



## EXPLORING ISLAMIC LAW AND CUSTOMARY LAW: THE SARO-SARO TRADITION AND THE PROHIBITION OF THE HIJAB IN MARRIAGE IN THE JAILOLO MUSLIM COMMUNITY, WEST HALMAHERA

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**Abstract:** This article explores the Saro-saro tradition in the marriage of the Jailolo Muslim Society. In this tradition, traditional symbols should be obeyed, such as the use of conventional clothing, a headscarf bun as a standard symbol, and the prohibition of wearing hijab. This research is qualitative research with an ethnographic approach. Research findings show the ban on head coverings or hijabs and the use of buns as a symbol of tradition, even though they wear hijabs daily. The obligation to wear a bun rule out the obligation to wear a hijab for a Muslim woman at a wedding. Implementing *saro-saro* is a traditional ritual classified as *mubah* (allowed) to be applied; merely the conventional symbol, which needs a bun for saro for those who wear hijab, is contrary to Islamic law. When the traditional provision and Islamic law provisions are contradictory, it is a must to negotiate and dialogue then preempt the main requirements on the philosophy of "*adat matoto agama, agama matoto kitabullah, and Sunnah Rasulullah,*" so the tradition and Islamic law can get along in harmony.

**Keywords:** *Saro-saro; traditional symbol; prohibition of hijab; Wedding; Jailolo.*



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## INTRODUCTION

Tradition is a system of norms or behavior that grows, develops, and is upheld by society for generations as it is attached to the pattern of community behavior. Etymologically, the word tradition (*adat*) comes from Arabic, which means habit.<sup>1</sup> Tradition becomes a habit obligated to be respected by people in a particular environment where the tradition grows and develops in a community. Traditions implemented and lasting for a long time will be transformed into traditional provisions. However, traditions are not just ceremonial rituals carried out by the community but also various activities of religious practices, art, and rules, including the case of marriage.<sup>2</sup>

For instance, the marriage of Muslim communities often experiences intersections between the provisions of Islamic law and the traditions in which the Muslim community grows.<sup>3</sup> So, the wedding tradition has various practices of traditional dimensions. Such as *ngunduh mantu* in Javanese, *marasek* in Minang, *merarik* in Lombok, and *majau* in Lampung.<sup>4</sup> In North Maluku, there are *fere wadaka* (riding wadaka), *rorio* (visiting the bridal's room), and *hodo joko* (bathing three tubes). After marriage, there are *thigh ngongoma* (placing hands on a woman's head), *suba yaya se goa* (asking for parents' blessings), and *saro-saro* (eating saro).<sup>5</sup>

In the tradition of North Maluku society, especially Jailolo, there is the *saro-saro* tradition, which is a unique tradition in marriage. This is a part of post-marriage (*walimah al-'ursy*; wedding party) activities Created by the philosophical framework of a ritualistic prayer conducted by the elders of the families of both the groom and the bride, asking for blessings, safety, and harmony in the newlywed household. The tradition of *saro-saro* or eating *saro* was an early tradition of the Ternate Sultanate, then developed and practiced by the wider community. Nowadays, the

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<sup>1</sup> Dominikus Rato, *Hukum Adat Di Indonesia (Suatu Pengantar)* (Surabaya: Laksbang Justtia Surabaya, 2014).

<sup>2</sup> Dana Bazarkulova and Janice Compton, "Marriage Traditions and Investment in Education: The Case of Bride Kidnapping," *Journal of Comparative Economics* 49, no. 1 (March 2021): 147-63, <https://doi.org/10.1016/j.jce.2020.07.005>.

<sup>3</sup> Ahmad Ardiani, Eva Diah; Musonnif, "Integrasi Adat Dan Syariah (Tinjauan Atas Makna Relijius Dalam Tradisi Pasang Bundel Dalam Perkawinan Masyarakat Desa Besole Kecamatan Besuki Kabupaten Tulungagung Jawa Timur)," *Ahkam, Jurnal Hukum Islam* 10, No 1 (2022): 17.

<sup>4</sup> Hilman Syahrial Haq et al., "The Institutionalization of Community Mediation for Resolving Merarik Marriage Disputes in Sasak Community," *Jurnal Media Hukum* 26, no. 1 (June 29, 2019): 1-10, <https://doi.org/10.18196/jmh.20190118>; Zikri Darussamin, Rahman Rahman, and Imam Ghozali, "The Relationship Between Islam and Traditional Marriage of Siak Malay," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, no. 2 (November 27, 2020): 323-42, <https://doi.org/10.21154/justicia.v17i2.2152>.

<sup>5</sup> Baharuddin Hi M.A. Hi Abdullah, *Tradisi Joko Kaha Dan Saro-Saro Dalam Membangun Nilai Moderasi Beragama Masyarakat Kesultanan Moloku Kie Raha* (Tangerang Selatan: Media Kalam, 2021), <https://repository.iain-ternate.ac.id/id/eprint/287/>.

elders responsible for giving prayers in this *saro-saro* procession are no longer the Ternate Sultanate but can be chosen from the elders in the family or people who are considered elders in the community and are usually selected from the mother (woman).

