

Changes in Islamic Society and Culture in Customary Marriage Within the Uluan Musi Community

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Abstract

Marriage is a culture that grows based on three values: religiosity, customary, and national. In Indonesian culture, the marriage of the Uluan Musi community per these three values has changed the implementation procedure. These changes occurred in the structure and culture, which impacted the customary law system. Therefore, this research aims to observe how changes in Islamic law culture in customary practices occurred in the Uluan Musi community. This qualitative study collects data from traditional and religious leaders through in-depth interviews, observations, and documentation. The results indicated that the changes in the Islamic legal culture in the marriage practice were caused by the fading of the meaning of Islamic legal values (i.e., profanization) of marriage customs due to cultural coexistence and globalization. These changes cause social leeway with the potential to lose cultural identity. Therefore, legal remodification must be carried out to maintain the continuity of Islamic law.

Keywords

Customary law; Islamic culture; Islamic society; marriage; Uluan Musi community

Introduction

Marriage is an aspect of a series of cultures synonymous with traditions in Indonesia and other parts of the world. For example, Malaysia's popular *Tepak Sirih* tradition reflects the Malay lifestyle and values (Wahyuni, 2017). In China, people use many symbols in marriage practices (Yong, 2014). *Tepak Sirih* and innumerable symbols used by Malaysians and Chinese are forms of marriage culture (Tan et al., 2018). Likewise, Indonesia, with its various ethnicities and religions, has diverse patterns of customary marriages practiced by the Dayak (Mardawani & Jaya, 2019), Sundanese (Gunawan, 2019), Javanese (Robiyanti, 2020), and Gayo (Selian, 2017) to portray their cultures. According to Rochmiatun (2020), Uluan Musi, one of the regions in South Sumatra, has a distinctive cultural form and structure of marriage patterns.

In Colonial literature, Uluan and Iliran were formed as conceptions built up in society in the past. Uluan is a term to denote the territorial area of the upper reaches of the Musi River in South Sumatra. In rural areas, there is a single culture of civilization/culture; the people are only one or two ethnic/tribes. Meanwhile, Iliran is a term used to denote the downstream/Musi River estuary territorial area in South Sumatra. The urban center, a meeting place for various civilizations/cultures, has a more plural society. It was not found when this term was first used as an identity that shows the pattern and structure of society (Rochmiatun, 2019). However, there are indications that uluan and iliran emerged along with the presence and development of Palembang, which plays a role as a center of activity, especially economic activity. The role of Palembang, which is the center of economic activity, then makes it, at the same time, the center of politics, society, culture, and religion in the form of strict societal polarization (Syafraan, 2021). As a center, iliran is considered a more modern area than the traditional Uluan. Stereotypes that exist in society are models that must be followed. Iliran and Uluan can also be understood from the political system of the Palembang Sultanate (Rochmiatun, 2020). The Sultanate of Palembang is believed to have various powers to control and coordinate all resources of political and economic power. The Ilir area is generally known as the toll area, while the Uluan area is commonly known as the Sindang area.

The Uluan Musi community was initially called deutro Malay, the "second wave" that inhabited the archipelago. Estimated to have come in the metal age (approximately 1,500 BCE), it replaced the Proto Malay, the first of the two "waves" of migration that were thought to have occurred during the Indonesian occupation. It settled in the interior of the archipelago area around Southeast Asia, which is now divided into the country of Malaysia and the western region of Indonesia. Deutro Melayu brought about progress in terms of culture and was even identified as a society that introduced iron tools into daily activities (Setiawan, 2019). Furthermore, this community has a lengthy history of development that led to its diverse and mixed cultural forms (Suroyo et al., 2021). This is understood as a consequence of continuous interaction, which created new heterogeneous and unique cultural forms. The legal culture concerning the marriage tradition of the Uluan Musi also has a lengthy history, portraying traces of pre-Islamic ornaments, such as cultivating yellow rice and using coconut leaves to decorate the venue (Arif & Darwati, 2018).

In the event of a customary marriage, Islamic law is unambiguous. Besides its requirements and pillars, the Uluan Musi community usually adheres to other Islamic values (Basori, 2020).

