

## Customs Of Wages in the Implementation of Marriages for the Community of Tanjungbalai City According to the Perspective of Islamic Law

Khairunnisa Siregar<sup>1</sup> Khairul Fahmi Simangunsong<sup>2</sup>

<sup>1</sup>Yogyakarta State University

<sup>2</sup>Pascasarjana State Islamic University of North Sumatra

E-mail: [khairunnisasiregar.2021@student.uny.ac.id](mailto:khairunnisasiregar.2021@student.uny.ac.id) [simangunsongkhairulfahmi0@gmail.com](mailto:simangunsongkhairulfahmi0@gmail.com)

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<p><b>Article History</b>            Received : 2018-09-03            Revised: 2018-09-11            Published: 2018-09-29</p> <p><b>Keywords:</b>  <i>Wages, Traditional Marriage, Islamic Law</i></p>	<p>The purpose of this research is to know how wages are in marriage tradition on society of Tanjungbalai citizens, the value, and the answers of ulama on wage-upah tradition. This research uses the qualitative method. This research is in Tanjungbalai. The data collecting technique uses documentation, interviews and observation. Data analysis technique uses theme and formulate working hypothesis and analyze based on working hypothesis. Data source uses primary source and secondary source. The results of research show that the action of wages in marriage tradition on citizens of Tanjungbalai was carried out through several steps, they are; peace be upon on tahmid, tasykir and takhtim speech (first), peace be upon using shalawat on Muhammad SAW (second) the value in wage-upah is suggestion to couple marriage to keep strong unity in the family, keep namely of family beyond on the couple marriage, keep namely of neighbors, brothers and the group community around, wage-upah has closed of worship to the God (Allah SWT), and has normative values and local wisdom value. According to Ulama of Fikih about wage-upah has been divided into two ideas, according to Hanafi Fikih, many laws based on traditional culture, because many expressions common by al-Ma'ruf 'urf ka al-Masyruth Syarthán, wa al-Tsabit bil 'urf ka al-Tsabit bi al-Nash (well done based on tradition similar to the value with conditions must be filled and well done on tradition with the value on nash. This is called by qawlun qodím. Besides of Hanafi fiqh, (Shafi'iyah, Hanbali and Maliki schools) all Ulama decided together that 'urf ṣaḥīḥ (in Qawlun Jadid) can be formed by hujjah along it's never be contradicted with syara' Ulama Malikiyah was familiar because of their statement that Ulama Madinah can be formed into Hujjah, and this is based on culture (norm tradition), as is culture done by citizen of Tanjungbalai in marriage using wages.</p>

### I. INTRODUCTION

Customs or traditional practices/habits, especially 'upah-upah' in the city of Tanjungbalai, there are 5 values contained in the traditional wedding ceremony, as written below;

- a. Value of advice. Advice is specifically given to people who are paid wages, apart from that, the guests at the 'upah-upah' ceremony who heard the advice also felt the impact of the advice from the words 'upah-upah'.
- b. The value of prayer. The word 'upah-upah' is combined with prayer to Allah SWT. The prayer contains requests for health, safety,

happiness and glory for those who are paid, their families and invited guests.

- c. Strengthening the ties of kinship. The preparation and procession of the 'upah-upah' ceremony, along with the meaning of maintaining friendship with family members and the community, meetings, mutual cooperation, praying together, eating together, and certain social interactions will foster a strong sense of brotherhood among the community.
- d. Cultivating gratitude. Muslims are advised to always remember Allah SWT. and being

grateful for the blessings that have been bestowed upon us also contains the meaning of cultivating gratitude, remembrance and trust in Allah SWT.

- e. Return and elaboration of spirit. 'Wages' are useful and can be understood as suggestions or spiritual encouragement to the morals of a person or group of people, the impact will be seen if the participants truly understand, appreciate, and feel part of these 'wages' so that they give birth to enthusiasm in the shade of life.

The customs that take place among the Tanjungbalai residents are customs that do not conflict with Islamic law, however the form of practice (marriage itself) that is contained or included in these values is a topic for discussion as to whether it is in accordance with Islamic teachings or not, this is reinforced by Islamic jurists Abdul Wahab Khalaf and al-Jurani, who stated that customs or 'urf are;

Al-'urf is something that is known to many people and practiced by them, whether in the form of words, deeds, or something left out. This is also called al-'adah. In the language of Sharia scholars, there is no difference between al-'urf and al-'adah (Wahab Khallaf, 2001).

Meanwhile, according to the opinion of al-Jurani as quoted by Muhlish Usma, al-'adah is;

Al-'adah is something (action or word) that is continuously done by humans, because it can be accepted by reason, and humans repeat it continuously.

The basic essence of the background to the problem above is that the implementation of customs at marriage for the Tanjungbalai community is;

- a. Wages for the Tanjungbalai community are a cultural heritage that is legally obligatory. Obligatory law, in this case, refers to its social obligation, not its obligatory nature in religious, Islamic, or other Islamic studies.

