



Local Wisdom Parbukalo Minangkabau Ethnic Marriage Agreement In Islamic Legal Perspective

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Abstract

Local wisdom is a cultural advantage of the local community. Minangkabau is one of the regions that has a variety of local wisdom, both in terms of culture and belief. One of the local wisdoms in Minangkabau is known as parbukalo. This research aims to analyze how Islamic law views the phenomenology of ethnic marriage culture in Minangkabau. This research uses a qualitative method with a content analysis approach, all data is taken from various sources sourced from classical scriptures, books, theories and opinions of ushul fiqh experts. The results of the analysis show that the Cultural Phenomenology of Ethnic Marriage in Minangkabau is not valid according to Islamic Law. Thus, the Parbukalo is not obligatory to be implemented because it is not in line with Islamic Shari'ah. The results of this study can be used as preliminary data for subsequent researchers in studying this problem in different contexts and issues.

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INTRODUCTION

Local wisdom is a cultural advantage of the local community (Njatrijani, 2018). Minangkabau is one of the regions that has a variety of local wisdom (Bahardur, 2018), both in terms of culture and belief. One of the local wisdoms in Minangkabau is known as *parbukalo*.

Parbukalo is a prohibition of marriage between two different tribes in the Minangkabau area. Parbukalo was born, grew and developed in the midst of society for generations without anyone denying it. Ethnicity can also be interpreted as a social system of human classification based on a belief system that has been believed (Sodikin, 2003), the implementation of existing values in society, understanding of cultural diversity, strengthening of constructed customs, affirmation of norms, use of language, explanation of human historical background, geographical area, and also inseparable kinship relationships.

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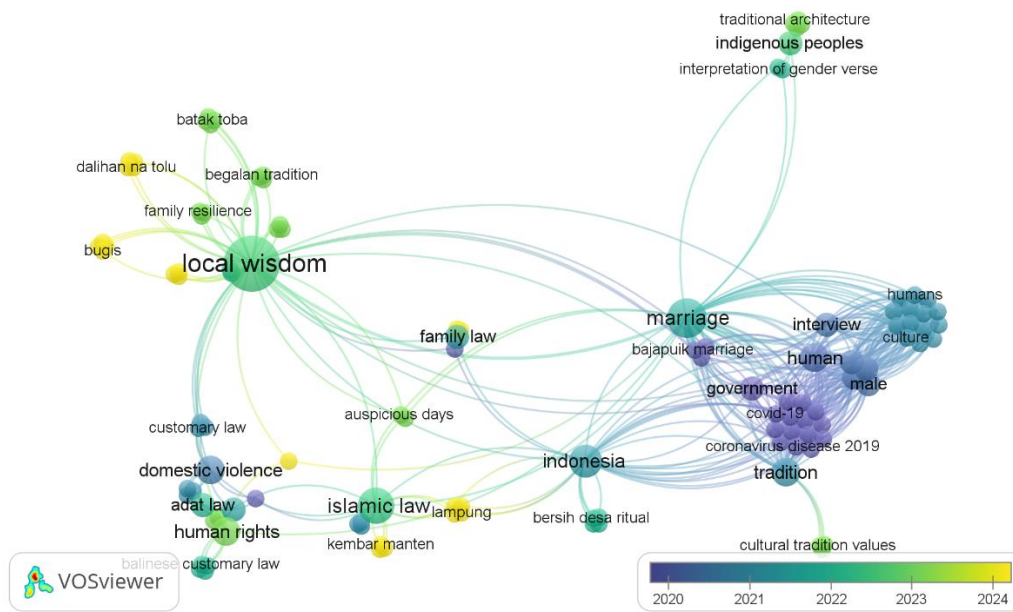
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Meanwhile, Islamic Law is a guideline in the implementation of ethnic diversity in the midst of society (Muzainah & Syaikhu, 2020). In Islamic law, it is explained that a person who is getting married must fulfill all the conditions of marriage (Arthur et al., 2020; Ediz & Bus, 2020), Whether it is permissible to marry or not permissible to marry, as stipulated in al-Qur'an Surah an-Nisa' verse 23. When examined, the local wisdom of ethnic marriage agreements is not found in Islamic law (Yusrial, 2023).

