

Research Article

The Contestation of the Malay Marriage in Kepulauan Riau Based on *Maqāṣid Sharīah* Perspective

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Abstract

This paper discusses the Malay marriage procession that must be followed by the Malay indigenous people in Kepulauan Riau, because there are moral sanctions if they do not follow applicable customary law. In this study, the problem is examined from the *maqāṣid sharīah* perspective. The research method used is a qualitative research method in the form of field research. While the nature of the research is descriptive-philosophical, the data sources divided into two, namely primary data sources and secondary data sources. In collecting data, the methods used are observation, interview, and documentation. The results of this study found that in *maqāṣid sharīah* perspective, the Malay marriage procession in Kepulauan Riau must be seen based on the level of urgency, namely *dharuriyyah*, *hajjiyyah* and *tahsiniyyah*. Through *maqāṣid sharīah* perspective, the Malay marriage procession in Kepulauan Riau is something that is characteristic as *tahsiniyyah*. This is because the Malay marriage procession in Kepulauan Riau only serves as a support for increasing a person's association in society and as a mere form of obedience.

Keywords

Contestation; malay marriage; custom laws; maqasid shariah

Introduction

As known, Islamic law is a component that cannot be separated from the lives of Muslims in every condition. With awareness, understanding, obedience and practice of Islamic teachings that are contextual in life, we can realize a peaceful, prosperous and happy life in the world and the hereafter. Even more deeply, the practice of Islamic law is an activity to develop Islamic law by taking into account, utilizing local customs, culture, arts and wisdom that do not conflict with Islamic teachings and must continue to be developed (Mu'alim, 2005).

As for the implementation of marriage, there are a series of ceremonies in which there are conditions and harmony that must be met. If referring to KHI as the legality of marriage law in Indonesia, to carry



out marriage must be fulfilled; 1) Prospective husband, 2) prospective wife, 3) marriage guardian, 4) two witnesses, and 5) *ijab-qabul* (Harahap, 1999). Whereas in sharia (Islamic law), marriage is said to be valid if the terms and harmony are met, such as; 1) Both brides, 2) *sighat* contract, 3) *mahar*, 4) two witnesses, and 5) guardians of the prospective wife (Mughtar, 1993).

In Malay marriages, there are provisions and regulations in the marriage procession. According to the Malay customary law in Kepulauan Riau, there are several processions in general, namely; (a) *merisik*, (b) *menyampaikan hajat*, (c) *peminangan*, (d) *menghantar belanja*, (e) *berinai*, (f) *tepuk tepung tawar*, (e) and *pelepasan* (Agustin, 2020).

The traditional stages of marriage absolutely must be followed by the Malay indigenous people of the Kepulauan Riau, because there are moral sanctions if someone does not follow the applicable customary law (Aisyah et al., 2023). The complexity in these problems often diverts the value of the relationship between custom and religion, especially Islam within the scope of sharia. Departing from thoughts that often justify legality in a rite, of course this will have implications for doubts in its implementation. Furthermore, from an academic point of view, this is certainly a challenge to answer all kinds of problems that occur in society (Saputri et al., 2023).

Islam always accommodates and assimilates the customs that occur in the local community where Islamic law prevails, practiced inside the level of community life. In this perspective, it is believed that religion is an embodiment of the cultural system. Even though the Muslim community, in the view of the cultural linkages to Islamic law, actually it has different ideas. This is marked by the various arguments by contemporary and orientalist Islamic law thinkers. So that it will become a diversity (*khazanah*) of Islamic thought products. Some of the agreements in the basics of sharia are evidence that Islamic jurists are trying and trying to bring together the relationship between sharia and tradition (Djamil, 2017).