- b. The validity of marriage wages for the Tanjungbalai community is a cultural heritage that must be preserved and developed to maintain the moral values of traditional culture.
- c. The form of treatment of wages for the Tanjungbalai community purely maintains the values of ancestral heritage, this maintains the Malay ethnic culture from the time it first entered the Tanjungbalai area.
- d. Wages for the Tanjungbalai community have five values, namely; a) the value of prayer, b) the value of advice, c) the value of friendship, d) the value of gratitude, and e) the value of motivation.
- e. Wages for the Tanjungbalai community are considered not to be in conflict with Islamic values such as heresy, deviant sects, new teachings, or other forms of conflict.

Based on the core problem above, it can be seen from an Islamic legal perspective that this is a form of al-'urf, or in its study is habits that a person does, whether in the form of verbal (words) or behavioral habits.

The implementation of the upah-upah for Tanjungbalai residents is a cultural heritage that cannot be abandoned. Even for native Tanjungbalai residents, even though they live outside Tanjungbalai, they still carry out the upah-upah. This is a legacy from their ancestors. In order to maintain these inherited values, this practice serves as an example for other family members. The forms or impacts that arise for Tanjungbalai residents who do not carry out the upah-upah marriage have an impact on:

- a. The isolation of family members, this has an impact on family rifts, while the impact on social and community rifts does not occur, because the implementation of these wages only affects the harmony of customs and culture within the family.
- b. The lack of harmony between families who carry out customary marriages and those

who carry out marriages without customary marriages (upah-upah), this also has an impact on the psychological aspects of the family (between families who carry out gaji-upah and families who do not carry out gaji-upah).

Based on the two negative impacts above, and based on the researcher's initial study, the researcher found that the sanctions given to families who do not carry out customs in the form of wages are;

- a. Families who do not carry out customs in the form of wages are subject to sanctions in the form of ostracism within the family itself, meaning that it is not a civil or criminal sanction, the sanctions given are non-civil and non-criminal sanctions, meaning sanctions that are more identified with the aspect of harmonious relations between the families themselves.
- b. The attitude of indifference towards families who do not pay wages has an impact on the breakdown of family relationships in terms of harmony and psychology between the families themselves.

The scholars (four schools of thought) agree that 'urf ṣaḥīḥ (customs in the form of wages) can be used as evidence as long as it does not conflict with the sharia'. The Malikiyah ulama are famous for their statement that the Medina ulama can be used as hujjah, likewise the Hanafiyah ulama stated that the opinion of the Kuffah ulama can be used as a basis for evidence. Imam Shafi'i is famous for his qaul qadīm and qaul Jadid.

To make this research as a research based on a social approach, the researcher (thesis writer) uses several kinds of 'urf, which will later become a comparative study whether the marriage customs using 'upah-upah' fall into the category of 'urf Qauli or 'urf 'amali, 'urf ṣaḥīḥ and 'urf Fāsīd, or 'urf āmm and 'urf khās. Therefore, in terms of its nature, 'Urf Qauli is 'urf in the form of words, such as the word walād, according to language means

children, including boys and girls, but in everyday conversation it is usually interpreted as boys only, while 'Urf 'Amali is 'urf in the form of actions, such as buying and selling in society without saying sighāt of the buying and selling agreement, even though according to sharia, sighāt buying and selling is one of the pillars of buying and selling. However, because it has become customary in society to conduct transactions without a sighāt and no undesirable events occur, the sharia permits it. Judging from the validity of the acceptance or non-acceptance of 'urf, 'urf is divided into two, namely; 'urf ṣaḥīḥ and 'urf Fāsīd.

'Urf ṣaḥīḥ It is a good and acceptable custom because it does not conflict with sharia. In other words, it is a custom that does not change the forbidden provisions into halal ones, or even vice versa. Such as holding an engagement before carrying out a marriage contract, which is considered good and has become a custom in society and does not conflict with sharia, while 'Urf Fāsīd' is a bad and unacceptable custom because it conflicts with sharia. And the scholars also agree that this custom cannot be a legal basis, and the custom is null and void. Like the custom of making offerings to a statue or a place that is considered sacred, this is unacceptable because it is contrary to the teachings of Tawhid recommended by Islam.

Based on the background above, and based on the five values above, the marriage ceremony by carrying out 'upah-upah' is part of the traditional heritage of the people of Tanjungbalai City, and this has become a classic heritage brought from their ancestors during the colonial period, namely during the Dutch colonial period in 1945 until now. 5 And based on the two impacts and the two sanctions given by the family to families who do not implementing wages has an impact on the harmony and psychology of the family itself.