In the marriage of a sultanate in an archipelago, an intersection between traditions and the provisions of Islamic law. often caused the birth of the acculturation of various marriage traditions. However, Islam also does not prohibit the presence of local customs, as the rules of fiqhiyah call " *al-adah al-muhakkamah*," which means traditional provision or habit carried out by the community continuously can be interpreted as law.

However, the obligation of hijab to cover the aurat for a Muslim woman contradicted and caused legal conflicts to the traditional norms that prohibit *saro* from wearing hijab and the use of buns as conventional symbols. In the tradition of Muslim Jailolo, the elders (mothers) are responsible for the *saro* procession and are obligated to use traditional particular characters. The conventional symbol is a bun that requires one to unwear the hijab. With this ban, a Muslim woman or mother who is accustomed to wearing a hijab daily will face legal conflicts.

Many researchers have written studies on marriage traditions and the intersection of the rules. For instance, the research of Muhammad Mutawali,<sup>6</sup> Dinda Difia Madina et al.,<sup>7</sup> Inayatillah et al.,<sup>8</sup> and Ahmad Ardiani et al.<sup>9</sup>

Muhammad Mutawali's research presents a discourse on the debate between traditional provision and Islamic law in the Bima Dou Donggo community tradition. The study concluded that Donggo's standard condition, preserved and implemented until today, results from a debate between traditional provision and Islamic law. Meanwhile, Dinda Difia Madina et al.'s research focused on Islamic law and traditional culture in the tradition of forced marriage in Jambi. The study concluded that the implementation of forced marriage by applying formal sanctions

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<sup>6</sup> Muhammad Mutawali, "The Dialectics of Customary Law and Islamic Law: An Experience from Dou Donggo Customs of Bima, Indonesia," *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021): 45-64, <https://doi.org/10.15408/ajis.v21i1.19825>.

<sup>7</sup> Dinda Difia Madina, Zezen Zainul Ali, and Mega Puspita, "Aligning Islamic Law and Customary Law: Legal Dialectics in The Tradition of Forced Marriage in Jambi," *Justicia Islamica* 20, no. 1 (2023): 1-16, <https://doi.org/10.21154/justicia.v20i1.4720>.

<sup>8</sup> Inayatillah et al., "Social History of Islamic Law from Gender Perspective in Aceh: A Study of Marriage Traditions in South Aceh, Indonesia," *Samarah* 6, no. 2 (2022): 573-93, <https://doi.org/10.22373/sjhk.v6i2.14598>. 573-593.

<sup>9</sup> Ardiani, Eva Diah; Musonnif, "Integrasi Adat dan Syariah (Tinjauan Atas Makna Relijius Dalam Tradisi Pasang Bundel Dalam Perkawinan Masyarakat Desa Besole Kecamatan Besuki Kabupaten Tulungagung Jawa Timur)." 17-36.

in the Lekuk Tumpi Lempur Community is an interaction between Islamic law and traditional provision. This tradition contradicts the religion of Islam, where the reason for enforcing conventions is to protect people from doing things that are forbidden. The practice of forced marriage shows a dialogical and harmonious relationship between Islamic law and rules. The two legal systems work together to create a balanced social order.

Then, Inayatillah et al.'s research reviews the marriage tradition in South Aceh. The study results showed that couples living in in-laws' houses before walimah al-ursy violated the rules in the *Samadua* society of South Aceh. Regarding the traditional sanctions imposed are not allowed to hold *walimah al-ursy* absolutely and *intat into / tueng dara baroe* processions. According to Islamic law, formal sanctions applied in *Samadua* society are the anticipation of the emergence of slander and for good. It is also in line with the principle of *sadd al-zari'ah* and does not contradict the concept of *urf shahih*.

Meanwhile, Ahmad Ardiani et al.'s research tried to review the integration of Tradition and Sharia. The research result finds that the tradition of *Pasang Bundel* in the marriage of Besole Tulungagung Village is a hereditary tradition that is still preserved. The meaning of this tradition is as an expression of gratitude and petition to God so the wedding ceremony will be held smoothly and without obstacles. The use of offerings in this tradition symbolizes hope to be achieved and, at the same time, to honor God's creatures from the Jinn. The integration of tradition and sharia is seen in this tradition with prayers to Allah SWT and alms to others. The general purpose of this tradition is religious, social, and cultural preservation.

Furthermore, studies related to traditional symbols in marriage were written by Lili Herawati Parapat et al.<sup>10</sup> and Vinsentius Edo Ari Sadewo et al.<sup>11</sup>

Lili Herawati Parapat et al. the research focused on forming symbols in traditional ceremonies "mangupa" based on stories and studying the characteristics of animals, which were then interpreted as valuable lessons for sakinah mawaddah warohmah's life. The objects used in *pangupa* are *anduri*, *bulung jung*, *indahan*, *gule sibodak*, *gule rondang manuk nadi ringringan*, *pira manuk*, *sira*, *ihan mera*, *shrimp*, and *silalat nadipudun-pudun*.

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<sup>10</sup> Lili Herawati Parapat, Khatib Lubis, Rahmat Huda, "Pembentukan Simbol Yang Digunakan Pada Upacara Adat 'Mangupa,'" *Jurnal Penelitian Pendidikan Bahasa Dan Sastra* 7, no. 1 (2022): 77-80, <https://doi.org/10.32696/jp2bs.v7i1.1205>.