This can be seen in the inherent social rules, good habits that have existed for a long time, and other perspectives supporting Islamic values. These are perceived as a source of legal norms that apply to society (Isnaeni & Hakiki, 2017; Pala, 2020). This is evident in the enactment of the *Sindang Merdeka* [customary law used in the Southern Sumatra region] and the *Simbur Cahaya* Acts [customary law used in the Uluan region of South Sumatra], which had been in effect long before Indonesia gained independence. These two laws were the initial source that triggered the development of Islamic legal norms that apply to the Uluan Musi community (Adil, 2018; Fitria & Otoman, 2021; Wulandari & Marzuki, 2020). Likewise, the marriage procession practiced by the Minangkabau community adheres to Islamic teachings, including its legal requirements and pillars. The members also adhered to the Nagari exogamy by prohibiting marriage practices involving individuals from the same family line and getting a mate from outside the Nagari. This is because marriage is not only an issue related to the men and women involved but also the families of both parties and the prevailing social and legal systems.

Uluan Musi is a Muslim community; its traditions and laws are inseparable from Islam (Farida et al., 2019). Traces of Islamic law are evident in the *Simbur Cahaya* Act, specifically in Part I Article 32, which references the customary marriage system (Farida, 2012). However, four basic rules were identified as a guide in the Uluan Musi marriage arrangement. The first is the provision regarding its legality involving customary structures. The second has to deal with the amount of money spent and various types of traditional food prepared for the ceremony. The third regulates engagement and its legal consequences. The fourth manages civil law and customary settlement procedures (Farida & Hassan, 2012). The *Simbur Cahaya* Act, legally related to the marriage system, is declared a great tradition of the Uluan Musi community (Yusdani, 2004).

The *Simbur Cahaya* Act was perceived as a source of legal norms that are adhered to by the Uluan Musi community, explicitly concerning its customary marriage consequences (Adil, 2018). This arrangement is evident in documents, speech stories, and traces of traditions still practiced (Farida, 2012). The two customary law documents were perceived as a form of continuity and change from the great tradition stipulated in the *Simbur Cahaya* Act. The first document is centered on the customs and traditions of the Musi Banyuasin Regency (Permata et al., 2021). The second document is based on the Halawe Customary Law of Lubuk Linggau City (Rosmaidar, 2020). These two documents that regulate the customary law depict a change in the *Simbur Cahaya* Act, perceived as a grand tradition formally applicable in Uluan Musi.

This change in the marriage tradition eliminates the distinctive cultural identity. The loss of this culture alters the social order, which results in the disruption of history and even leads to cultural destruction (Abdullah, 2015). In the past, the community highly respected the eldest brother figure as a symbol of control, honor, and protection for the family. However, the change in legal culture led to the loss of this symbolic function and cultural control (Mahyuddin, 2017). The difference in *al-'urf* [Islamic law that already exists and is known to support human rules] is evident in the alteration of the structure from conventional to formal. This occurred due to several factors, including the erection of conventional customary institutions that are no longer functional. Secondly, it was also due to the number of traditional elders who withdrew without customary regeneration. Thirdly, the people's empathy for customary substances slowly faded, and the younger generation was finally indifferent to Uluan Musi customs. This led to the acculturation between religion, custom, and culture, which cannot be denied by the Uluan Musi community and the Malay society, in general, due to their ability to embrace new things dynamically.

The research on customary marriages only tends to place this union as a sacred ritual and a tradition practiced by every community regardless of ethnic and racial background (Cholil, 2017; Melayu et al., 2021). It is recognized as the acculturation between culture and religion based on the power and legitimacy of the community (Banks, 1976; Friedman, 1975; Sukerti & Ariani, 2018). This is perceived as part of the cultural, economic, and political space, although it is rare for customary marriages to make changes to Islamic legal culture (Astuti & Amirullah, 2019; Watson, 1983). It is also considered an essential factor in altering legal culture (Octavianna et al., 2020; Zainuddin et al., 2020). Customary marriage needs to be seen as a natural process (Mubarok, 2017), not as one that is formed. There is freedom of space, and it presents the dynamics of Islamic legal culture, although not as objects of coercion to fulfill a series of traditions based on religion.

This research is based on an argument that the Islamic legal culture concerning the customary marriage practiced in the Uluan Musi community implies that these practices and their noble values can be maintained in the dynamics of global reality (Murni & Supriyanto, 2010). This led to the dialogue that traditional culture needs to be perceived as part of social identity. Aside from reflecting on society, the acculturation process between customs and customary marriages emphasizes that something new can be harmonized in a specific cultural practice (Iryani, 2018). Finally, the existence of an integrated customary marriage is not only a matter of marital process and customs but rather a formulation of community identity that upholds local wisdom without rejecting new things. The Uluan Musi is expected to continue maintaining its tradition in terms of customs and religion and as a reflection of a group with distinctive character and principles.