## II. RESEARCH METHODS

This study uses a qualitative research method

with an empirical juridical approach to examine the implementation of the *upah-upah* tradition in marriage customs among the people of Tanjungbalai City. Data were collected through interviews with traditional leaders, religious figures, community leaders, and residents who have practiced the tradition. In addition, documentation and literature studies were conducted to analyze customary values, Islamic legal perspectives (*al-'urf*), and social meanings contained in the *upah-upah* tradition. The data were analyzed descriptively to understand the relationship between local culture, religion, and community life.

### III. RESULTS AND DISCUSSION

#### A. The Form of Implementation Of 'Wages' in the Marriage Tradition in the Tanjung Balai City Community

The form of implementation of wages in the marriage tradition in the Tanjungbalai City community is carried out as follows;

The opening greeting begins with the sentences *tahmid*, *tasykir*, and the sentence *takhtim*. This is done by the bride's family, as a tradition. First, to introduce the groom's family to the fact that the ceremony is based on ties of kinship. This is in accordance with the results of an interview excerpt from the researcher's interview with a traditional figure, namely;

"The implementation of the ceremony of paying Mr. Fahmi is an implementation intended for the bride as evidence in presenting noble and moral values, in the household, therefore in this implementation it can certainly be interpreted as a form of spiritual binding between the bride and groom. The purpose of the ceremony of paying is strong evidence that the ancestral heritage in Tanjungbalai City upholds the values of Mandailing and Malay culture, Mr. Fahmi (while coughing). In the ceremony, every traditional actor or anyone from the family of the man and woman always says the sentences of *tahmid*,

*tasykir*, and *takhtim*, because in this case the position of paying must truly make the bride and groom always grateful to Allah SWT."

Based on the results of the interview excerpt above, it can be analyzed and concluded that the implementation of paying wages is an implementation filled with sentences such as *tahmid*, *tasykir*, and *takhtim* sentences. The aim is solely to improve, motivate and advise the bride and groom to always be grateful, not to neglect prayer, and the commands of Allah SWT. Because he left the teachings prescribed by Allah SWT. It is a shared obligation for humans to build culture through the values of worship (Abdurrahman, 1995).

The second opening greeting always uses the phrase *shalawat* to the great Prophet Muhammad saw. This is the same as the first implementation of paying wages, the first is saying the sentences *thoyyibah*, as well as the second implementation is saying the sentences *shalawat* to the great Prophet Muhammad saw. This was confirmed by local community leaders, namely;

"Mr Fahmi, the history of the establishment of the tradition of paying wages at every wedding in the city of Tanjungbalai is that a paying event is always held, that is definitely the aim of tying ties of friendship, bonding spiritual ties, which ultimately is the formation of a *sakinah* family, *mawaddah warahmah*. Meanwhile, for those who are only required by wages, there are also those which are not harmonious, Mr Fahmi (while drinking tea) especially if it is not accompanied by wages. Wow,,,,, biased Please relax, Mr Fahmi. The key is that, in prayer, just pray, Allah and his angels pray, our *nasak* or not." 15Based on the results of the interview excerpt above, it can be analyzed and it is concluded that the tradition of the wages carried out in the city of Tanjungbalai is adapted to Islamic teachings, therefore it can be accepted by traditional figures and traditional actors, because things that are not in accordance

with Islamic teachings can be abandoned by the traditional community. Now, the people of Tanjungbalai city accept the teachings of Islam and the customs of the wages as ancestral heritage, which are adapted to the development of the times. The performance of the ceremony of the wages to the groom and bride is an exemplary teaching to the bride and groom, because by giving sentences of advice from marriage will produce good offspring, who obey the commands of religion and the State. Therefore, everything desired through this traditional ceremony of wages is to form a *sakinah, mawaddah warahmah* family.

Then, they always offer words of advice accompanied by religious sermons (Anshariyyah, 1995). This is indicated by what the Tanjungbalai MUI stated, that almost all religious advice accompanies the giving of gifts to the prospective bride and groom. The purpose is:

- a. Forming a *sakinah, mawaddah, wa rahmah* family.
- b. It will be a reflection for children in the future that their parents are obedient to Allah SWT by not abandoning His commands and avoiding His prohibitions.
- c. Be a good example for your children in the future.
- d. It is a source of spiritual peace for the bride and groom, because in the ceremony the extended family of the man and the extended family of the woman also pray together for the integrity and peace of their household.
- e. Be a good example for the descendants of the bride and groom in the future.
- f. It is a concept in life that life needs guidance, advice and direction, so that humans are always grateful and remember Allah SWT.

Based on the six main objectives in the tradition of giving wages to the bride and groom above, it can be analyzed and concluded that the tradition of giving wages with the opening and closing greetings includes the name of Allah SWT.