<sup>11</sup> Vinsentius Edo Ari Sadewo, Fatmawati Fatmawati, and Riama Al Hidayah, "Analisis Makna Dan Nilai Simbolik Adat Pernikahan Pada Etnis Dayak Uud Danum Buntut Pimpin," *Jurnal Pendidikan Dan Pembelajaran Khatulistiwa (JPPK)* 11, no. 7 (2022): 576, <https://doi.org/10.26418/jppk.v11i7.56068>.

Meanwhile, Vinsentius Edo Ari Sadewo et al.'s research explored marriage traditions' meaning and symbolic value in Dayak Uud Danum Buntut Pimpin Ethnicity. The study examined three stages in Dayak Uud Danum ethnic marriage traditions: first, the culture of proposal/engagement (*nyepohtin* and *kisok*); second, the culture of marriage (*hosahki'*); third, the culture of closing the wedding (*posarak adat*). Every series of traditional wedding ceremony activities uses symbols of traditional activities/rituals and symbols in the form of objects. This study concludes that the meaning and symbolic value of the culture of marriage (*hosahki'*) in Dayak Uud Danum ethnicity, namely as a blessing prayer for the bride and groom to become a legal married couple before God and valid before the community, as well as a blessing prayer for a happy life in the future.

Then, from the perspective of the relationship between traditional provision and national law, the research of Yohanes S Lon and Fransiska Widyawati,<sup>12</sup> from the perspective of the relationship between conventional condition and federal constitution, the analysis of Yohanes S Lon and Fransiska Widyawati, offers marriage discourse in Manggarai, East Indonesia. The study found that the position of Manggarai's traditional provision regarding marriage needs to be stronger and tends to be marginalized. This happens as the constitution states through Law Number 1 of 1974 concerning the validity of Marriage only accepted by the religious law and not traditional provision. Catholic religious law, on the other hand, also leaves no room for conventional provision in matters of marriage legality. As a result, many married couples who bind their marriages according to traditional provisions experience injustice as their unions are considered invalid according to religion and the Constitution. But interestingly, according to the study, standard provision contributes to the process, legality, and integrity of marriage.

These various studies still specialize in the debate of religion and constitution, and the study of symbols is still limited to specific traditional marriage processes. At the same time, the topic related to *saro-saro* in the marriage traditions of the Jailolo community has never been explored.

This research is empirical legal research using a qualitative paradigm.<sup>13</sup> Using an ethnographic approach, this study explores the implementation of *saro-saro* in the marriage tradition of the Jailolo community. The data was obtained through

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<sup>12</sup> Yohanes S Lon and Fransiska Widyawati, "Customary Law Before Religion and State Laws Regarding Marriage In Manggarai, Eastern Indonesia," *Jurnal Cita Hukum* 9, no. 1 (2021): 93-110, <https://doi.org/10.15408/jch.v9i1.16510>.

<sup>13</sup> Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Bloomsbury Publishing, 2005).

interviews with the community leaders, indigenous leaders, and *saro-saro* executant. The data analysis used qualitative analysis.<sup>14</sup> The steps are: *First*, primary and secondary data obtained in the study are collected and classified based on the problem (*data collecting*); *Second*, the results of data collection and classification are condensed (*data condensation*); *Third*, the condensed data analyzed and presented for later conclusions.<sup>15</sup>

### **THE CONCEPT OF WALIMAH AL-'URSY IN ISLAMIC LAW**

*Walimah al-'ursy* is a bridal celebration as an expression of gratitude for her marriage by inviting relatives and the community to join in being happy and witness the inauguration of the wedding as they participate in preserving the family they fostered. So, *walimah al-'ursy* is a marriage announcement to the community or can also be called a wedding party.<sup>16</sup>

Islam suggests that after the post-marriage, the bride and groom hold a ceremony as an expression of gratitude to Allah and an expression of happiness for the marriage favors. The tradition in Islam is conceptualized as *walimah al-'ursy*.<sup>17</sup> The benefit of the *walimah* process is that family, neighbors, and friends also witness would pray for the bride and groom.

Nevertheless, the Prophet's command to hold *walimah al-'ursy* does not contain the obligatory meaning, only *sunnah* according to *jumhur ulama'* as *walimah* is a long-standing tradition that prevailed among Arabs before Islam came and continued when Islam came. The practice of *walimah al-'ursy* was later continued by the Prophet with slight changes to the guidance of Islamic Law. On this subject, scholars have various opinions, for instance, among *Zhahiriyah*, who say that it is obligatory for everyone who is married to hold *walimah al-'ursy*, either in small or large, according to the economic situation of the marriage. At the same time, some others say *sunnah* only.<sup>18</sup>

Holding *walimah* has several advantages, including 1) It is gratitude to Allah SWT; 2) A sign of the surrender of a girl to the husband of both parents; 3) As an official sign of the existence of a marriage contract; 4) As a sign of starting a new life

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<sup>14</sup> William H. Putman, *Legal Research, Analysis, And Writing* (Cengage Learning, 2023).