For the people, the position of Malay marriage procession in Kepulauan Riau is as the organizer and director in the social life of the community. Customary law for Kepulauan Riau peoples is something that must be implemented. Although it is an unwritten law, customary law is considered a way of life (philosophy of life) for the Malay community in Kepulauan Riau (interview, 2023). Related to customary law as a guideline for the Malay peoples in Kepulauan Riau, the traditional marriage procession absolutely must be followed by the Malay people in Kepulauan Riau, because there are moral sanctions if someone does not follow the applicable customary law (interview, 2023). The problem is for Muslim, of course this can be seen from *maqāṣid sharīah* perspective.

Imam Shatibi (1999) explained that customary factors and social practices influence the understanding of sharia norms. Imam Shatibi deduced that sharia is based on benefit, which is differentiated into benefit that is *daruriyyah* (primer), *hajiyyah* (sekunder), dan *tahsiniyyah* (tersier) wrapped in *maqāṣid sharīah*. For Imam Shatibi, the benefits in the first pattern are universal and recognized by all nations and religions. Benefits in the second pattern are laws and social practices synergized into sharia, with due regard to the public good. Meanwhile, the third pattern in benefit is law which consists of elements of direct social practice, such as decency, cultural norms and other customs. According to Imam Shatibi, sharia adopts these elements, because it is considered to reflect the appropriateness and cultural options in a social order (Djamaluddin, 2015).

There have been many previous studies that have discussed about marriage and customs, including studies that have discussed this *maqāṣid sharīah* approach, research conducted by Ibrahim et al. (2019) with titles *Elemen Perbelanjaan dalam Perkahwinan Melayu: Tinjauan Hukum dari Perspektif Fiqh Kontemporari*. This research examines the elements of expenses in Malay marriages in Malaysia. This study found that Islam does not prohibit the existence of an element of marriage expenses, but must be



moderate and not burdensome. Meanwhile with international research related to marriage and customs, such as Bazarkulova & Compton (2020), and Yulianto et al. (2022). Then more specialized research on *maqāṣid sharīah* such as research by Humairah (2020) and research by Harisudin & Choriri (2021). Several studies have been discussed before, but at present there is no research that specifically examines the contestation of Malay Archipelago traditional marriages in terms of *maqāṣid sharīah*. From the background of the importance of the Malay marriage procession in Kepulauan Riau and considering from previous research, this issue deserves to be raised into a study.

Method

This research is categorized into the type of qualitative research (Ary, 2002). The reason is because the problems in this research are dynamic, holistic, and phenomenological in nature. The form of this research is field research (Azwar, 2014), namely research conducted by going directly to the research location to obtain data and information related to research, the data obtained from tracing data materials in the field (Poerwandari, 2013). The nature of this research is descriptive-philosophical (Nawawi, 2012), where research is directed to describe and analyze philosophically about the contestation of Islamic law and customary law in the practice of Malay traditional marriages in the Kepulauan Riau (Mukhtasar, 2013).

Data sources in this study were divided into two, namely primary data sources and secondary data sources. Primary data sources are data obtained directly from respondents in the form of interview results. Meanwhile, secondary data sources are obtained from reading the literature relating to this study (Sugiyono, 2012). In collecting empirical data, the methods used are: a) observation, b) interview, c) documentary. The technique in data analysis used in this study is qualitative data analysis following the concept given by Huberman & Miles (2013), namely: 1) data reduction, 2) data presentation, 3) conclusion and verification.

Results and Discussion

Marriage in Various Perspectives

According to the sharia, marriage is a contract that contains the permissibility of having fun, or it can also be interpreted that marriage is a contract that has been stipulated by the sharia and functions to give ownership rights to men specifically so that other men may not have women who he had married (Zuhailiy, 2017). In the Compilation of Islamic Law (KHI), the definition of marriage and its purpose are stated in articles 2 and 3. Article 2 reads: “*Marriage according to Islamic law is marriage, namely a very strong contract to obey Allah SWT's commands and carrying it out is worship*”. Article 3 reads: “*Marriage aims to create a household life that is sakinah, mawaddah, warahmah*”.