Words of advice also include the holy verses of the Koran and hadith, but on the other hand, adherents of Islamic teachings in Tanjungbalai City have not fully implemented this, because basically this ceremony of giving wages which they initially considered was not right, but because it goes hand in hand with the increasing number of harmonious families who maintain household harmony because they do wages, then for other families who do not follow it eventually follow, they see that the effect of the custom of paying wages is very big, and very big benefits for the local community, this is proven by the results of interviews with local traditional leaders, namely;

"The implementation of the ritual of Pak Fahmi's wages is carried out to maintain harmony, maintain harmonious values in the household, many people trivialize this, they do not know that this is intended to maintain harmony in the household because it is based on the sentences of *thoyyibah* to Allah SWT. The sentence of *shalawat* to the great Prophet Muhammad SAW.

Based on the results of the interview excerpts above, it can be analyzed and concluded that the custom of paying wages is the ancestral value of the local community in providing household harmony due to, or this is due to the need to maintain such things because of Allah SWT. The core tradition of wages for the people of Tanjungbalai City is to provide advice in household, provide food (*mambutung-butongi mangan*), and give traditional titles to the bride and groom, while the Hajj congregation who will depart for the holy land of Mecca is always accompanied by wages, especially in traditional marriages, of course the values of worship are prioritized, not in form, in performance, in psyche, in physical form only, but in spiritual, physical and *dzohiriyah* forms (Ananda, 2010).

The implementation of the traditional customs in the form of wages in the Tanjungbalai City community is purely carried out to

commemorate the traditions inherited from their ancestors, in addition to providing a special meaning that this wage-up tradition is not only for marriage but also in terms of departure for the Hajj, so all prospective Hajj pilgrims from Tanjungbalai will also be given wages, as well as when entering the house. new, will also be paid wages, the point is that the ritual of carrying out these wages is purely not containing mystical elements, because such things provide a unique nuance for the people of Tanjungbalai city, and provide a unique and identical meaning that the Malay and Mandailing tribes who inhabit Tanjungbalai are from the Asahan sultanate, and not from the Deli sultanate, this is reinforced by one of the traditional leaders of religious and cultural figures in Tanjungbalai city, namely;

“The offerings in the implementation of the Hajj pilgrimage, entering a new house, the offerings for welcoming a child’s birthday, remember Mr. Fahmi, it’s not only the akikah that is carried out but also the offerings for the mother and the child, if the akikah is for the child only, but the offerings in Tanjungbalai are for the mother and the child only, then the offerings in the implementation of marriage, this is also included in the customs to provide special motivation for the groom and the bride, therefore these customs do not contain mysticism or uphold and acknowledge the existence of other gods, of course not (in a high tone), in fact with the existence of these offerings my child in the household is harmonious and not pernah barantam Mr. Fahmi, usually people like this should be treated well. Karno is the one who is the one who is the one here, sir, when the people here carry out the customs of offerings, it will definitely be busy, sir.”

Based on the interview excerpts above, it can be analyzed and concluded that the implementation of customs in the form of pure wages is carried out to increase harmony in the household, towards a household that is sakinah,

mawaddah wa rahmah. Therefore, this tradition contains local wisdom. Local wisdom is inseparable from customs and culture that are formed from the results of community agreements that begin with habits produced consciously or unconsciously from their daily lives (Jaenal, 2012). The results of the agreement to implement local wisdom give birth to the product of rules and regulations of customs and customary law itself, which accumulates in the customary order. The local wisdom that is formed has its own diversity, the main factor lies in language and culture, ethnicity as an identity that distinguishes it from every other traditional community (Paramitha, 1991).

#### **B. The Values Contained in 'Wages' Through Marriage Traditions in the Tanjungbalai City Community**

The values contained in wages through marriage traditions in the Tanjungbalai City community are;

1. Contains elements of advice to the bride and groom to continue to maintain the integrity of the household, maintain the good name of the groom's and bride's families, maintain the good name of neighbors, relatives and surrounding community groups.

The wedding ceremony or ritual in Tanjungbalai City is a legacy or tradition that the community believes must be carried out. However, the size of the ceremony varies. wages or the size of the implementation of these wages adjusted to the financial capabilities of the recipient of the event.

Therefore, the size of the traditional wages depends on the ingredients of the pangupa (pangupo land), starting with one buffalo, one goat, one chicken, and one chicken egg. However, the people of Tanjungbalai City generally use the smallest amount or capacity of ingredients such as chicken eggs, sticky rice, pandan leaves, water, arsik fish or carp that are arsik, then added

with flour filled with water. The symbol of eggs and sticky rice combined is for;

- 1) Uniting the bride and groom as if sticky rice were united, unlike rice, sticky rice will remain sticky like glue, will not come off when eaten, meaning that when cut it will remain sticky like dodol. So sticky rice is identified as a married couple who will build a household towards a sakinah household, mawaddah wa rahmah as the foundation for building a small country, therefore in this gaji-upah ceremony it is certain to provide a nuance of good advice to the bride and groom, because the integrity of the household is not as easy as turning the palm of the hand, it needs mature guidance so that the household building will be strong, will not be easily shaken, will not fall apart, like the sign of sticky rice served during gaji-upah, although sometimes The ark of the household certainly has problems, but not like a chick that loses its mother, meaning it does not reach the point of issuing divorces 1, 2, and 3 to the wife. This is in line with the briefing issued by a resident who has conducted his marriage using customary customs (upah-upah), namely;

"I, Mr. Fahmi, have been married for 49 years. At that time, I married at a young age, namely 17 years old. Now I am 17 years old. 66 years old, I have 10 children and 14 grandchildren, 1 great-grandchild. I am grateful to have a good family, my in-laws are also good, most of my children are girls, every marriage we never leave our customs, Mr. Fahmi. In my opinion, those wages are very good, if you can, yes.....use them, don't forget to use them, many people now marry because they are modern, look at our artists today, today they get married, tomorrow they marry again to someone else, and so on, sir".