<sup>15</sup> Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (SAGE Publications, 2013).

<sup>16</sup> Amir Syarifudin, *Hukum Perkawinan Islam Di Indonesia* (Jakarta: Kencana Prenada Media Group, 2009). 155.

<sup>17</sup> Sudirman Rahmat, *Konstruksi Seksualitas Islam* (Yogyakarta: CV Adipura, 1999). 113.

<sup>18</sup> Haerul Akmal, "Konsep *Walimah* dalam Pandangan Empat Imam Mazhab," *Tarjih: Jurnal Tarjih dan Pengembangan Pemikiran Islam* 16, no. 1 (June 22, 2019): 21-33.

for husband and wife; 5) As a realization of the sociological meaning of the marriage contract The benefits of being told to hold this walimah is to announce to the public that the marriage contract has occurred as all parties know it. To *Malikiyah*, informing the marriage preferred *walimah* rather than presenting two witnesses in the marriage contract.<sup>19</sup>

The *Walimah* recommended by Islam is a reasonable ceremony in all respects. In *walimah*, it is recommended for the party to hold a meal to be served to guests who attend *walimah*. However, everything must be adjusted to the capabilities of both parties. Islam forbids the ceremony if it brings harm to the bride and groom or harms the life of the community.

Attending and carrying out walimah is also recommended by using decreed clothes, especially in the procession. Islam passes hijab (covering the *aurat*) for women as mentioned in verse 59 of QS al-Ahzab below: "O Prophet, say to your wives, daughters, and wives of believers: "Let them stretch out their veils all over their bodies." This is so that they are easier to recognize. Therefore they are not disturbed. And Allah is the Most Forgiving and Merciful".

This obligation is also based on the Hadith of the Prophet in the following books of Saheeh Bukhari No. 351 and Saheeh Muslim No. 390: "From um 'Athiyyah, he said, "On two holidays, we are commanded to expel menstruating women and girls to attend the Muslim congregation and their prayers. But menstruating women should stay away from their places of prayer. One woman asked: "O Messenger of Allah, a woman among us does not have a hijab (let her go out)?" He replied, "Let her friend lend her a hijab for her to wear."

There are several etiquettes in walimah al-Ursy, namely<sup>20</sup>: 1) The bride (woman) and her guests are not allowed to perform tabarruj; 2) There is no ikhtilath (mixing) between men and women. Places for guests should be separated between men and women; 3) Sunnah invites the poor and orphans, not just the rich; 4) Don't waste too much property and food to avoid waste; 5) It is permissible to hold entertainment in the form of nasyids from tambourines and do not damage the Islamic faith; 6) Prayer for the bride and groom; 7) Avoid shaking hands with non-Muslims; and 8) Avoiding shirk and khurafat. The concepts of walimah al-ursy can

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<sup>19</sup> Syarifudin, *Hukum Perkawinan Islam Di Indonesia*. 156-157.

<sup>20</sup> Muhammad Abduh, *Pemikiran Dalam Teologi Islam* (Jakarta: Raja Grafindo Persada, 2002); Zul Ikromi and Tasnim Rahman Fitra, "Maqashid Syari'ah Dalam Hadis Walimah 'Urs," *Syaksia : Jurnal Hukum Perdata Islam* 24, no. 1 (June 30, 2023): 39-63, <https://doi.org/10.37035/syaksia.v24i1.7932>.

be made due to the traditions applied to society, as Islam also does not regulate the stages of walimah in detail. Only a few etiquette should also be noted.<sup>21</sup>

Islam knows The term adat(tradition) comes from the word al-adah, meaning repetition either in the form of comments or deeds. Traditions or habits are a person's behavior carried out in a certain way and followed by outside society for a long time. The elements are The existence of a person's behavior, the presence of work carried out continuously, the presence of a time dimension, and the presence of participation by others. Traditions show human forms, attitudes, and actions (changes) in traditional provision communities to maintain traditions that apply to their territory. Traditions are sometimes maintained as the awareness of the community, but not infrequently; traditions are maintained with sanctions or legal consequences so that they become traditional provisions.<sup>22</sup>

*Adat* (tradition) in the term ushul fiqh etymologically al-adah means repetition in words or deeds. In terminology, *adah* is a tendency (in the form of expression or work) on a particular object and accumulative repetition of the thing of the work in question, whether done by individuals or groups. As a result of the replay, it is considered normal and easy to do. That activity has become ingrained and almost becomes the character of the person.<sup>23</sup>

Traditionally, the origin of the words *adah* and *urf* is different. Linguists, some equate, and some distinguish these two words are synonymous. The scholars who distinguish between *urf* and *adah* give the following reasons<sup>24</sup>:

1. *Adah* can apply in general, whether by many people or individuals. At the same time, *most people must do urf*, which is not said to be *urf* if the habit only occurs in specific individuals.
2. *Adah* can occur naturally, as it applies in society, while *urf* cannot happen naturally but must be through thought and experience.
3. *Adah* does not include judgments about the good and bad aspects of the actions, while *urf constantly* assesses everything that becomes *urf*.