Fig 1. Based on previous research, several research themes related to this discussion have been identified. They are presented below using VosViewer:



A bibliometric analysis of 40 articles containing the keywords “local,” “wisdom,” and “marriage” published over the past five years (2020–2024) yielded the following data: 117 items, 12 clusters, 661 links, and a total link strength of 686. The 117 items demonstrate the diversity of keywords used in the research. This reflects the broad scope of the studies, ranging from legal and cultural aspects to contemporary social issues. Dominant keywords such as “local wisdom,” “marriage,” “Islamic law,” and “Indonesia” underscore the research’s focus on local contexts with nuances of Islamic law and cultural traditions. There are 12 clusters formed, each representing a major theme of the research. Several main clusters can be identified as follows: (a). Law and family cluster: covering Islamic law, family law, domestic violence, and human rights. (b). Customary and Local Culture Cluster: covering customary law, indigenous peoples, traditional architecture, as well as specific traditions such as the bajapuik marriage and the bersih desa ritual. (c). Contemporary Social Cluster: highlighting issues related to COVID-19, government, and culture as factors influencing traditional practices and marriage.

The total of 661 links indicates the intensity of connections between keywords. This demonstrates that research on local wisdom and marriage does not stand alone but is interconnected with legal, social, and cultural issues. The total link strength value of 686 indicates the strong integration among themes. In other words, research in this field tends to connect local wisdom with the Islamic legal framework, customary traditions, and the social dynamics of Indonesian society. The results of this analysis indicate that research on local wisdom and marriage is developing in a multidisciplinary manner. Studies not only highlight the normative aspects of Islamic law but also link them to customary practices, human rights issues, and contemporary challenges. Thus, research in this field contributes to a deeper understanding of the relationship between tradition, law, and social dynamics in

Indonesian society. This bibliometric analysis confirms that research on local wisdom and marriage over the past five years has featured a wide variety of themes, strong interconnections, and high relevance to the legal and cultural context in Indonesia. These findings can serve as a basis for formulating the direction of future research, particularly in strengthening the integration of Islamic law, customary law, and local wisdom in addressing the challenges of modern society.

The younger generation of Minangkabau people lives in an era of globalization and Society 5.0, where interethnic interactions are becoming increasingly intense. This study helps us understand whether parbukalo remains relevant or needs to be reinterpreted. Based on the reading, it has never been studied, and it is very necessary to study it so that there is no confusion in the community and even a clash between the customary culture that has been passed down from generation to generation with Islamic law. Whereas between custom and Islamic law, if analyzed correctly there is never a conflict.

METHODS

This study was conducted as a qualitative study through field research (Moleong, 2008); (Tracy, 2019). The selected research site is the location where the Parbukalo custom originated, namely the village of Bukitbais Sungai Lasi in Solok Regency. The primary data sources consist of three informants who are traditional leaders from the village of Sungai Lasi and are well-versed in the intricacies of the Parbukalo customs. The secondary data sources consist of classical texts on Islamic jurisprudence (Sani, Ridwan Abdullah, 2018). Data collection was conducted through face-to-face interviews and a review of classical texts and scholarly articles related to the practice of Parbukalo. The collected data was analyzed using an interactive model consisting of three stages: field data reduction in accordance with the research objectives, presentation of the data in the form of thematic narratives, and drawing conclusions by comparing field findings with the interpretations of Islamic jurists found in classical texts (Sugiyono, 2013).

RESULT AND DISCUSSION

It is forbidden for a man to marry a woman under Islamic law; the same applies to Minangkabau custom. Everything prohibited by Islamic law is also forbidden by Minangkabau custom, and one such prohibition under Minangkabau custom is the ban on marriages between two different clans (the Piliang Sawah Gadang and Payo Badah Kolam clans), established based on an agreement made by their elders long ago that cannot be altered and remains in effect for life a practice known as Parbukalo in marriage.

Shalihur explained that the parbukalo in a marriage is an agreement containing an oath made by the elders of the two clans, which remains in effect for life and cannot be altered by the descendants of either clan. Prohibitions on marriage established by Minangkabau custom include: (1). The existence of a parbukalo between two clans. (2). People who live next door to each other or neighbors, even if they belong to different clans. (3). People from the same clan.

The reasons prohibiting a person from entering into such a marriage, in accordance with the marriage prohibitions mentioned by the author above, as well as the prohibition against a person marrying between two different tribes (the Piliang Sawah Gadang tribe and the Payo Badah Kolam tribe), are as follows: (a). Because of the oaths made in the parbukalo by the elders of both tribes, anyone who does not abide by the oath will be considered sinful. (b). To avoid negative perceptions from others, especially those within the same clan. (c). To prevent divisions and disputes within the clan, as unity is essential and serves as the foundation of a clan. (d). To ensure that familial bonds and brotherhood within the clan are not severed.