Based on the results of the interview excerpts above, the researcher can analyze and conclude that the implementation of

marriage in the Tanjungbalai city community on average carries out the wages that have been proven, so that the impact is also clearly visible, up to the third generation, namely a great-grandchild. Therefore, in the implementation of these wages, each local customary actor carries it out with the smallest ability, not burdening or harming others, therefore the implementation of the smallest custom is carried out by giving sticky rice and chicken eggs as a symbol of uniting the family, both from the groom's and bride's families.

- 2) The egg symbol is a symbol of the life of a chicken, which always goes in the morning to seek sustenance, and returns before sunset. This means that the husband seeks sustenance in the morning and returns in the evening with it. This is the sign or symbol of the meaning contained contextually regarding the egg, as evidenced by the results of an interview excerpt from the researcher with a local traditional practitioner, namely;

"The implementation of the traditional ceremony in the form of Pak Fahmi's wages is real proof that the symbol of the egg given is that seeking sustenance in the morning and returning home with sustenance in the afternoon does not have to be delayed until returning home in the middle of the night, this is proves that the people of Tanjungbalai City really carry out the advice contained in the meaning of an egg, I myself also feel the same way, Mr. Fahmi"

Based on the results of the interview excerpt above, it can be concluded that the implementation of customs based on the giving of an egg applies a ritual meaning that an egg will come out of a chicken as the chicken carries out its practice in the morning and in the afternoon, meaning that such meaning proves that humans must work hard to meet the needs of the household, for children and wife.

- b. Contains elements of a worship approach to Allah SWT
- c. Contains normative values and local wisdom values.
- d. Eroding or reducing the values of westernization (westernization) so that the benefits that are accepted in this case are upholding the values of local wisdom, in Islamic jurisprudence it is called al-'urf
- e. Upholding the values of local wisdom as a national heritage or culture, in this case maintaining the sustainability of regional heritage

Based on the five meanings contained in the ritualistic values of the implementation of wages for the residents of Tanjungbalai city, it is a custom that has a bond of open cooperation in various social activities in the community. Customs as an ancestral heritage for the residents of Tanjungbalai city function to maintain social relations in society to be more civilized and orderly. The existence of customs until now is still a guideline that is attached and believed by indigenous peoples and various tribes in Indonesia, as well as customs for the people of Tanjungbalai City. The people of Tanjungbalai City in principle carry out the traditional ceremony of 'upah-upah' during happy ceremonies, including;

- 1) Ceremony facing the arrival of a child's birth,
- 2) Ceremony facing the continuation of customs in the form of marriage, and
- 3) Entering a new house building.

Therefore, what happened in Tanjungbalai City regarding customs (this is not codified/written in law but is carried out in the form of custom and no sanctions are imposed for those who do not do it/this is what is assessed by researchers as a form of custom or customs). Customs or customary treatment/habits, especially 'upah-upah' in the city of Tanjungbalai, there are 5 values contained in the traditional wedding ceremony, as written below;

- 1) Value of advice

Advice is specifically given to people who are paid wages, apart from that, the guests at the 'upah-upah' ceremony who heard the advice also felt the impact of the advice from the words 'upah-upah'.

The above can be proven by the results of an interview excerpt from the researcher with one of the daily administrators of the MUI in Tanjungbalai City, namely;

"The value of Mr. Fahmi's advice contained in the implementation of the wages, especially for the residents of Tanjungbalai City, is the value of advice to the bride and groom, the value of this advice is the final advice, because the woman will be taken away by her husband in the sense of building a new household, therefore the need for advice from both the extended families of the man and the woman is very necessary, considering the increasing number of divorces."

