-sacred, but it is as a means of spreading Islam that the teachings of Islam are noble. One of the forms of glory is to respect women through marriage openly and legally and witnessed by many people, that they are family partners.

Seventh, the Tradition of Mandi Damai (*mandi taman*), Drowsiness and teeth sharpening, as a form of gratitude to Allah for the completion of the wedding procession and running smoothly. Worshiping both parents is a form of respect and devotion to parents who have contributed to educate themselves from childhood to the level of marriage. Eating nasi damai is a symbol of learning ethics or morals for one's partner when marriage. On Evening, visiting parents' in-law as a form of respect for parents-in-law and siblings as part of the extended family. These traditions are a lesson for the new brides to get to know the rights and obligations as well as ethics in the household, both regarding the relationship between husband and wife, parents, in-laws and their siblings. As a new family, they must understand the following matters: First, joint rights between husband and wife consist of *tamattu badani 'rights*, mutual inheritance rights and children's birth rights. Second, the husband's obligation to his wife from material obligations (giving a dowry and living according to the husband's ability) and moral obligations (*intercourse with his wife in a good way (ma'ruf)*, to glorify,

<sup>36</sup> Hasanulddin et al., "Pendekatan Al-Tafa'ul Menurut Islam Serta Contoh Penggunaannya Dalam Kitab-Kitab Fiqh," *Jurnal Islam: Jurnal Islam Dan Masyarakat Kontemporer*, 2011, 84.

<sup>37</sup> Hasanulddin et al. 84.

<sup>38</sup> Iftidah, "Pandangan Masyarakat Tentang Taukil Wali Studi Di Desa Dempet Kabupaten Demak," *Jurnal Al-Ahwal* 9, No. 1 (June 2018): 88.

develop affection, be patient and gentle, and look after his wife (family) from hell. Third, the wife's obligation to her husband which includes: obeying her husband, being responsible for the family, respecting and doing good to her parents and husband's family, and helping her husband in managing the household Fourth, the obligations jointly of husband and wife. In this case, the husband and wife are obliged to, (1) understand and understand each other's differences, (2) cooperate with each other, (3) guard each other's personal or partner's secret, (4) mutual respect and respect, and (5) always have a dialogue / discussion in every problem that arises to get a solution.<sup>39</sup>

The traditions teach the newlyweds to get to know a wider life, namely social life, where the relationship includes relationships between individuals, families, groups and classes, based on the value system and norms applied in society.<sup>40</sup> The diversity of the extended family of both parties and people with educational backgrounds, ethnicity and social status often creates various tests of bridal life that often happen to new partners. The introduction of new norms in social life, namely to form *sakinah*, *mawaddah* and *rahmah*, namely as a form of confusion and uncertainty in the form of love can produce peace and tranquility if it is continued to marriage.<sup>41</sup> Thus, it is not only the fulfillment of material needs, but there are also higher needs met, namely spiritual needs, love, compassion and blessings from Allah SWT.<sup>42</sup> It is due to the essential purpose of establishing Islamic rules is to realize the benefits of human life in the World and the Hereafter.<sup>43</sup>

The aforementioned custom shows that the relationship between Islamic law and the tradition of marriage in the Siak Malay society has a compromise pattern, namely the submission of custom to Islam.<sup>44</sup> The submission of custom to Islam at this stage, it does not mean that custom has adjusted it to Islam, because the process of submission or adjustment takes a long time and the process happens conflict. The adjustment process takes a long time and then it becomes a tradition of integrating customs and Islamic values which give birth to the marriage tradition of the Siak Malay society.

<sup>39</sup> Siti Djazimah and Ihab Habudin, "Isteri Sebagai Pencari Nafkah Utama: Studi terhadap Perajin Kapuk di Desa Imogiri, Bantul, Yogyakarta," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 9, no. 1 (March 1, 2017): 51, <https://doi.org/10.14421/ahwal.2016.09104>.

<sup>40</sup> Ridho Rokamah and Rif'ah Roihanah, "Faktor Sosial Dan Model Coping Perempuan Korban Kekerasan Dalam Rumah Tangga Di Kabupaten Ponorogo," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 16, No. 2 (Desember 2019), <https://doi.org/10.21154/justicia.v16i2.1707>.

<sup>41</sup> Danu Aris Setiyanto, "Discourse Of Middle Way In Islamic Jurisprudence On Career Women In Achieving The Sakinah Family: Reconstruction Of Roles And Women's Identity," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, No. 1 (2020): 154, <https://doi.org/DOI:10.21154/justicia.v17i1.1125>.