According to Lamsal (2012), cultural change and continuity are closely related to its structure. This is described as an institution created by communities to support sustainability (Azizah, 2020; Jaenudin et al., 2020). Meanwhile, culture is an activity practiced by cultural communities to express their norms (Salim, 2016). These two attributes in the Uluan Musi community tend to cause specific alterations in the Islamic legal culture, impacting social changes (Martono, 2018). These are further metamorphosed into religious nuances, perceived as a form of cultural structures practiced presently (Tendi, 2016).

The Uluan Musi community has experienced cultural and structural changes that impact traditional patterns, specifically in the marriage culture. Aside from confirming the Malay community's dynamic and open characteristics (Haryono, 2017), these changes also provide space for the acculturation process between religion and culture (Bukhari, 2017). The customary marriage practice, which has existed for a long time, can be shortened by changes in the Islamic Legal culture given the Uluan Musi community. Arif and Darwati (2018) stated that religion is essential in preserving culture. Also, several factors that alter Islamic law usually harmonize with the reality of different dimensions.

This research is intended to complement previous research on changes in the legal culture of customary marriages, perceived as part of the traditional and communication media (Suryani & Vidya Riani, 2022). For example, Murdan (2018) analyzed specific changes in Islamic legal culture concerning traditional marriages of the Sasak tribe. Yayuk examined customary marriage as one of the gaps in child marriage (Kusumawati, 2019). Ni Nyoman (as cited in Sukerti & Ariani, 2018) analyzed customary marriage as a cultural existence. Other related research focused on culture and the correlation between customary, religious, and favorable laws. Subsequently, this research is intended to answer three main questions: (1) How is the

practice of Islamic legal culture concerning the Uluan Musi marriage custom occasionally performed? (2) What changes are made? and (3) How does its impact affect the Uluan Musi community? These are expected to be able to resolve the issues associated with changes in the legal culture [*al-'urf*] relating to customary marriage practices in the Uluan Musi community.

Uluan Musi community

In Colonial literature, *Uluan* and *Iliran* are conceptions fabricated in the past. It was not pinpointed when this term was first used as an identity showing societal patterns and structure (Rochmiatun, 2019). However, there are indications that Uluan and Iliran emerged along with the presence and development of Palembang, which played a significant role as the center of economic activities (Zulkifli & Nasution, 2001). This also made it a political, social, cultural, and religious center through strict societal polarization (Syafran, 2021). Meanwhile, Iliran is considered a more modern area than the traditional Uluan. The stereotype that exists in society is a model that needs to be adopted. Iliran and Uluan can also be analyzed from the political system of the Palembang Sultanate (Rochmiatun, 2020), which is believed to be influential in controlling and coordinating all political and economic resources. The Ilir and Uluan regions are known as the Toll and Sindang.