As discussed by the author in this article, one of the traditional marriage prohibitions in Minangkabau concerns the issue of parbukalo in marriage—specifically, the prohibition against marrying between two different clans, namely the Piliang Sawah Gadang clan and the Payo Badah Kolam clan. The most fundamental reason for prohibiting this form of marriage is to preserve maru’ah (the negative or unfavorable public perception). Since parbukalo involves an oath, those who violate it will be cursed by Allah SWT.

Because of the existence of Parbukalo and the penalties for those who violate it

Discussing the causes of parbukalo in Minangkabau marriages also means discussing the history of the village of Bukit-Bais. Previously, the village was called Bukik Karang; due to population growth, the village was expanded and renamed Bukit-Bais. The name Bukit-Bais derives from the phrase “Bukik nan baubahi,” which means “a hill that has been altered from its original form.”

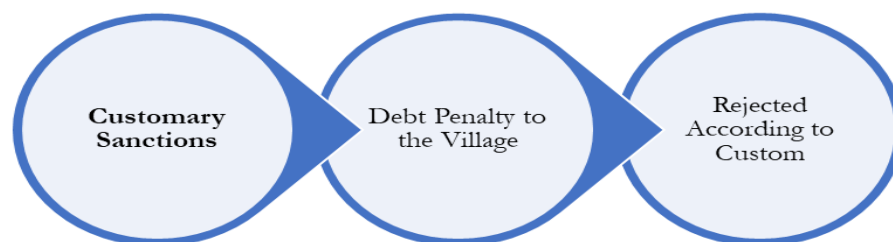
It was in the Bukit Karang area that parbukalo began. According to local history, several families lived in that area. Among them were a husband and wife from the Piliang Sawah Gadang clan (Datuak Tan Ijau) and the Payo Badah Kolam clan (Nyiak Rangkai). Due to the hardships of life, the couple wandered in search of food around the Bukik Karang area. Exhausted, they rested at a place called Guguak Sicerek, specifically under a banyan tree.

While resting, they heard a balam bird calling out: “turkutu-tu, sabuku ngku, sabuku ngku, sabuku ngku.” Hearing this, they wondered if there might be rice nearby, and they immediately set out to find what the balam bird had indicated. Eventually, they found a clump of rice near a spring located beneath that banyan tree.

With the discovery of the rice, an agreement was made at that spot. Since we have received a great blessing from Allah that will benefit our children and grandchildren in the future, we hereby establish a parbukalo—an agreement. From this moment on, our children and grandchildren are forbidden to marry, because we have received a great blessing from Allah, and whoever violates this will lead a miserable life—or, in traditional terms: “Ka ateh indak ka bapucuak ka bawah indak ka baurek, di tengah-tengah diririak kumbang,” meaning that whoever violates this parbukalo will have no descendants (ndak ka baranak ndak ka bacucu), no relatives, and no one will care for them (indak ka badusanak), and their life will be miserable. Ultimately, this has been followed by their children and grandchildren to this day.

It is a general rule that every prohibition carries a penalty, even if it is only a moral and social one, and this is also the case with the Parbukalo in Minangkabau marriage. The customary penalties found in Minangkabau are:

Fig 2.



If someone commits an offense—that is, violates the customary laws of Minangkabau—the matter is announced to the entire community in that village. A ceremony is then held, witnessed by the elders, the village chief, and the general public, during which a buffalo is sacrificed so that everyone will know that the person has violated the customary laws. Even if the debt has been paid, the shame cannot be concealed because everyone is already aware of the matter.

For those who violate this prohibition and fail to pay the fine, they will be exiled according to custom—meaning banished from the village for life and no longer recognized as a nephew or niece by their maternal relatives in Minangkabau.

Phenomenological Issues (Adian, 2016) Ethnic Wedding Culture in Minangkabau, especially the issue of parbukalo in marriage is a “*adat yang diadatkan*”(Naina et al., 2023)” This means that local rules are taken by consensus or customs that are generally accepted in a region. It only applies in one region and cannot be forced to apply in other regions even if there are similarities.