Based on the results of the interview excerpts above, it can be analyzed and concluded that the implementation or giving of words of advice contained in the elements of wages is the main need in giving the wages themselves. By giving many words of advice, the values of awareness are displayed for the man and woman, that married life is not easy, it requires many trials and patience, because the pleasure felt is less than the pleasure that is worth feeling, meaning that the twists and turns of the household depend more or less on the bride and groom and not from their own family. is the implementation of 'pangupahan' or giving 'sesejuk' to the bride and groom's marriage aims to provide words of advice, as well as provide pearls of wisdom so that the bride and groom establish a family relationship that is sakinah, mawaddah, wa rahmah. Then the aim of these 'wages' (for the residents of Tanjungbalai City) needs to be emphasized not only for residents whose homes are in the city, but also in remote areas of Tanjungbalai, this is what the researchers studied in six (6) Tanjungbalai sub-districts, namely North

Tanjungbalai, South Tanjungbalai, Datuk Bandar, East Datuk Bandar, Teluk Nibung, and Sei Kepayang to increase awareness among the bride and groom that Marriage is a religious practice that must be upheld to preserve the good name of both the groom's and the bride's families. The implementation of "upah-upah" (or "wage rituals") has moral value, reflecting the persistence of traditions practiced by ancestors (from ancient times to the present). Maintaining the "wage ritual" culture is carried out to maintain sacred sites, which have been used to strengthen faith and strengthen the unity of the household.

#### 2) The value of prayer

The word "upah-upah" is associated with a prayer to God Almighty. This prayer contains requests for health, safety, happiness, and success for the recipient, their family, and invited guests. Therefore, the implementation of the "upah-upah" ceremony here is a marriage based on the marriage law, namely Law No. 1 of 1974 concerning Marriage, where both the bride and groom register themselves at the Office of Religious Affairs (KUA).

#### 3) Strengthening the ties of kinship

The preparation and procession of the 'upah-upah' ceremony, along with the meaning of maintaining friendship with family members and the community, meetings, mutual cooperation, praying together, eating together, and certain social interactions will foster a strong sense of brotherhood among the community.

#### 4) Cultivating gratitude

Muslims are advised to always remember Allah SWT. and being grateful for the blessings that have been bestowed upon us also contains the meaning of cultivating gratitude, remembrance and trust in Allah SWT.

#### 5) Return and elaboration of spirit

'Wages' are useful and can be understood as suggestions or spiritual encouragement to the morals of a person or group of people, the impact will be seen if the participants truly understand,

appreciate, and feel part of these 'wages' so that they give birth to enthusiasm in the shade of life.

The customs that take place among the Tanjungbalai residents are customs that do not conflict with Islamic law, however the form of practice (marriage itself) that is contained or included in these values is a topic for discussion as to whether it is in accordance with Islamic teachings or not, this is reinforced by Islamic jurists Abdul Wahab Khalaf and al-Jurani, who stated that customs or 'urf are;

Al-'urf is something that is known to many people and practiced by them, whether in the form of words, deeds, or something left out. This is also called al-'adah. In the language of Sharia scholars, there is no difference between al-'urf and al-'adah.

According to al-Jurani quoted by Muhlish Usma, Al-adah is something (action or word) that is continuously done by humans, because it can be accepted by reason, and humans repeat it continuously.

The value of implementing wages as a form of inheritance mentioned above is synonymous with local wisdom, also known as al-'urf. Those who believe that the implementation of wages is not educational fail to recognize that the values contained within wages actually contain educational values. These include showing courtesy and obedience to parents, family, religious and cultural figures, and the surrounding community.

### **C. The Opinion of Islamic Jurists on 'Wages' As A Form of Culture in the Marriage Tradition in the Tanjungbalai City Community**

The opinion of Islamic jurists regarding 'wages' as a form of culture in the marriage tradition in the Tanjungbalai City community is as follows;

In Hanafi jurisprudence, many laws are based on customs. Therefore, there is a famous saying, "Al-Ma'rúf 'Urfan ka al-Masyruth Syartán, wa al-

Tsabit bil 'urf ka al-Tsabit bi al-Nash (what is good according to customs is equal in value to the conditions that must be fulfilled and what is truly in customs is equal in value to what is sound in the texts). This is called *qawlun qadim* Apart from Hanafi jurisprudence, (Syafi'iyah, Hanbali and Maliki schools of thought) the scholars agree that 'urf valid (in *qawlun jadid*) can be used as evidence as long as it does not conflict with sharia. Malikiyah scholars are famous for their statement that Medina scholars can be used as evidence, in this case related to customs, as the customs are carried out.

Tanjungbalai City residents use wages in carrying out marriages. To understand the extent of the relationship between religion (including Islam) and culture, we need to answer the following questions: why do humans tend to preserve culture? Where does the urge that drives humans to work, think, and act come from? What drives them to continually change nature and the environment for the better?

Some cultural experts view the tendency to cultivate as a divine dynamic. In fact, according to Hegel, all conscious human works, including science, law, statecraft, art, and philosophy, are nothing more than the process of self-realization of the divine spirit. Conversely, some experts, such as Father Jan Bakker, in his book "Philosophy of Culture," state that there is no relationship between religion and culture, because, according to him, religion is the spiritual life of its adherents, a response to a divine calling.