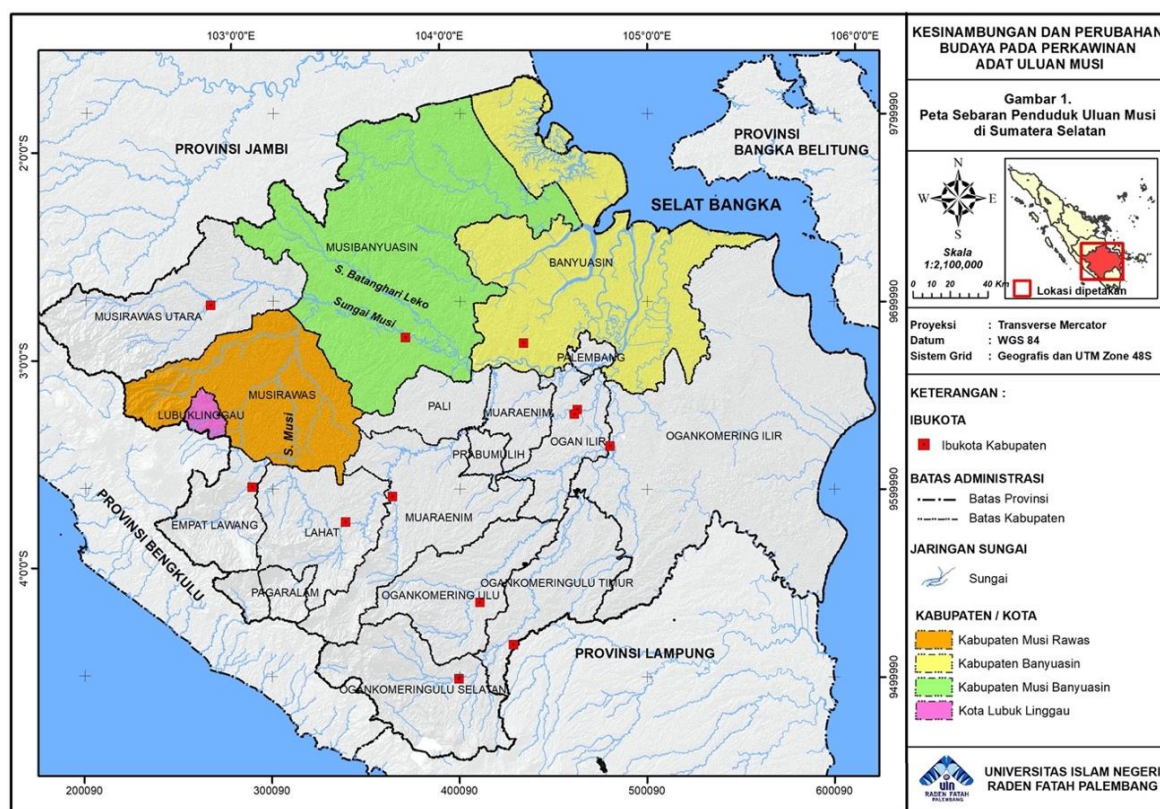
The power of authority differs between the Iliran and Uluan areas. For example, in the Iliran or collection area, the sultan has the power and authority to collect taxes and recruit labor. The reverse is the case in the Uluan or Sindang, where the sultan and the kingdom do not have the authority to collect taxes and exert occupation (Santun et al., 2010). The Musi River Basin is a deeply rooted regional identity covering four provinces: South Sumatra, Bengkulu, Jambi, and Lampung (Idris, 2019). Therefore, given its comprehensive area coverage, this research does not fully utilize the terminology of the Musi Ulu community in its regional sense. In South Sumatra, the term music is often used as the name of a river and cultural identity (ethnicity). When it is called "*orang musu* or *Wang musu*" [people from the Musi ethnicity] (Apriadi & Chairunisa, 2018; Firawati, 2019). Incorporating ethnic identity into the names of rivers is a typical South Sumatran adventure, such as with the "*Orang Ogan, ughang ugan*" [people who traditionally practice Ogan culture daily] or "*Orang Komerang, Jolma komering*" [showing the identity of the people who practice the Komerang culture] (Febriyanto et al., 2021).

The Musi community is a term for the ethnicity who live and occupy the area along the Musi River. It serves as a water source, and the people are then labeled as the Musi community (Sarkowi & Asmara, 2021). However, this is often pinned on the name of the river inhabited, as there are several of them in the South Sumatra region. The Musi community often identifies with the *urghang Sekayu* or the Sekayu Ethnicity (Apriyanti & Dienaputra, 2015). This is because Sekayu is an area used as the center of government and public services, currently included in the territory of the Musi Banyuasin Regency and the young Malay family (Deutero Malay) (Ku Samsu et al., 2020).

Malays have existed in groups since approximately 500 BCE and are better known as Proto Melayu (Anis & Esa, 2012). Consequently, based on the origin of the Uluan Musi community, they are inseparable from their relatives from the Palembang, Basemah, Bangka, and other ethnicities that have existed in the past (Muhidin, 2019). By inheritance, this community forms a group of indigenous people with an identity institutionalized in customs, traditions, and tribal cultural practices. Presently, the geographical location of the Uluan Musi community is

identical to the communities throughout Banyuasin, Musi Banyuasin, Musi Rawas, and Musi Rawas Utara Regencies, and the Municipality of Lubuk Linggau. More details on the distribution of Uluan Musi are shown on the map in Figure 1.