Broadly speaking, there are two conditions for a valid marriage, namely: 1) the man and woman are legal to marry, meaning that the two prospective brides are people who are not illegal to marry, either because it is illegal temporarily or permanently. 2) the marriage contract is attended by witnesses (Yunus et al., 2020). In detail, each of these conditions, in Islamic law, must be fulfilled by the prospective husband and candidate wife and has been determined based on the *ijtihad* of the scholars. As for the pillars of marriage, the majority of scholars agree that the pillars of marriage consist of; 1) there are prospective husbands and wives who will carry out the marriage, 2) a guardian from the side of the female candidate, 3) there are two witnesses, 4) *sighat* and *akad*, namely *ijab-qabul* uttered by the guardian or his representative from the woman's side, and answered by the groom-to-be (Saebani, 2010).

According to Law No. 1 of 1974 article 1 states that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family



(household) based on belief in One Almighty God. Law No. 1 of 1974 as the Marriage Law in Indonesia, views that marriage is not only seen from a purely formal aspect, but is also seen from a religious and social aspect. The religious aspect determines the validity of the marriage, while the formal aspect concerns the administrative aspects, namely registration at the KUA and civil registration. In the conception of western civil law, marriage is seen in civil law only. The law only recognizes “civil marriages”, namely marriages that take place in the presence of a civil registry employee (Djun’astuti et al., 2022).

Meanwhile, according to Law Number 1 of 1974 concerning marriage which discusses the conditions for marriage, it is stated in article 6 and article 7. In article 6, the conditions for marriage are; 1) marriage must be based on the consent of the two prospective bride and groom; 2) to enter into a marriage, a person who has not reached the age of 21 (twenty one) years must obtain permission from both parents; 3) in the event that one of the parents has passed away or is unable to express his will, it is sufficient for the permission referred to in paragraph (2) of this article to be obtained from the parent who is still alive or from the parent who is able to express his will; 4) in the event that both parents have passed away or are unable to express their will, permission is obtained from the guardian, caregiver or family member who has blood relations in a straight line as long as they are still alive and in a condition able to express their will; 5) in the event that there is a difference of opinion between the people referred to in paragraphs (2), (3) and (4) of this article, or one or more of them does not express his opinion, the Court in the jurisdiction where he resides a person who is going to enter into a marriage at the request of that person can give permission after first hearing the said people in paragraphs (2), (3) and (4) of this article; 6) The provisions referred to in paragraph (1) to paragraph (5) of this article apply as long as the law of each religion and the belief of the person concerned does not specify otherwise (Saiin et al., 2023).

In addition, in customary law, marriage is a custom or behavior of indigenous peoples in carrying out a marriage ceremony which is then made into a positive law that is unwritten and only applies in certain communities and has sanctions in it. In indigenous peoples, marriage is part of a sacred event so that in its implementation there must be the involvement of ancestral spirits to be asked for prayers. Customary law itself is a law that has become a habit of the community which becomes the daily behavior of one another and there are sanctions in it, usually moral (Manullang, 2021).

In marriage, customary law in Indonesia generally means not only a civil engagement, but also a “traditional engagement” and at the same time constitutes a kinship and kinship agreement. So, the occurrence of a marriage bond does not merely have an impact on civil relations, such as the rights and obligations of the husband wife, property together with the position of the child, the rights and obligations of the parents, but also regarding the relations of customs, family inheritance, and kinship and neighbors as well as regarding traditional and religious ceremonies. This also applies to the obligation to comply with religious orders and prohibitions, both in human relations with Allah (*ibadah*) and human-human relations (*muamalah*) in social life so that they are safe in this world and in the hereafter (Suryawati & Syaputri, 2021).

Custom Terminology and Customary Law

Custom is a habit that grows and is formed from a community or area that is considered to have value and is upheld and obeyed by its supporting community (Setiady, 2019). In another sense, custom has been carried out for a long time and has become part of the life of a group of people from the same country, culture, time or religion. Custom applies from generation to generation, either through oral information in the form of stories, written information in the form of ancient books and or something contained in the records of inscriptions (Jumianti, 2016). Therefore, the custom is the most important element that gives identity to the nation concerned (Purnama, 2021).