If it is connected between the Phenomenology of Ethnic Marriage Culture in Minangkabau with Islamic law, it can be seen in the book Ushul Fiqh, Amir Syarifuddin said that the absorption of customs in Islamic law can be divided into four groups(Maisa & Elimartati, 2021) so, old customs that substantially and in terms of their implementation contain elements of benefit (Harahap, 2018). This means that the benefits outweigh the harms (Syawie & Bukido, 2022), Old customs that in principle substantially contain elements of benefit (do not contain harm), but in practice are not considered good by Islam.

This form of custom is acceptable to Islam, but in practice it undergoes changes and adjustments. Old customs that in principle and practice contain elements of mafsadat (destruction) in the sense that the elements of destruction are greater than the elements of benefit(Dahwadin et al., 2020). Custom or 'urf that has been going on for a long time, is accepted by many people because it does not contain elements of mafsadat (damage) and does not conflict with the arguments of Shara' that come later, but has not been clearly absorbed into Shara', either directly or indirectly.

The absorption of Ethnic Wedding Culture Phenomenology in Minangkabau in Islamic law is included in the third category as old customs that in principle and implementation contain elements of mafsadat (damage) in the sense that the elements of destruction are greater than the elements of benefit.

While the conditions for the acceptance of a custom as explained by Muchlis Usman in the book Kaidah-Kaidah Ushuliyah and Fiqhiyah say(Usman, 1999): the actions performed are logical and relevant to common sense. This requirement shows that customs cannot be related to immoral acts, actions, words have been repeatedly carried out, it can be said that they are ingrained in the behavior of the community, do not conflict with the provisions of the nash, both the Qur'an and as-Sunnah, do not bring harm and are in line with a prosperous soul and reason.

Nasrun Haroen also said that every 'urf can be used as one of the arguments in determining shara' law if it meets the following conditions(Haroen, 1997): 'Urf (both specific and general in nature and in the nature of actions and speech), generally applicable. This means that the 'urf is applicable in the majority of cases that occur in the community and is adopted by the majority of the community. 'Urf is already in the community when the issue to be ruled upon arises(Rizal, 2019). This means that the 'urf that will be used as a basis for the law existed before the case that will be determined by the law. This is in accordance with the ushuliyah rule which says:

لَا عِزَّةَ لِلْعُرْفِ الطَّارِئِ

“ 'Urf that comes later cannot be used as a ruling on an older case”

The 'Urf does not contradict what is clearly expressed in the contract (Amalia, 2020). This means that in a contract if both parties have clearly specified what must be done or things that must be done. The 'Urf does not contradict the text, so that the ruling contained in the text cannot be applied (Sucipto, 2015). 'Urf like this cannot be used or cannot be used as an argument of shara', because the validity of 'urf can be accepted if there is no nash that contains the law of the problem at hand.

So, from the two conditions above, to be able to accept a custom or 'urf that will be used as one of the arguments in determining shara' law is not contrary to the provisions of the nash, both the Qur'an and the sunnah, so that the content of the nash in it can be applied and also the validity of 'urf can be accepted if there is no nash containing the law of the problem at hand. Sometimes 'urf that applies in the midst of society sometimes contradicts the nash (verse and or hadith) and sometimes contradicts other shara' arguments according to the level of contradiction.

If we look at the Phenomenology of Ethnic Marriage Culture in Minangkabau regarding parbukalo in marriage, it is a custom that contradicts the specific or detailed nash. As Nasrun Haroen also said in the book Ushul Fiqh about the conflict of 'urf with a specific or detailed nash: "If the conflict between 'urf and a specific nash causes the function of the law contained in the nash to be ineffective, then the 'urf cannot be accepted".

Meanwhile, the parbukalo in marriage or the niniak agreement between two different tribes not to marry between the two tribes has no provision in the nash and sunnah. As one of the verses that says about the prohibition of marriage in Surah an-Nisa verse 23.