This belief is called faith, and faith is a gift from God, while culture is a human creation. Therefore, the two cannot be found. Human understanding is very limited and unable to reach the essence of the verses in the holy books of each religion. They can only interpret these holy verses according to their existing abilities. This is where religion becomes a product of human culture. Various religious behaviors, according to anthropologists, are not governed by the verses of

the holy books, but by their interpretation of those holy verses. From the above explanation, it can be concluded that cultural experts have different opinions on the relationship between religion and culture.

The first group considers religion to be the source of culture, or in other words, that culture is a concrete form of religion itself. This view is represented by Hegel. The second group, represented by Father Jan Bakker, believes that culture has nothing to do with religion. And the third group, who believe that religion is part of culture itself. In viewing humans and their culture, Islam does not only view it from one perspective. Islam views humans as having two important elements: the element of earth and the element of the spirit that God breathed into their bodies. This is clearly seen in Allah's words in Qs As Sajadah 7-9

"Who made everything that he created as good as possible and who started the creation of man from the earth. Then he made his offspring from the essence of the lowly water. Then he perfected and breathed into them the spirit of his (creation) and he made for you hearing, sight and heart; (but) you are very little grateful'.

Apart from creating humans, Allah SWT also created creatures called angels, who are only capable of doing good deeds, because they were created from the element of light. And also created Satan or the devil who could only do evil, because he was created from fire. Meanwhile, humans, as mentioned above, are a combination of the elements of these two creatures. In a hadith it is stated that this human had two whisperers; whisperers from angels, as an application of the spirit element breathed by God, and whisperers from Satan, as an application of the earth element. The two elements contained in the human body conflict with each other and attract each other.

When humans perform good deeds and virtues, the angelic element prevails. Conversely, when humans commit immorality, sin, and cause

damage on earth, the satanic element prevails. Therefore, in addition to providing the resources, will, and abilities of hearing, sight, and the heart, Allah also provides guidance and direction so that humans are obligated and able to use these blessings to worship and do good on earth.

God has given humans the ability and freedom to create, think, and create culture. Islam recognizes that culture is a product of human creation. Religion, on the other hand, is a gift from God for the benefit of humanity itself. It is a gift from God to humanity to direct and guide human endeavors so that they are beneficial, progressive, have positive value, and elevate human dignity. Islam teaches its followers to always do good deeds and work, to always use the minds God has given them to transform this world into something beneficial for human interests. Thus, Islam has played a role in encouraging humans to "become cultured." And at one time, it was Islam that established the rules, norms, and guidelines. At this point, it could perhaps be said that Culture itself originates from religion. This theory seems closer to what Hegel stated above.

Islam, as explained above, came to regulate and guide society towards a good and balanced life. Therefore, Islam did not come to destroy the culture that had been adopted by a society. At the same time, Islam wanted humanity to be far from and free from things that were not beneficial and could bring harm in their lives. Therefore, Islam needed to straighten and guide the culture that developed in society towards a civilized and progressive culture that would elevate the standard of humanity.

This principle has actually inspired the contents of the Indonesian Constitution, Article 32, although in practice and in detail there are very striking differences. In the explanation of Article 32 of the Constitution, it is stated: "Cultural efforts must be directed towards the advancement of civilization, culture and unity, without rejecting new materials from foreign

cultures that can develop or enrich the nation's own culture, and elevate the nation's humanity."Indonesia" (Hasan dan Kenal, 1987). From there, Islam has divided culture into three types: First: Culture that does not conflict with Islam. In the rules of Islamic jurisprudence it is stated: "al 'adatu muhakkamatun" meaning that the customs and habits of a society, which are part of human culture, have an influence in determining the law. However, it should be noted that this rule only applies to matters that have not been stipulated in sharia, such as the amount of dowry in marriage, in Acehese society, for example, the woman's family usually determines the amount of dowry at around 50-100 grams of gold. In Islam, this culture is permissible, because islam The law does not specify the size of the dowry that must be given to the woman. The design of the mosque is permitted, with Persian architecture or Javanese architecture, such as the Joglo.

For matters for which Islamic provisions and criteria have been established, the customs and traditions of a society cannot be used as a legal standard. For example, Ahmad Baaso wrote in a newspaper that interfaith marriage is permitted in Islam, based on the argument "al'adatu muhakkamatun" (the principle of interfaith marriage), because interfaith marriage is already permissible. If it becomes a culture of a society, then it is permissible based on the above principles. Such a statement is incorrect, because Islam has stipulated that a Muslim woman is not permitted to marry an infidel.

Second: Cultures whose elements are partly contrary to Islam are then "reconstructed" to become Islamic. The most obvious example is the Jahiliyah tradition of performing the Hajj in ways that contradict Islamic teachings, such as the phrase "talbiyah" which is full of polytheism, and circumambulating the Kaaba naked. Islam came to reconstruct this culture, into a form of "worship" with established rules. Another example is the

Arab culture of reciting Jahiliyah poetry (Jamaluddin, t.t). Islam maintained this culture, but reconstructed its content to conform to Islamic values. Third: Cultures that contradict Islam. Such as the "ngaben" culture practiced by the Balinese people. This is a cremation ceremony held in a festive and grand atmosphere, and on a large scale. This is done as a form of perfection for the deceased so that they return to their creator. This kind of ceremony requires very large costs. The same thing is also done by the people of Central Kalimantan with the "tiwah" culture, a cremation ceremony. The difference is, in this "tiwah" the burial of the body is carried out in the form of a mortar boat first.