Custom is also called tradition, which is equally an inseparable part of every human life. This closeness makes the two mutually influence the character and personality of a person in the area. In fact, tradition can sometimes occupy an equal position with spiritual rituals or religious teachings. It is well known that a society considers a tradition to be an essential part of the religion it has entered into order community life. This is because traditions, rituals and religious teachings have something in common that were both taught by our ancestors which were passed down with the intention of teaching or giving good and useful instructions for human life (Yuni et al., 2021).

Meanwhile, customary law is the values that live and develop in the community of a region as a rule of human habits in social life. Although most of the customary law is not written, it has a strong binding power in society. There are separate sanctions from the community if they violate the rules of customary law. Therefore, what must be maintained is the balance of community life. If the balance is disturbed, community legal officers must try to restore the balance. Society as a whole has always been the subject of his concern. This means that in customary law human life is always seen in the form of a group, as a unified whole, so that one day their lives will become a happy family (Fahmi, 2019).

The application of customary law in everyday life is also often applied by the community, especially by customary institutions related to *syara'*. So that customary law is closely related to Islamic law, because customary law is original Indonesian law which is not contained in the form of legislation and there contains elements of religion (Siregar, 2019). Even for judge when he is facing a case and he cannot find it in written law, he should find the law in the rules that live in society. This means that the judge must also understand the customary law (Khusairi & Mandala, 2022).

The Islamic conception is very clear in dealing with custom, the principle is that the custom does not conflict with the law, please continue, but if opposite with sharia, then it must be stopped. As the rules of jurisprudence say (Zahrah, 1999):

العادة محكمة

"Adat (tradition) can become law".

The meaning of this rule is that a traditional custom, both general and specific, can become a sharia (*hujjah*) especially by a person judge in court, as long as there is no evidence or no text that specifically prohibits this custom has been found. For example, a textual argument is found, but this argument is too general, so it does not break a custom.

In order for customary law to be effective in society, when forming laws, people's representatives who sit in the legislature must be able to explore and must accommodate legal awareness that lives in society. Community legal awareness that has been formalized in law can be used as a basis for maintaining order and harmony in people's lives (Soekanto, 1982). Furthermore, the role of judges as legal inventors is also very important to pay attention to legal awareness that lives in society as a legal consideration in deciding a dispute. Thus, jurisprudence is a source of legal recognition that lives in society and can be used as a basis for resolving the same dispute.

Review about *Maqāṣid Sharīah*

Maqāṣid sharīah is the intent or purpose behind the provisions of Islamic law or with language that simply is the meaning and purpose of the law. The purpose of the law is for the happiness of human life in this world and the hereafter, by taking what is beneficial and preventing or rejecting what is harmful. In other words, the purpose of legalization is to achieve the benefit of human life, both spiritual and physical (Musolli, 2018). The gist of *maqāṣid sharīah* is to realize goodness while avoiding evil, or to gain benefits and reject harm or in other words is to achieve benefits because the purpose of establishing law in Islam is to create benefits in order to maintain *syara'* goals (Djamil, 2017).



In the eyes of the Imam Shatibi (1999), Allah sent down the sharia (rule of law) aiming to create benefit and avoid harm, both in this world and in the hereafter. The rules in the sharia are not made for sharia itself, but made for the purpose of benefit. In easier language, the legal rules that Allah determines are only for the benefit of man himself. Imam Shatibi then divided *maqāṣid* in three gradations of benefit levels; *dharuriyyah* (primer), *hajiyyah* (sekunder) dan *tahsiniyyah* (tersier) (Djamaluddin, 2015).