While ulama', who tend to equate *urf* with *adah*, argue that there is no moral difference between *urf* and *adah* as they are similar, an action that has been

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<sup>21</sup> Muyassarrah Muyassarrah, "Nilai Budaya Walimah Perkawinan (Walimatul 'Urusy) Dalam Pemberdayaan Ekonomi Masyarakat (Studi Kasus Di Kelurahan Gondorio Ngaliyan Semarang)," *Inferensi: Jurnal Penelitian Sosial Keagamaan* 10, no. 2 (December 1, 2016): 539-58, <https://doi.org/10.18326/infl3.v10i2.539-558>.

<sup>22</sup> Hamzah Latief, "Interkoneksi Konsep Walimah Perkawinan dalam Hukum Islam dan Hukum Adat Bugis Bone," *Al-Bayyinah* 3, no. 1 (July 31, 2019): 77-92, <https://doi.org/10.35673/al-bayyinah.v3i1.346>.

<sup>23</sup> A. Djazuli, *Kaidah-Kaidah Fiqih* (Jakarta: Kencana Prenada Media Group, 2010). 79.

<sup>24</sup> Nasrun Haroen, *Ushul Fiqh* (Jakarta: Logos Wacana Ilmu, 1997). 38-139.



repeatedly done becomes known and recognized by many. On the contrary, since it is well known and recognized by many people, it is done by people repeatedly. Thus, although there is a difference in words, the difference does not seem significant.<sup>25</sup>

The different perceptions of the scholars above are due to how they view *urf* and *'adah*. Ulama who distinguish between *urf* and *'adah* see these two problems very broadly; they see *urf* and *'adah* as a problem in various disciplines, ranging from culture, tradition, social, and others, and do not focus on fiqh problems alone, in contrast to Ulama who tend to equate *urf* with *al-Adah*, they see these two problems in terms of fiqh terms that most fuqaha do not distinguish between them. One proof of this is the emergence of qawa'id al-fiqhiyah, *Al-adah al-muhakkamah*, which in that rule uses the word *'adah* but means not only *'adah* but also *urf*.<sup>26</sup>

## **IMPLEMENTATION OF SARO-SARO AND HIJAB PROHIBITION IN TRADITIONAL WEDDINGS OF JAILOLO MUSLIM COMMUNITY**

Saro-Saro is a stage to be passed by the indigenous community in holding marriages. Almost all indigenous people of North Maluku in South Jailolo, especially in Sidangoli Gam, Sidangoli Dehe, and Tataleka villages, preserve traditions and culture. Preserving traditions and culture should not be eliminated as a community respects the ancestors who have created, maintained, and kept it. Moreover, those born in families that uphold traditional values are obliged and punished fardhu 'ain to preserve the elements of old beliefs deeply rooted in the family, which come from their ancestors.

This traditional ritual is implemented after the recitation of *ijab* and *qabul*. There were several other traditional rituals before. The traditional wedding procession is Pre-Marriage (*ijab qabul*): (1) Ride wadaka (*fere wadaka*), (2) Rorior (*Bridal Room visit*), (3) Hodo Jako (three-tube bath), (4) *Ijab Kabul* (Marriage); and Post-Marriage (*ijab qabul*): (1) Paha Ngongoma (Laying hands on the bride's head), (2) Suba Yaya Se Goa (Asking for parents' blessings), (3) Saro-saro (Traditional eating).<sup>27</sup>

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<sup>25</sup> Amir Syarifudin, *Ushul Fiqh 2* (Jakarta: Kencana Prenada Media Group, 2011). 364.

<sup>26</sup> Ayman Shabana, *Custom in Islamic Law and Legal Theory: The Development of the Concepts of 'Urf and 'Adah in the Islamic Legal Tradition*. (Basingstoke: Palgrave Macmillan, 2010), <http://www.myilibrary.com?id=306681>.

<sup>27</sup> Nur Azizah Rahman et al., "Review the Concept of Al-'Adah Al-Muhakkamah on Tradition 'Batal Wudhu' the Traditional Wedding of Ternate People in Ternate," *Jurnal Ilmiah Al-Syir'ah* 20, no. 1 (2022): 1, <https://doi.org/10.30984/jis.v20i1.1775>; Abd.Majid; Sitnawati, "Tradisi Dalam Pernikahan Masyarakat Ternate Di Kota Ternate 1999-2016," *Universitas Negeri Makassar* (2018).

In implementing saro-saro by providing a lunch that is prayed for by the community, better known as "eating saro."<sup>28</sup> The food banquet is expected to be a blessing by the family who wishes and prays for the bride and groom who will build a household so that the home can run peacefully and rich by the benefits of Allah SWT.<sup>29</sup> Those obliged to read prayers are selected from several elements of society who participate in the saro banquet.

The thing researchers explored is the female makeup symbol that is required to use a bun or cone. Symbols are signs, paintings, words, plans, and others that convey a particular purpose and meaning.<sup>30</sup> For the people of South Jailolo, the bun is a woman's identity reflected in the character of RA. Kartini, as its use, can bring a maternal aura to women. Buns usually use their hair, but with the times, most buns today are made using artificial hair that is already on the market. Bun is usually called *konde*. Bun philosophy, according to Njaju Jenny Malik, a Professor at the University of Indonesia, is not just a hairdressing style but a portrayal of a woman who is good at keeping secrets, both her and her family's secrets. If a woman has personal problems or problems with her family, let those problems or secrets remain in the back of her (bun). While on the front (face), a woman looks smile; even though she is complex and heavy, she must still smile beautifully.