Based on the above verse, it can be understood that there is no Parbukalo in marriage or a prohibition made by the niniak between the two tribes not to marry. So here the author can understand that the Phenomenology of Ethnic Marriage Culture in Minangkabau is a form of weak customary rules and cannot be used as a guideline in marrying, although customs can also be used as law or can be determined as law, as the fiqh method says:

الْعَادَةُ مُحْكَمَةٌ

"Custom can be established as law"

However, Ushul Fiqh scholars agree that rulings based on 'urf are subject to change in accordance with changes in society at a particular time and in a particular place (Sarjana & Suratman, 2017). The author can conclude that Parbukalo in marriage is not in accordance with Islamic law, as the fiqh principle says:

الْأَصْلُ فِي الْعَقْدِ وَالْمُعَامَلَةِ الصَّحَّةُ حَتَّى يَفْضُحَ الدَّلِيلُ عَلَى الْبُطْلَانِ وَالتَّحْرِيمِ

"The basic principle of a mu'amalah contract is that it is valid until there is evidence that invalidates or prohibits it".

This principle explains that mu'amalah contracts are basically valid until there is evidence that invalidates and prohibits them. Marriage is a contract and law that is basically valid (Farid, 2018), There is no evidence to suggest that the verse is invalid or forbidden in Islamic teachings, therefore the law of parbukalo in marriage is not valid according to Islamic law. Regarding all the provisions of the Phenomenology of Ethnic Marriage Culture in Minangkabau, it does not have to be obeyed and followed, because it is not always in accordance with Islamic law. Although it is a call from the leader, not all calls from the leader must be obeyed as Allah says in Surah an-Nisa' verse 59.

Based on the above verse, it can be understood that after obeying all the commands of Allah (al-Qur'an) and His Messenger (as-Sunnah), then following the orders of the leaders, if there is a dispute about something then it must return to Allah (al-Qur'an) and His Messenger (as-Sunnah). In other words, after following everything that Allah (al-Qur'an) and His Messenger (Sunnah) command, as contained in Surah an-Nisa' verses 22 and 23 regarding the prohibition of marriage

either forever or temporarily and then do not have to obey the provisions or rules set by niniak mamak, because the provisions are contrary to Islamic law. Although Kerapatan Adat is the highest institution in a nagari and is also the highest leader in a region. So all the provisions stipulated by the Kerapatan Adat do not have to be obeyed and obeyed.

The above is also in line with Allah's Word in Surah Luqman verse 13 which can be understood that parental orders must be followed as long as they are not to associate partners with Allah in the sense that they do not conflict with Islamic law (Aulia & Mujahidah, 2021). If the order is contrary to Islamic Shari'ah, then it should not be followed (Bay, 2011). This is also the case with Parbukalo in Minangkabau. Parbukalo is an order from niniak or parents that has been passed down from generation to generation, and it does not have to be followed because it is contrary to Islamic shari'a.

Based on that, the Cultural Phenomenology of Ethnic Marriage in Minangkabau should not be followed, it can be stated that the parbukalo can be canceled in Minangkabau. When viewed in terms of benefit, then according to the ushul fiqh method, the provision of parbukalo like this is not included in *maslahah al-Marsalah*, which is a benefit and its existence is not supported by *shara'* through detailed arguments. The fiqh scholars accept *maslahah al-Marsalah* as evidence in determining the law in a problem that arises later (Djamud & Fauzan, 2024), because *maslahah marsalah* is taking benefits and rejecting misfortune in order to maintain the objectives of *shari'a*.

Among the scholars who allow *maslahah marsalah* as an argument in determining the law on a problem are *malikiyah* and *hanabilah* scholars (Sulthon, 2022). According to them, *maslahah marsalah* can be accepted if it meets the conditions, namely the benefit is in line with the will of *Shara'* and is included in the type of benefit that is supported by the *nash* in general, the benefit is rational and certain, not just an estimate, so that the law determined through *maslahah marsalah* actually produces benefits and avoids or rejects harm, the benefit concerns the interests of many people, not the interests of certain individuals or small groups. Based on the explanation above, it can be understood that the Cultural Phenomenology of Ethnic Marriage in Minangkabau does not fulfill the requirements of legal methods, both in terms of *'urf* and *mashlahah marsalah*.

CONCLUSION

Based on the above explanation, it can be understood that *parbukalo* does not meet the requirements of legal principles, whether in terms of *'urf* or *maslahah marsalah*; therefore, it can be concluded that the cultural phenomenon of ethnic marriage in Minangkabau is not in accordance to Islamic Law. Consequently, *parbukalo* is not obligatory because it is not in accordance with Islamic sharia. It is recommended that the *Mamak* and *Penghulu* in Minangkabau review the rules regarding *parbukalo* in such marriages. The Minangkabau community need not fear in conducting marriages as long as they do not conflict with Islamic law and always call for good and prevent evil.

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