On the level *dharuriyyah*, there are five benefits, namely maintaining religion (*hifdz al-Din*), taking care of the soul (*hifdz al-Nafs*), keeping sense (*hifdz al-'Aql*), taking care of offspring (*hifdz al-Nasl*) and take care of property (*hifdz al-Mal*) (Djazuli, 2005). While at the level *hajiyyah*, not maintained this need does not threaten the five basic human needs. In dealing with these difficulties, the sharia provides relief or *rukhsah*, namely a law that teaches sincerity and ease of heart in doing so without any coercion or being overly burdened, so that one is more able to carry out that law. Meanwhile, on the tires *tahsiniyyah*, maintaining complementary benefits so that humans are more comfortable and relieved in carrying out sharia. Even if necessary *hajiyyah* this was not implemented, certainly not to cause difficulties and narrowness. Benefit *tahsiniyyah* this is only complementary, as Imam Shatibi reveal, this is actually only looking at propriety in custom, keeping away things that are not in line or not good or considered *muru'ah* according to human customs and habits according to the place and situation (Farih, 2008).

Therefore, *maqāṣid sharīah* means the purpose of Allah and Rasulullah in formulating Islamic law. This can be found in the revelations of Allah and the Sunnah Rasulullah. In fact, this formulation is a logical and philosophical theory of Islamic law that leads to the benefit of mankind (April & Saiin, 2021). Then got taken conclusion, every law of God that always associated with *maqāṣid sharīah* is a very urgent and important thing. So the result of *ijtihad* and fatwas which are legal products are not contradictory advice and human desires as executors of the law (Rifqi & Thahir, 2019).

The Malay Marriage in Kepulauan Riau Based on *Maqāṣid Sharīah* Perspective

As mentioned earlier for Malay marriage, there are provisions and regulations in the marriage procession (interview, 2023). According to the Malay customary law in Kepulauan Riau, in general there are several processions, namely; (a) *merisik*, (b) *menyampaikan hajat*, (c) *peminangan*, (d) *menghantar belanja*, (e) *berinai*, (f) *tepuak tepung tawar*, (e) and *pelepasan* (Qurniadi, 2013).

To analyze the Malay marriage procession based on *maqāṣid sharīah* perspective, a special barometer to see the Malay marriage procession in Kepulauan Riau. In this case, the results of the study state that the Malay marriage procession in Kepulauan Riau can be based on five elements *sharia* or so-called *al-kulliyah al-khamsah* (5 complete aspects) of Imam Shatibi's formulation to evaluate the Malay marriage in Kepulauan Riau, namely *Hifdz Al-Din* (preserving religion), *Hifdz An-Nafs* (nurture the soul), *Hifdz Al-'Aql* (preserving reason), *Hifdz An-Nasab* (preserving offspring), *Hifdz Al-Maal* (maintain property) (Tamrin, 2010). The fifth sequence can change according to the level *maqāṣid sharīah* in answering the problems that occur in the Malay community in Kepulauan Riau (Yazid, 2019).

As mentioned earlier, the Malay marriage procession in Kepulauan Riau begins with *merisik*. *Merisik's* purpose is to see potential partners who will be used as life companions. In this *merisik* procession, there are three benefits contained in it, namely keeping the religion (*hifdz al-Din*), taking care of the soul (*hifdz al-Nafs*), and taking care of offspring (*hifdz al-Nasl*) (Musolli, 2018).

Benefits of maintaining religion (*hifdz al-Din*) in *merisik*, in accordance with Rasulullah SAW said in his hadith, that the most important thing to be observed of the many things in a person who wants to be married is his religion, that is his obedience to Allah SWT and the character of a person's personality



(Hasibuan et al., 2022). As for hadith The Messenger of Allah who conveyed that is the sound of the hadith below:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: تَتَّخِذُ الْمَرْأَةُ لِأَرْبَعٍ: لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا، فَمَا ظَفَرَ بِذَاتِ الدِّينِ، تَرَبَّتْ يَدَاكَ

From Abi Hurairah, he said, the Prophet Muhammad said: Women are married for four reasons, namely wealth, lineage glory, beauty, and religion, choose a woman who is obedient to her religion, and then you will be happy (lucky) (HR Al-Bukhari, 7/7).