The obligation to use a bun, which is a traditional symbol, where there is also an obligation to wear hijab for women raises problems, especially the conventional rules set by the people of North Maluku adhering to the philosophy of "*adat matoto agama, agama matoto kitabullah*" is a friction to be explored. Even when sitting on the saro banquet, Penyaro, who did not use a bun, will be replaced by someone else or even the seat moved to the back row.

This case happened to the wife of the imam of the Sidangoli Dehe mosque, who was supposed to sit in the third row and changed to retreat to the back row just because she was wearing a head covering and not a bun. The wife of the imam of this mosque has a religious status entitled *Gajah*, as she has implemented the fifth pillar of Islam. This was realizable, and as the question asked, she said it was natural because the traditional rules were thick in the family environment of the host, so she also accepted it.<sup>31</sup>

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<sup>28</sup> Safar Hi. Abdul. Tokoh Adat Desa Tataleka. *Interview*. Tataleka, October 24 2022.

<sup>29</sup> Angelina Rianti et al., "Ketupat as Traditional Food of Indonesian Culture," *Journal of Ethnic Foods* 5, no. 1 (2018): 4-9, <https://doi.org/10.1016/j.jef.2018.01.001>.

<sup>30</sup> Ahmad. Al-Qadri Bagdawansyah Nurlatifa, Zubair, Muh. Fauzan, "Nilai Dan Makna Simbol Dalam Tradisi Maulid Adat Bayan," *Syntax Literate: Jurnal Ilmiah Indonesia* 7, no. 8.5.2017 (2022): 3365-81.

<sup>31</sup> Evi. Isteri Kepala Desa dan Imam Masjid Sidangoli Dehe. *Interview*. Tataleka, October 24, 2022.

The bun ban and the ban on hijab, as confirmed by several traditional leaders, religious leaders, and community leaders, produce a variety of responses and opinions.

One of these responses was conveyed by Hi. Suharlan, an indigenous figure from Sidangoli Gam Village. He said:

"Saro-saro is a traditional ritual of North Maluku, which has existed for generations and must be preserved. Saro-saro is shown as a banquet. Saro, who masquerades, must wear traditional clothes, as they face traditional food. The ancestors' rules, if sitting in front or coming to attend a traditional event, one must wear traditional clothes, complete with a bun symbol for women. If you don't wear traditional clothes, you can't sit in front of traditional food, since sarosaro traditional banquet means traditional food."<sup>32</sup>

Another response was by Maryam, a traditional leader of Sidangoli Dehe Village said:

"Saro-Saro or Ternate language " *Saro Simasilain*". Before the religion came, culture had already come first. So we must keep traditions. If we delete the culture, we delete the syareat. Man is new to religion, so religion must not abolish customs. So, Sarosaro is obliged to use traditional rules. Penyaro or the Saro attend must use a bun as they sit before the conventional food. Besides the mandatory religious traditions to wear hijab, standard rules must also be obeyed."<sup>33</sup>

Then Safar Hi. Abdul, a leader of Tataleka Village (Kapita Tataleka), also gave a response:

"Sarosaro must be in the marriage traditions of indigenous people; it is community respect for the ancient people who have maintained this culture, but the essence of its implementation must have hope in Allah. Traditional food, clothing, and other rules must be obeyed when implementing the sarosaro procession. The bun is the identity of Penyaro (the Saro), an ancient woman who often uses a bun. The use of buns for custom is mandatory. Still, the development after the riots began to enter the changing times, with people wearing hijab or head coverings. For Penyaro (si Saro) with a status of Gajah or the wife of sharia officials can wear hijab or head coverings".<sup>34</sup>

Based on these various explanations, the Sarosaro tradition in the Jailolo community can be understood as follows: *First*, some people of South Jailolo are indigenous, and some are immigrants. Indigenous people still preserve the tradition

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<sup>32</sup> Suharlan. Kepala Desa Sidangoli Gam. *Interview*. Sidangoli Gam, October 25, 2022.

<sup>33</sup> Maryam. Tokoh Adat Sidangoli Gam. *Interview*. Sidangoli Gam, October 25, 2022.

<sup>34</sup> Safar Hi. Abdul. Tokoh Adat Desa Tataleka. *Interview*. Tataleka, October 24, 2022.

of eating saro in their marriages. Whereas immigrants do not. *Secondly*, Saro-saro is a traditional banquet attended by elders to pray for the bride. *Third*, to participate in the meal, wearing traditional clothes with a bun is mandatory, for those who have performed Hajj or carried out the fifth pillar of Islam are allowed to wear Muslim clothes with hijab, while those who have not remained in traditional attire; *Fourth*, the order of sitting at the saro table will be sorted based on the height of the position in society. From Imam, Head of Subdistrict, Head of Village/Village, Community Leaders, Traditional Leaders, and family members in the bride's family. *Fifth*, people's understanding of the obligation to bun or ban hijab. Some understand that buns must maintain and preserve traditions and consider those born first as they must be obeyed. Others know that it is permissible to wear a headscarf according to the rules of the Shari'a, as the tradition must follow a religion, as well as the philosophy of "*adat matoto agama, agama matoto kitabullah.*"