Then, when the time comes, the body is exhumed and cremated. This ceremony can last for a week or more. Organizers must provide a large amount of food and drink, as it is witnessed by residents from villages across a large area. In the Toraja region, burying the deceased also requires significant costs. These costs are used to provide a sacrificial animal, a buffalo. The people of Cilacap, Central Java, have a different tradition: they have a "Tumpeng Rosulan" tradition, a food offering to the Prophet Muhammad, and another tumpeng offering to Nyai Roro Kidul, who, according to the local community, is the ruler of the Southern Ocean (Indian Ocean) (Hasan, 1987).

The things above are some examples of cultures that conflict with Islamic teachings, so Muslims are not permitted to follow them. prohibits it, because such a culture is a culture that does not lead to the advancement of civility and unity, and does not elevate the humanity of the Indonesian nation, on the contrary, it is a culture that lowers the humanity. Because it contains teachings that waste wealth on useless things and humiliate people who have died. In this case, al Kamal Ibn al Himam, one of the great scholars of the Hanafi school of thought said: "Indeed, the texts of the sharia are much stronger than community traditions, because community

traditions can be agreed upon falsehoods, such as what some of our society does today, who have a tradition of placing candles and lamps on special graves on Eid nights. While the texts of the sharia, after their authenticity has been proven, it is impossible for them to contain falsehood (Ainaini, 1980). And because tradition only binds the community that believes in it, while the texts of the sharia bind humanity as a whole, the texts are much stronger.

Based on the theories above, it can be analyzed and concluded that culture and religion, especially Islam, cannot be separated from the role of the four schools of thought themselves. Culture and religion cannot be separated in practice. In the context of the meaning of culture and religion, it can be separated, for example, in the context of the permissibility of wearing cloth when visiting Borobudur Temple in Magelang, this is marked as the meaning of obeying the rules and not obeying beliefs. Belief remains faith in Allah SWT. But if you submit to the rules, in the context of submission, it is interpreted here as a form of strengthening the aspect of respect. Likewise, with the command to obey ancestral heritage such as wages in the people of Tanjungbalai City, that the implementation of wages is purely a sense of creativity, gratitude, and a sense of worship to Allah SWT. In this case, it is strengthened by the statement of one of the MUI executives of Tanjungbalai City, namely;

"The implementation of rituals such as the custom of paying wages (upah-upah) in Tanjungbalai is clear evidence that the ancestral heritage continued by the new generation of Tanjungbalai residents includes these practices as a form of gratitude, a sense of creativity, a sense of work, and a sense of obedience to Allah SWT. And parents, because the element of gaji-upah contains the meaning of submission to Allah SWT. Through the bonds of a household that is sakinah mawaddah and warahmah. Therefore, in every gaji-upah implementation, every resident of

Tanjungbalai City, even if they leave Tanjungbalai City, for example, living in Medan or elsewhere. Therefore, the custom of paying wages cannot be simply abandoned, meaning that the Tanjungbalai community loves wages, even though they are no longer in the surrounding community environment, even if they are in another community environment, such as a long distance to Medan, the Tanjungbalai community who live in Medan still carry out the ritual of wages, even though in practice the marriage is carried out outside the city of Tanjungbalai".

Based on the results of the interview excerpts above, it can be analyzed and concluded that the orientation of the cultural values brought does not mean that Islam is isolated, but this orientation provides benefits and a special meaning for the life of the implementation, especially in explaining the values contained in the culture of wages.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

The upah-upah tradition in Tanjungbalai City is a cultural heritage that contains religious, social, and moral values aimed at forming harmonious families (sakinah, mawaddah, wa rahmah). The implementation includes prayers, religious advice, expressions of gratitude, and symbolic meanings intended to strengthen kinship and household integrity. From the perspective of Islamic jurisprudence, this tradition can be categorized as al-'urf shahih (valid custom), because its practices do not contradict Islamic teachings and instead support positive values such as gratitude, obedience to Allah SWT, and social harmony. Therefore, the upah-upah tradition functions not only as a cultural identity but also as a medium for moral and spiritual education in society.

##### B. Suggestions

The community of Tanjungbalai City should continue preserving the upah-upah tradition as part of local wisdom while ensuring that its

implementation remains aligned with Islamic values and contemporary social developments. Traditional and religious leaders are expected to provide continuous education regarding the philosophical and religious meanings contained in the tradition so that younger generations understand its importance. Future researchers are encouraged to examine the influence of the upah-upah tradition on family resilience and social harmony using broader research perspectives.

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