Figure 1: Map of the Distribution of the Uluan Musi Community in South Sumatra, Indonesia



Legal culture and marriage: A sociological framework

Legal culture is one of the three pillars of law in addition to legal structure and substance (Djarmiko, 2019; Rahardjo, 2017). These three legal pillars influence one another. The legal structure will make the law have clear and definite regulations, the substance of the law will make the law have compliance value because it departs from the needs of the community (Soekanto, 1977), and legal culture will enable the supremacy and law enforcement to operate in a proportional corridor (Al Arif, 2019; Harliza & Michael, 2020). Legal culture is a reflection of the functioning of the legal system (Jayadi, 2017). Thus, the legal culture becomes the legality of the legal product itself. In the end, the law will experience a reaction from the entry of new views related to legal dynamics.

Islamic law is based on divine provisions where Allah is God who has authority over everything that happens in this world and clarifies and teaches good practices to his followers through the intermediary of the Prophet Muhammad as his messenger (Taufiq & Sy, 2019). On the one hand, Islamic law is static, fixed, and steady. This is because Islamic law is the decree of Allah SWT. However, on the other hand, Islamic law is re-understood, interpreted, and reconstructed within the framework of *ijtihad* to be sustainable with other scientific fields

such as sociology, political science, anthropology, and the realities of social life (Buhori, 2017). Al-Quran, Hadith, Ijtihad, and Qiyas are legal antinomy; one side requires stability to create supremacy, but the other side must be elastic to achieve the substance of legal justice (Hajairin, 2021; Rahmatullah, 2021). In this context, Islamic law is said to be flexible and, at the same time, static to meet the needs of the development of human civilization. Social events that continue to develop, including those related to health, such as COVID-19, encourage the reinterpretation of several aspects of Islamic law (Hidayatullah, 2017; Jufri, 2017). Islamic law is generally flexible and elastic if it is not related to legal issues other than those related to legal provisions of ritual worship. Outside of ritual worship, Islamic law is very adaptable, including in this context associated with the legal culture of marriage.

Existence is a space free of values and never has freedom from spatial practice patterns, different representations, and experiences of reality (Salim, 2016). Adat is a social reality constructed by the community simultaneously and binding (Efriani et al., 2021; Isdiyanto & Putranti, 2021). These customs and traditions are born, live, grow, and develop into ideologies that give birth to social values in a sustainable manner both as individuals and groups in the form of distinctive characteristics of customs according to geographical and territorial location (Haryono, 2017). This local wisdom can then be prioritized as an icon or symbol of a community (Salleh, 2018). Furthermore, cultural practices are upheld as a form of existence from cultural practices and customs that apply in the past, present, and future. Thus, the presence of adat and society is the beginning of identity formation. Of course, this is accompanied by various factors such as the rapid advancement of technology, the development of communication, and social, political, economic, and educational dynamics, which can be factors that change cultural practices that exist in the customs and traditions of a society.

Affirmation of existence cannot be separated from the factors of religion, culture, and phenomena that exist in a society, where all of these were formed from the long process of the past and became a value system on the scale of custom, language, ethnicity, religion, and rules within the scope of social reality (Diharjo, 2019; Kamal, 2019). The existence of adat in marriage is a way to maintain traditions and culture as local wisdom and is a part that differentiates one society from another (Maladi, 2011; Rosmaidar, 2020). Humans become the central subject in realizing the existence of a thing as a form of respect for culture (Strasser, 2011). One is by continuously maintaining traditions even though these customs are sometimes simplified and adjusted according to the social scope. Religious and customary identity is inherent as one of the legitimacy to monopolize truth in cultural ritual practices; not infrequently, this also applies to the existence of religion (Gustiana, 2021). Existence is also challenging to separate from individual and communal problems that try to show their reaction in the social sphere (Thohir, 2020). Thus, the existence of the adat of society becomes a treasure that enriches the understanding of the dimensions of religion and culture itself.

Marriage is considered sacred because there is an extensive choice that is taken and is valid for life, namely the option of a partner (Jotam Kalalo et al., 2019). Traditional marriages always experience a cultural shift, and this is because traditional marriages always keep up with the times. Several factors cause this cultural shift, including weak economic levels and freedom in choosing a mate (Roibin, 2015). In line with that, there has also been acculturation between religion and culture in traditional marriages. Islamic religious teachings are then used as a reference in traditional marriage processions and changes in the times (Isnaeni & Hakiki, 2017). Traditional marriages can also be a message from symbols in a community's traditional

wedding procession. Later, the message will be disseminated after the traditional wedding ceremony.