It can be ascertained that if the married woman maintains her religion, her obedience to Allah SWT will also be maintained. A wife who has obeyed God, of course her morals are awake, able to take care of herself and her family (Thobroni, 2019). As the word of Allah SWT mentions this:

فَالصَّالِحَاتُ قَنِبَاتٌ حَافِظَاتٌ لَلْغَيْبِ بِمَا حَفِظَ اللَّهُ

"...That's why righteous women are those who obey God and take care of themselves when their husbands are not around, because God has taken care of (them) (Q.S. An-Nisa'/4: 34)

The aspects that are reviewed in *merisik* procession in the Malay community are related to the personality of women, including the modesty of their behaviour and language (interview, 2023).

The benefits of taking care of the soul (*hifdz al-Nafs*) on the *merisik* procession, which when *merisik* also pays attention to the way she speaks. For example, how she serves food and drinks to guests. Aspects related to how she cleans herself, such as dressing and decorating also need to be observed to assess whether the girl has a good personality or not (Yahya, 2017).

As for the benefit of protecting offspring (*hifzhu al-Nasl*) in *merisik*, it is known that in order to get a good offspring, it is taught to see someone who will become a wife or husband. One of the main goals in marriage is to have offspring. For this reason, good offspring are obtained from a good person, so *merisik* in the Malay tradition teaches to see the candidate who will be a life partner and who will give offspring (Putri & Gutama, 2018).

Next is the *menyampaikan hajat* procession. *Menyampaikan hajat* is a man's job to inform the parents of the woman he wants to marry. The *menyampaikan hajat* procession is in line with *maqāsid sharīah*, namely for the benefit of protecting the soul (*hifdz al-Nafs*). The *menyampaikan hajat* procession will guarantee someone the desired intentions and goals, moreover the goal is good, namely to get married (April & Saiin, 2021).

The next event is to *peminangan*. *Peminangan* in Malay marriage procession is also in line with *maqāsid sharīah*. *Peminangan* or in Islam is called *khitbah* is the gateway to marriage, while marriage is a religious order. The benefit is to keep religion (*hifdz al-Din*) and take care of the soul (*hifdz al-Nafs*). It is called keeping religion (*hifdz al-Din*) because in Islam, *peminangan* or *khitbah* is sunnah, recommended by the Rasulullah. So, carrying out the commands of Allah and Rasulullah is the same as keeping the religion of Allah. It is called taking care of the soul (*hifdz al-Nafs*), because in *peminangan*, it means that it is very likely that the woman who is proposed to marry the man who asked for her hand. In a traditional Malay marriage, a woman who has been proposed to is not allowed to be proposed to by another person. Even though there is no guarantee, the woman will protect herself from men who have bad intentions for her (Awaliyah & Darmalaksana, 2020).

The next procession is the *menghantar belanja*. In Malay marriages, *menghantar belanja* is also called giving *uang hangus*. *Uang hangus* is giving assistance without asking for anything in return to the woman's family who will prepare all the marriage events, including receptions which require a lot of



money (Surtina, 2014). Providing assistance in the form of money without being asked for compensation is a noble matter, and this is in line with *maqāṣid sharīah*. The benefit is to protect property (*hifzhu al-Mal*). If the matter of costs is done together, it will feel light. The existence of 'uang hangus' indicates that the family of the man and the family of the woman have the same views, a common will, there is mutual help (*ta'awun*). In Islam, the teachings of helping each other are highly prioritized, let alone helping fellow families in facilitating the implementation of marriages (J. Nasution, 2022).