#### **THE RELEVANCE OF ADAT IN THE IMPLEMENTATION OF SARO-SARO AND THE PROHIBITION OF HIJAB IN WEDDINGS OF JAILOLO MUSLIM COMMUNITIES**

Traditions and traditional symbols in a society are ancestral heritage that must be preserved. What grows into a tradition does not just fall from the sky. Instead, they are formed by nothingness into existence, and what exists also produces and develops; thus, the richness of identity and characteristics of the tradition provides evidence that it has been attached and raised in the Indonesian nation.<sup>35</sup>

As viewed from Islamic law, the Qur'an as a guide to life has explained the position of tradition, customs, and culture in the religion. The community believes the values contained in a ceremony in luck, success, and abundance, for the community. But on the other hand, many polemics are caused when viewed from an Islamic perspective.

Ibn Qayyim ra. once said: "All the Shari'a that Allah has ever revealed, always brings pure or greater benefit (compared to loss), command and teach them...". This means that every rule, command, and recommendation has a positive impact, and every heeded prohibition brings luck to human survival. One of the prohibitions that will benefit humans is to abstain from the traditions of previous ancestors that

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<sup>35</sup> Muh Sudirman, "Penyerahan Penne Anreang Dalam Tradisi Perkawinan Adat Bugis Parepare : Kajian Gender Dan Hukum Islam," *DIKTUM: Jurnal Syariah Dan Hukum* 20 (2022): 228-42. 228-242.

are contrary to the teachings of Islam. As stated in Qs. Al-Baqarah 2:170 and Qs. Al-Maidah 4:104.

The two verses explain that people are more obedient to the teachings and commands of their ancestors than to sharia revealed by Allah in the Qur'an, such as the beliefs in certain rituals promise salvation, peace of life, repellent of reinforcements which become the traditions of Indonesian people in various regions.

The existence of Sharia will not abolish traditions and customs. Islamic culture accompanies this tradition so that every value adopted and actualized by the local community does not contradict Islamic law, as the tradition by every ethnic group implemented by Muslims must not deviate from Islamic law as the position of reason will never be more important than the revelation of Allah the Exalted. This is an essential and crucial understanding that every Muslim must have.

The belief of the Muslims as a universal religion that regulates all aspects of life is not only in the metaphysical relationship between servants and creators but also in other parts of life such as socio-cultural, economic, political, and other things. Sometimes, this partial understanding is still believed by Muslims. Therefore, the attitude of Islamic sharia towards traditions and customs always prioritizes the postulates in the Qur'an and Hadith over traditions and customs.

Culture, which results from human cultivation, is a tradition inherent in a society so that other practices do not influence people. The physical culture of these communities is intertwined with each other. Plural societies will clash when determining their legal aspects, especially regarding Islamic law (fiqh).<sup>36</sup>

The values to be conveyed in saro-saro procession in the traditional wedding of the South Jailolo community are good, and this is believed by all communities until now, starting home life by asking for prayers from the elderly or elders or people who have power in the region, all of those have already dived into the world of home by stabbing the sweet and bitter scenario of life. Prayers are expected as the blessings to the first steps of a new marriage that will begin. Teaching that husband and wife live in harmony, harmony, and tranquility, and be bestowed and launched sustenance, kept away from domestic dire and danger.

The scholars agreed in accepting tradition, in which there is an element of benefit and no element of mudharat, or the element of use is greater than the element

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<sup>36</sup> M. Atho Mudzhar, *Membaca Gelombang Ijtihad Antara Tradisi Dan Liberasi* (Yogyakarta: Titian Ilahi Press, 1988). Hal. 68.

of *mudharat*, and the tradition principally substantially contains the component of *maslahat*, but in its implementation is not considered good in Islam. The basis for the enactment of the traditional provision in Indonesia is included in the Constitution of the Republic of Indonesia Year 1945 Rule II: "All existing State institutions continue to function as long as they are to enact the provisions of the Constitution and no new ones have been established according to this Constitution."<sup>37</sup> The clause can be the legal basis and force for implementing the custom of *saro-saro*.

Sociologically, the power of tradition is because the law is natural and obeyed by society. Although in writing, it needs to be firmly stated in a direction and regulation. In determining the advice of a problem, a *mujtahid* must pass several stages of legal tracing of specific issues as it must be by the basic order of Islamic law. This is a must for *mujtahid*, who wants to study the Qur'an while making the Qur'an and Hadith as a reference and source.<sup>38</sup>

Islamic Sharia's decision aims to create benefits for the people. Its implementation needs an institution for enforcement since the laws can only be applied to institutions. The State has officially recognized the existence of traditional provisions. However, its performance is still limited, referring to clause 18 B paragraph (2) of the 1945 Constitution, which states, "The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and by the development of society and the principles of the unitary State of the Republic of Indonesia, which is regulated in law" which means the State recognizes the existence of traditional provision and constitutional rights in the Indonesian legal system.<sup>39</sup>