Traditional marriages that use religion as a reference will provide specific criteria and conditions for marriage because, often, traditional marriages do not use age restrictions and are not even recorded in the registration of marriages. It is not uncommon for the tradition of arranged marriages to be carried out for children ranging from 5 to 10 years old; it is not unusual for traditional marriages to be carried out for children aged 15 to 17 years (Imam Hafas, 2020). Until now, marriage law is considered to be underused in traditional marriages. Due to the impact on a dynamic and developing society, these basic rules have not been able to accommodate the needs of rules and guidelines for the community (Okwita & Adiningtiyas, 2019), especially in dealing with social changes and developments related to marriage (Safriani, 2018). As with the differences between matriarchal and patriarchal marriages, same-ethnic marriages for indigenous peoples are prohibited, interfaith marriages, and so on (Rahmi et al., 2022; Sandy, 2016). In addition to being a culture, traditional marriage is a step to achieve inner and outer peace, increase social solidarity, and create cooperation among communities. Therefore, traditional marriages continuously adapt to reality despite changes in practice.

Methods

This undertaking was sociologically intended to translate legal issues discussed correctly and investigate society's social realities (Barkah et al., 2022). Therefore, this research investigated the customary marriage procession of the Uluan Musi community. This exploration obtained a research permit from the ethical commission Raden Fatah State Islamic University Palembang, as the author's place of work and at the same time as a center for Islamic learning in the city of Palembang with activity number B-213/Un.09/PP.06/04/2022.

Data were collected concerning the existing facts in the practice of customary marriages and observations. The unstructured interviews were conducted from March to September 2018 with 15 Uluan Musi community, religious, and government leaders to obtain complete information about customary procedures. The research locations were in the Uluan Musi area: Banyuasin, Sekayu, Muara Beliti, Musi Rawas, Muara Kelingi, and Ulu Rawas. This was done to obtain more accurate data in finding the results of this study. Furthermore, this study also conducted interviews with 16 participants who had knowledge and understanding regarding traditional marriages of the Uluan Musi community; among the informants selected in the interview were community leaders, religious leaders, and youth leaders. Each participant was interviewed for 60 to 90 minutes, some concurrent. In addition, other data was also collected through personal documentation in the form of wedding photos, government policy documents, laws, and others.

The process of data analysis in this study took place through three stages, including the process of reducing data, namely the process carried out to organize data into a more systematic form; then the process of displaying data, namely the method of describing research data in the form of tables containing excerpts from summaries of interviews and secondary materials that have been classified; and finally, the process of verifying data, namely the process of concluding data based on trends from the data that has been organized. Of the three stages, conducting an inductive thematic analysis of the data made it possible to

perform a restatement process for interpretation and reflection. The stages of analysis and analysis techniques used make it possible to formulate a conclusion about changes in society and Islamic legal culture in the practice of marriage in the Uluan community. Interview data for the informants' category of traditional leaders and youth leaders are shown in Tables 1 and 2 below.

Table 1: Demographic Data of Informants of Traditional Leaders

Name	Age	Status	Location
AL	64 Years	Traditional Figure	Musi Rawas
Y	59 Years	Traditional Figure	Lubuk Linggau
A	60 Years	Traditional Figure	Muara Kelingi
AB	67 Years	Traditional Figure	Muara Beliti
Z	72 Years	Traditional Figure	Musi Rawas
ES	52 Years	Traditional Figure	Banyuasin
S	60 Years	Traditional Figure	Sekayu
N	58 Years	Traditional Figure	Banyuasin
H	63 Years	Traditional Figure	Ulu Rawas
RS	56 Years	Traditional Figure	Ulu Rawa

Table 2: Demographic Data of Youth Leader Informants

Name	Age	Traditional Figure	Location
D	35 Years	Youth Leader	Muara Beliti
SU	40 Years	Youth leaders, owner of Duan Studio and Ara Muara Kelingi Bridal House	Muara Kelingi
L	38 Years	Youth Leader	Sekayu
I	35 Years	Youth Leader	Sekayu
F	41 Years	Youth Leader	Muara Beliti
CH	48 Years	Youth Leader	Muara Beliti

This research focused on the Uluan Musi community in marriage, which commonly uses Islamic legal culture. This practice was carried out with various processions in the customs of the Uluan Musi community. In some marriages, the culture of Islamic law is still used by the Uluan Musi community. On the other hand, changes in the culture of Islamic law occur in the marriage practices of the Uluan Musi community. Sixteen informants were interviewed for this analysis: ten traditional leaders and six youth leaders. Factors of knowledge and involvement in the customary marriage practices of the Uluan Musi community selected the informants in this study. Socially, traditional leaders are essential in determining changes in Islamic legal culture in traditional marriages. The informants were also chosen to get further motives for changing the culture of Islamic law in the customary marriage practices of the Uluan Musi community.