Then the next procession is the *berinai*. According to the Malay community in Kepulauan Riau, *berinai* is a sign or symbol of commitment for the bride and groom (male and female) to end their single life, and start a new life in the household. For that reason, the *berinai* leaves on the bride are the same as the henna leaves on the bride her son. Therefore, to indicate that someone (a man and a woman) is newly married, the sign by looking at the henna on his fingernails means that he is already married (no single anymore) (Armiyani et al., 2023). This of course has benefits, as protecting the soul (*hifdz al-Nafs*). Guarding the soul means keeping oneself from slander and prejudice. When the marriage couple walks together, people will not think badly of them, because they already know from the henna on their nails that they are husband and wife newly married (Erwany et al., 2016).

Next is the *tepuk tepung tawar* procession. The *tepuk tepung tawar* in a traditional Malay marriage is a symbol of prayer to Allah SWT through a series of processions mixed in certain ingredients (A. G. J. Nasution et al., 2023). Like water, according to Malay society, water symbolizes coolness. With Splashing water to the bride and groom, it is hoped that they will have peace, coolness in running the household down to their children and grandchildren. Then *pulut* rice, which is rice that has been pounded to become clean, fragrant, and white in color. This is a symbol of prayer so that the bride and groom will have clean, pure hearts like the whiteness of pounded glutinous rice (Huda & Izzati, 2022). Of course, this *tepuk tepung tawar* procession, if the goal is prayer and hope, then it is based on that *maqāṣid sharīah*, pat plain flour guarding the four benefits, namely protecting the soul (*hifdz al-Nafs*), keeping sense (*hifdz al-Aqal*), taking care of offspring (*hifdz al-Nasl*) and take care of property (*hifdz al-Mal*). Islam also teaches that people should always pray to Allah, so that Allah will always take care of their lives (Batubara et al., 2022).

The final procession is *pelepasan*. In the Malay marriage, this event is held to release the groom from his own family and be escorted to become part of the bride's family (Agustin, 2020). This is of course in accordance with *maqāṣid sharīah*. The benefit caused is keeping the religion (*hifdz al-Din*). When the groom is released properly, then the bride's family accepts him well, of course the religion of these two families will be well maintained, because there is a sense of responsibility which must be applied on the basis of carrying out religious orders (Farih, 2008).

Besides keeping religion (*hifdz al-Din*), the resulting benefits also take care of the soul (*hifdz al-Nafs*). This event is usually filled with advice to the bride and groom. Giving advice is an Islamic teaching, in a narrow situation as well as in a field situation. When advice is conveyed and well received by both partner bride and groom, then take care of themselves and their families later in accordance with the advice that has been conveyed (Astuti et al., 2020).

As it is known, *maqāṣid sharīah* is a guideline *ijtihad* which is the basic in producing *sharia* that can adapt to the conditions of this modern society. In other words, the main goal of Islamic law is to maintain every rule that applies to humans and to create benefits that do not stop at this time, but will continue at any time. So, the determination of each *sharia* must be in accordance with *maqāṣid sharīah* which will be the main entrance in reaching the same point of view for every mujtahid. Therefore, *maqāṣid sharīah* means the purpose of Allah and Rasulullah in formulating laws in *sharia*. This can be found in Allah's revelation and the Sunnah of Rasulullah. In fact, this formulation is a logical and



philosophical theory of Islamic law which leads to the benefit of humanity. So it can be concluded that every law of Allah is always linked to *maqāṣid sharīah*, which is very urgent and important, so that every result of *ijihad* and *fatwa* which is a legal product does not conflict with the benefits and desires of humans as implementers of these laws. (Djamil, 2017).

In addition to being based on five elements *sharia* or *Al Kulliyah Al Khamsah*, can also be seen based on the level of urgency; yaitu *dharuriyyah*, *hajjiyyah* dan *tahsiniyyah*. The procession of the Kepulauan Riau Malay traditional marriage in stages *dharuriyyah*, namely to realize the care of needs that are essential (basic) for human life. The essential needs include religion, soul, mind, lineage and property. The five of them must be guarded in order to avoid destruction, damage and destruction in human life both in this world and in the hereafter. *Dharuriyyah* is also the most important requirement compared to the other two problems *hajjiyyah* and *tahsiniyyah* (Purwanto, 2018).