<sup>42</sup> Syarif Hidayat, "Konsep Keluarga Sakinah Dalam Tradisi Begalan," *Al-Ahwal* 7, No. 1 (2014): 90.

<sup>43</sup> Eko Saputra and Busyro, "Kawin Maupah: An Obligation To Get Married After Talak Tiga In The Tradition Of Binjai Village In Pasaman District A Maqâsîd Al- Sharî'ah Review," *QIJS (Qudus International Journal of Islamic Studies)* 6, Issue 2 (Agustus 2018): 189.

<sup>44</sup> Syarifuddin, "Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau."

## **FACTORS ON THE RELATIONSHIP OF ISLAMIC LAW AND TRADITIONAL MARRIAGE IN SIAK**

The relationship between Islamic law and custom in the marriage ceremony of the Siak Malay society is influenced by several factors, namely: *First*, the role of the Siak Empire Rulers who embraced Islam who understood ahlusunnah waljamaah by upholding the Shafii School in fiqh, and Al-Ghazali in their Sufism, and Asy-'Ariyah in his faith. One of the forms of the role of the ruler, it is evidenced by the existence of the "Sultanate Kanon", which is a rule issued by the Malay-Siak sultanate regarding the order of ceremonies and tools for marriage that must be obeyed by Malay people who live in the territory of the Siak Sri Indrapura Sultanate. These procedures have been preserved from generation to generation by the Siak Malay society till now and even by immigrants who are married to Malay-Siak people.<sup>45</sup>

The kanon or regulation shows that the Sultan is the holder of worldly and religious power, so in the Malay-Siak custom, there is a combination of religious and political ideas as seen from the symbol used by the Siak Sultanate. The kanon has clear the objective of clarifying the legal marital status in a religious and legal force so that in the future it does not cause legal problems.<sup>46</sup> which is detrimental to both parties. An example is a problem such as divorce, although legally religious is legal, but legally the state is not yet valid because it has not been carried out before a religious court<sup>47</sup>

The sultanate kanon is not limited to regulate legally in the context of local religions and traditions, but also as an effort to protect the status of women who are often marginalized. The Kanon as a marriage law provides equality for women, because, God provides protection to humans as part of the objectives of Islamic sharia. Therefore, protecting the existence of women is part of the human rights inherent in her from birth, namely humanity. Thus, the purpose of the canon is actually to protect women from arbitrary actions<sup>48</sup> that is detrimental to its party such as divorce and domestic violence. Therefore, it is necessary for government intervention which is fully left to the court to prevent things that are not desirable.<sup>49</sup>

<sup>45</sup> Ghalib, *Adat Istiadat Melayu Riau Di Bekas Kerajaan Siak Sri Indrapura: Pengkajian Dan Pencetakan Kebudayaan Melayu Riau*.

<sup>46</sup> Eko Setiawan, "Fenomena Nikah Siri Dalam Perspektif Sosiologi Hukum," *Justicia Islamica* 13, no. 1 (October 21, 2016): 135-55, <https://doi.org/10.21154/justicia.v13i1.456>.

<sup>47</sup> Setiawan, 143.

<sup>48</sup> Laurensius Arliman S, "Komnas Perempuan Sebagai State Auxialiary Bodies Di Dalam Penegakan Hak Asasi Manusia Perempuan Di Indonesia," *Justicia Islamica* 14, no. 2 (November 14, 2017): 128, <https://doi.org/10.21154/justicia.v14i2.1228>.

<sup>49</sup> Wardah Nuroniyah, "Cerai Lebe Sebagai Inisiatif Lokal Dalam Upaya Meminimalisir Praktek Perceraian Liar (Studi Kasus Di Desa Cangkring Kabupaten Indramayu)," *Al-Manahij* 14, No. 1 (2020): 114.

In the period of the Sultanate of Siak, it showed that the Sultan was active in developing the religion of Islam in the Malay area of Riau, thus it accelerated the Islamization of the Riau Malay region. Therefore, Malay custom is often called synonymous with Islam. As the ruler of religion, the Sultan in Malay custom becomes the guardian of his people who are Muslim. A guardian is an institution in Islam that is empowered to take legal action for the benefit of the people under its guardianship. In Malay custom, the Sultan is the person who has the right to take care of the interests of minors related to their rights, if they do not have a guardian according to religion. Likewise, the Sultan becomes a guardian for women who will marry if they do not have a guardian according to religion.

*Second*, there is an acculturation custom of the Siak Malay society with Islamic teachings in building cultural infrastructure. Custom for the Malay-Siak society is not only a habitual provision of life, but also about their relationship with Islam which serves as the basis for their customary philosophy. According to them, the obedience to custom is a manifestation of obedience to their religion, namely Islam.