Interviews with traditional leaders were carried out as part of the primary source of this research. Meanwhile, the community leaders consisted of various regions in the Uluan Musi area, such as Banyuasin, Musi Banyuasin, Musi Rawas, Lubuk Linggau, Muara Beliti, and Ulu Rawas. Secondary legal sources from books, journals, and research related to customary marriage and cultural acculturation were involved by analyzing the laws and regulations that were previously observed. Furthermore, data were collected and analyzed descriptively in three steps: reduction, display, and conclusion. Data reduction is summarizing and sorting written documents to focus on the theme. This process illustrates the observations more sharply and also makes it easier to find data that has been obtained. The next step was data

display, which made various classifications based on themes, tables, graphs, and maps. The last was drawing tentative conclusions based on the previous steps.

After that, the data was presented as a description of an interview excerpt. So that it can be mapped and conveyed from the data analyzed in an interpretive manner to identify and explain the research context, data analysis in this study uses a phenomenological approach that sees changes in Islamic legal culture in the customary marriage practices of the Uluan Musi community as social facts that can be interpreted and contextualized.

Results and discussions

The ups and downs and development of society's culture show the dynamics of culture. The development of legal regulations, the changing of political leaders, the development of science and technology, and the rapid development of global communications are some factors that have caused this change. Likewise, the culture of Islamic law in the marriage tradition in Uluan Musi has experienced various changes in the procession and legal culture according to customs in the reality of society and Islamic law.

Profanization of customary marriage culture values at Uluan Musi

Marriage is a sacred event that needs to meet several conditions and pillars in Islam to avoid annulment (Fahmi, 2019). The *Fuqaha* [jurists] who wrote classical and contemporary *fiqh* always paid special attention to the issue of marriage, which usually starts with the process of *khitbah* [proposing] (Muzammil, 2019). *Fiqh* covers the law (Hamdi, 2017; Putri et al., 2022), its limits, and the procedure for the *khitbah*. It is followed by explaining the marriage contract, including the terms and pillars (Tulab, 2017), guardian, dowry, and witnesses. Preliminary research on *fiqh* by Berhan et al. (2019) also explained the law of *walimah 'ursy*. The final section explains divorce, including the legal rules, types, and *iddah* (Jamhuri & Zuhra, 2020). Research on *fiqh* is legal (Fikri, 2019) and associated with the formal legal aspects of the law. The final instruments for *wadh'i* law in Islamic law, consisting of *sunnah*, *haram*, *makruh*, and permissible, are used to determine the legal formalities of law, including marriage (Noor & Lee, 2021). The characteristics of such *fiqh* research in people's lives cause several dynamics and problems, specifically at the intersection with the culture exhibited by the community. Therefore, to overcome these problems and dynamics, the science of *Usl al-Fiqh* (*Ushul Fiqh*) compiled a set of *ushul* instruments as a method for solving *istinbath* [legal issues] (Nur'aini & Ngizzul, 2020). Regarding the intersection of Islamic law with local culture, the science of *ushul fiqh* formulated a series of 'urf' rules.

In the treasures of Islamic civilization, it is necessary to determine legal developments, which are inevitable in their meaning as part of human civilization (Muslifah, 2013). This intersection makes Islam have to "dialogue" with local traditions, where 'urf plays an important role as an instrument of Islamic law enforcement (Maimun, 2017; Najib, 2020). Marriage in the Uluan Musi community has undergone significant changes since the inception of a new culture through a prolonged transition from traditional to social reality (Izmuddin, 2018). The customary marriage is simply because the practice is mostly used to fulfill the Shari'a and pillars that apply in religion. Other practices are carried out without burdening the bride and

groom or are often called “*kawin sepetang*.” The changes in cultural values in the customary marriage of the Uluan community can be seen in several interview excerpts.

“Currently, some indications show that the community is fed up with the complexity of customary law. They prefer something simple that does not require a lot of money and is easy to conduct. For us to be happy in marriage, without marital problems, we need to be busy and work together to achieve success. Sometimes, it's even enough to get married once.”