It also stipulates in clause no. Three of the Basic Agrarian Law, "the exercise of traditional rights and similar rights of traditional provision, shall be accordance with national and State interests, which is based on national unity and shall not contradict other higher laws and regulations." Seeing the clause, a tradition can still be carried out as a law regulates traditional provision, which needs to be underlined that implementing the rule does not contradict the teachings of Islamic law.<sup>40</sup> And how

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<sup>37</sup> Rato, *Hukum Adat Di Indonesia (Suatu Pengantar)*. 111-112

<sup>38</sup> Rato. 50

<sup>39</sup> Julianto Jover Jotam Kalalo, "Politik Hukum Perlindungan Hak Ulayat Masyarakat Hukum Adat Di Daerah Perbatasan," *Makassar: Disertasi Universitas Hasanuddin*, 2018; Herdi Munte and Christo Sumurung Tua Sagala, "Perlindungan Hak Konstitusional Di Indonesia," *Jurnal Ilmiah Penegakan Hukum* 8, no. 2 (December 31, 2021): 183-92, <https://doi.org/10.31289/jiph.v8i2.4791>.

<sup>40</sup> Yance Arizona, *Konstitusionalisme Agraria* (Yogyakarta: STPN Press, 2014).

to make everything we do with the sole purpose of being only for Allah SWT. Everything is left to Allah and is related to Islam.

The implementation of saro-saro in a banquet of prayers asking for the blessings of the bride and groom to Allah Almighty can be declared to be a good tradition in the concept of *urf al-shahih*; it is everything that is already known to the community that does not contradict the proposition of *syara'*, nor does it justify the haram and applied in society. However, the implementation by requiring a bun (*konde* symbol) can invalidate the mandatory law of the sharia when saro or those present at the saro banquet as they unwear the hijab need to be rearranged by the applicable Islamic sharia without reducing the solemnity of saro feast and the traditional meaning contained in it. Even the *konde* symbol part of the *urf* includes constitutive (a belief) and is formed by the community's traditions. When discussing symbols and meanings according to Islamic law, it cannot be separated from the traditional provision that always accompanies it, as the law that applies in the community is Islamic law. The standard conditions will follow Islamic law by the community's traditions.<sup>41</sup>

The obligation to wear hijab and not play with it by taking off the clothes is clearly illustrated in the Qur'an and hadith. Qur'an surah al-Ahzab verse 59 and HR. Bukhari No. 351 and Muslim No. 890 scholars agree that wearing a hijab or covering the aurat is mandatory. They dispute whether the matter of the face and both palms is compulsory to cover. Every command by Allah Almighty and His Messenger is a principle in Islam. So, wearing Muslim clothing is mandatory for all women who believe. The position of wearing hijab is the same as other obligations, such as prayer, fasting, and zakat. It gets merit if carried out; if abandoned, it will get sin. The issue of the order to wear hijab cannot be separated from the point of aurat. Aurat is a minimum limit of the body that must be closed because it can cause lust when left open. That part is a human dignity.

In fact, due to researchers, changes in increasingly modern, sophisticated, and creative times allow someone who wears a hijab to still use a bun by using the same colored hijab interior. This latest creativity can also maintain and preserve traditional clothing. Just as we find Javanese brides who want to use standard symbols in the form of buns, they can still use them, even though they must be equipped with hijab.

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<sup>41</sup> Moh Muslim Fatkhi Mubarak Al-Farizky, Khoirul Asfiyak, "Relasi Hukum Adat Dan Hukum Islam Mengenai Simbol Dan Makna Dalam Tradisi Pernikahan Di Desa Bungah Gresik," *Hikmatina : Jurnal Ilmiah Hukum Keluarga Islam* 4, no. 1 (2021): 37-43.

## CONCLUSION

The implementation of saro-saro in traditional weddings of the Muslim community Jailolo, West Halmahera, can be concluded that the performance of eating saro is an integral part of formal weddings; it is hoped that it will bring blessings to the bride and groom and the families who also pray. According to Islamic teachings, this tradition is recognized as an effort to create benefits in the household. Several elements of society chose to recite prayers as part of the saro banquet, showing the participation and involvement of various levels of organization in the event. The technical division of eating saro, including selecting prayer readers, is made based on customary rules and requirements that everyday experts have established. This reflects efforts to maintain the continuity of traditions by following applicable regulations and norms.

In the analysis of Islamic law, the implementation of eating saro, which contains blessing prayers, can be considered a good tradition by the concept of *al-urf al-shahih*. This tradition does not conflict with Islamic sharia and can be applied in society. Although tradition requires removing the hijab and wearing a bun, this can conflict with the principles of wearing the hijab in Islam. Therefore, implementing this tradition must be restructured to ensure conformity with Islamic law principles. For the tradition of eating saro to continue without violating Islamic principles, its implementation must be reformed. This can be done by maintaining the meaning of tradition and its blessings without reducing the obligation to wear the hijab. Therefore, it is essential to maintain harmony between custom and religion by following the traditional philosophy of North Maluku: "*adat matoto agama, agama matoto kitabullah, dan Sunnah Rasulullah*." This reflects the importance of aligning traditions with Islamic religious values.

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