The Malay marriage in levels *hajjiyyah* means to realize a better human life that can prevent humans from life's difficulties, the intention is to carry out the Malay marriage procession, so that it will not result in destruction for the life of Malayan in Kepulauan Riau as not fulfilling their *dharuriyyah*, but only leads to trouble and hardship. The Malay marriage in levels *tahsiniyyah*, intended to support the improvement of a person in his association in society and in the presence of Allah SWT to the extent of fairness and as a mere form of obedience. Level related matters *tahsiniyyah* namely the achievement of noble character and good customs (Sibawaihi & Baharun, 2017).

In connection with the regulation of the Malay marriage processions in Kepulauan Riau, this becomes a support for increasing a person's association in society and as a mere form of obedience. This assumption occurs because the Malay people in Kepulauan Riau view marriage as an act that is considered sacred, religious and high value, but not in every process. So, the marriage according to Malay custom, based on *maqāṣid sharīah* perspective, is a form of concern for marriage at the level *tahsiniyyah*. The reason is because Malay marriage processions are not seen as something important and do not bring difficulties and hardships, meaning they do not reach the level of *hajjiyyah*, nor the level of *dharuriyyah*. It is with the spirit contained in the spirit of *maqāṣid sharīah* that we are then able to value goodness in a tradition and show it to others (Surtina, 2014).

Islam as an ideology cannot be separated from the life of the Malayan in Kepulauan Riau. This condition is reflected in the behavior and outlook on life of the Malayan who adhere to Islamic principles and values in life (Sazili & Milla, 2021). *Islami* have become the soul in various forms of social behavior and customs of the Malay community. Likewise with the philosophy or way of life the Malay community known as " *adat is based in syara', syara' is based on the kitabullah*". This explains that the customary law of the Malay community is based on *syara'* which originates from the al-Qur'an and the al-Hadith Rasulullah (Zelfeni, 2016). In particular, the traditional marriage procession is full of Islamic values.

Conclusion

The Malay marriage procession is done in general. There are several processions, namely; (a) *merisik*, (b) *menyampaikan hajat*, (c) *peminangan*, (d) *menghantar belanja*, (e) *berinai*, (f) *tepuk tepung tawar*, (e) and *pelepasan*.

The fact of *maqāṣid sharīah* is to create benefits for mankind in this world and in the hereafter. As it is known in the level of *sharia*, there are five main things that must be preserved as the purpose of making *sharia*, which are called *Al-Kulliyah Al-Khamsah*, that is *Hifdz Ad-Din* (preserving religion), *Hifdz An-Nafs* (nurture the soul), *Hifdz Al-'Aql* (preserving reason), *Hifdz An-Nasab* (preserving offspring), *Hifdz Al-Maal* (maintaining property). As for the traditional Malay marriage in the



Kepulauan Riau, it is carried out with the aim of maintaining the five objectives of the shari'a, but not all of the processions are fulfilled. In *maqāsid sharīah* perspective, the Malay marriage procession in Kepulauan Riau must be seen based on the level of urgency, namely *dharuriyyah*, *hajjiyyah* and *tahsiniyyah*. If viewed through *maqāsid sharīah* perspective, the Malay marriage procession in Kepulauan Riau is something that is characteristic *tahsiniyyah*. This is because the Malay marriage procession in Kepulauan Riau only serves as a support for increasing a person in society and as a mere form of obedience.

In addition, it is known that there are also some traditions in the Malay marriage in Kepulauan Riau that was still implemented before, but now it is no longer implemented because several factors, such as; social changes, changes in understanding of religious life, developments in technology and science, conditions of community work activities, and other factors.

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