The combination of Malay-Siak and Islamic customs can be seen from the symbol worn by the Sultan. The symbol of the Siak Sultanate consists of two words of the name of the Prophet Muhammad, which are written in Arabic-Malay script which are in a circle of a crescent moon with a star in the middle, as well as a place to support the symbol. The position of Prophet Muhammad's writing is made overlapping or cupping so that the symbol of the Siak Sultanate is called "*Muhammad Bertangkup*". Thus above "*Muhammad Bertangkup*" is placed the crown of the Sultanate of Siak, while at the bottom, which supports the symbol there is a sentence that symbolizes the foundation of this sultanate which reads, "*al-Mustanjid bi-Allah*" which means "*who asks Allah's help*".<sup>50</sup>

The acculturation factor of Islamic law and custom in the marriage tradition of the Malay Siak society shows that there is no conflict between Islamic teachings and custom. Both of them do in a peaceful manner. Patience and tenderness are effective power in social interactions to build a peaceful society.<sup>51</sup> This situation fulfills two conditions, namely: *First*, custom is not contrary to the nash which explicitly establishes a legal provision. *Second*, that the custom is not in conflict with goodness. These two conditions have been fulfilled by custom before the implementation of marriage of the Siak Malay society. Islamic teachings have become an inseparable part of the daily life of the Siak Malay society, including in the Marriage Tradition.

<sup>50</sup> Yusmar Yusuf, "*Gaya Riau Sentuhan Fenomenologis Budaya Melayu Di Tengah Globalisasi*" (Pekanbaru: UNRI Press, 1996), 29.

<sup>51</sup> Mohd Roslan Mohd Nor and Issa Khan, "*Analysing The Conceptual Framework Of Religious Freedom And Interreligious Relationship In Islam*," *Indonesian Journal of Islam and Muslim Societies* 8, No.2 (2018): 327.

## CONCLUSION

The research on the relationship between Islamic law and custom in the wedding ceremony procession of the Siak Malay society could be known to three traditions, starting from before marriage, during marriage and after marriage. Before marriage, there are traditions of *Merisik*, *Antar Tanda* and *Belanja*. The *Merisik* tradition is a Malay term which has the intention of questioning the status of a woman so that it is known that other people have not proposed. *Antar Tanda* is delivering a set of signs that a woman has been proposed by a man. Meanwhile, *Antar Belanja*, namely the prospective groom and his family usher a sum of money for the wedding ceremony to the woman. Whereas in the marriage process, there is a tradition as follows: establishing a *Bangsai* is a place for guests to sit and enjoy the food provided by the host. *Berinau Curi* is a form of *tafaul* or wishing for goodness in order to avoid danger and be given the safety and success of the event. *Berandam* is a procession to decorate the bride and groom, which means that the bride and groom will have beautiful *dhohir* and great character. Adat after marriage, such as *Mandi Damai*, *Makan Nasi Damai*, and worshipping their parents. *Mandi Damai* and *Makan Nasi Damai* are a form of gratitude to Allah SWT for the success of the marriage ceremony by eating with its extended family from both sides. Meanwhile, worshipping both parents is kissing both parents as a form of gratitude for taking care and educating them from the womb till delivering to the aisle or marriage. The explanation of these traditions is clear that in Islamic law, it does not contradict with Islamic law. Each tradition has the substance of goodness based on the teachings of Islamic sharia, such as practicing Sunatullah, giving thanks to Allah, and spreading happiness by inviting the public to enjoy dishes from the host. In this regard, 'urf as long as it is good is allowed by Islamic sharia. This is in accordance with the teachings of the ancestors of the Siak Malay society, whose motto is "Adat bersendi Syara', Syara' bersendi Kitabullah."

The tradition of the marriage procession of the Siak Malay society cannot be separated from the role of the King in the Siak Indrapura Empire in the past. The position of the King as the Head of State as well as the protector of Islam, has the task to create sharia rules in marriage and it is combined with the traditions carried out by kings and aristocrats. So that, the marriage tradition has an effective role in promoting Islamic law which is combined with various traditions that are not against Islamic law.

In connection with the time, the tradition of the wedding procession as part of a tradition that was protected and enlivened by kings in the past, definitely, there are several traditions in the marriage procession that need to be used as material for further research, especially the tradition of *Antar Belanja* which is



determined in a certain amount. This is often related to the amount of *Antar Belanja* with high social status. If the prospective bride has a high social status in position, education or descent, it will have implications for the amount of antar belanja between the prospective groom.

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