(AL, 64 Years)

The explanation above illustrates that the change in value occurs because the traditional procession in marriage has to go through a very long and complicated process; hence, people practice simpler and faster traditions. Apart from time, these considerations are also made to reduce significant expenses in marriage. Meanwhile, the following is an interview excerpt with traditional youth leaders:

“There have been interesting developments since the 2000s. Some people are of the opinion that our customs deviate from Islamic law. Therefore, for marriage, it is imperative to fulfill the conditions and the pillars without adding traditional events, which are capable of polluting religion.”

(CH, 48 Years)

Based on the explanation, the change occurred due to factors other than the long and expensive customary marriage procession. It is also due to globalization, which opened a new understanding for the community in evaluating traditional practices. According to some people, certain traditional activities do not have religious backing; hence, they slowly become extinct or replaced. This is in line with the following excerpt by S, one of the traditional leaders of Musi Rawas:

“Marriages should be carried out in accordance with the terms and conditions of the Shari’a to avoid difficulty.”

(S, 60 Years)

The inclusion of profanization in the marriage culture of the Uluan Musi community also caused a change in orientation. It is more challenging to fulfill the pillars and requirements of religious law due to adultery and pregnancy outside marriage; hence, in most cases, the ceremony is conducted without hesitation (Panji, 2020). These factors often occur due to different religious understandings, such as differences in sects and schools of thought (Saifullah & Aksa, 2021). The practice of customs by society does not follow the teachings of the Shari’a, which means it comes out of *aqidah*. Therefore, profanization in the customary marriage procession of the Uluan Musi community certainly does not just occur but also opens a space for community dialogue in making decisions.

Cultural coexistence in customary marriage at Uluan Musi

Cultural coexistence in the customary marriage at Uluan Musi is caused by two factors, namely in-group and out-group, which are carried out by local and external agents, respectively. This community also has mutually agreed-upon values, which are preserved as

customs and legitimized to form the identity of indigenous people (Rochmiatun, 2020). The value system in the community can change in line with time (Setyaningrum, 2018) and is motivated by various internal and external factors. Changes in a customary culture, such as marriage, are simplified and formalized within months, as stated by A in the following excerpt:

"In the past, the marriage process was carried out for at least three months. It starts with the family gathering to determine the wedding day, customary weeks, contract process, and customary obligations. Everything should be no less than three months. Sometimes it takes even up to two years, and this is the reason many traditions are no longer conducted."

(A, 60 Years)

Cultural simplification occurs due to a series of adjustments, while formalization is associated with changes in the political system of government. The coexistence in the customary marriage tradition of the Uluan Musi community can be observed from several factors. These include several new processes in marriage culture, such as pre-wedding photos as external factors included in the tradition and accepted by customs (Jannah & Nawir, 2019). Furthermore, the change in the complete chicken arbor tradition was replaced by giving money to both parties. Moreover, changes in the chicken arbor tradition include providing food and side dishes from family, relatives, neighbors, and closest relatives. Often, the chicken arbor is also a sign of invitation from the party who will carry out the wedding reception, and this is then replaced by giving money to both parties. The following is an excerpt by one of the *bayan tue* in the Musi Rawas area:

"Punjung ayam is a tradition that has disappeared or replaced with money in some areas of Uluan Musi. At Muara Kelingi, Musi Banyuasin (Sekayu), and Rambutan, a complete chicken arbor is prepared for cacap-cacapan; the traditional event is carried out before the marriage ceremony."

(Z, 72 Years)

The shifting of Punjung Ayam is understood as a form of cultural coexistence because it is replaced by money and *cacap-cacapan*. *Cacap-cacapan* is a traditional activity in the form of sprinkling flower water over the heads of the bridal couple after the marriage ceremony performed by the groom's family (father, grandfather, uncle, or another older adult male). According to AL, this was also implemented in the Palembang's culture and the *cacap-cacapan*, where it is accompanied by a series of rhymes that are read poetically to show the role of parents in raising and educating their children. Finally, the coexistence is seen in the loss of the dish process, which is one of the hallmarks of the tradition. It is replaced by eating in the buffet by caterers or Wedding Organizers, eliminating the cooking tradition (SU, 40 Years).

Idangan adat is a dish in the form of large and small food intended for eight people. It contains one tray of rice, two servings of four types of side dishes, two types of *pulur* [fruit] twice, four *kobokan* [hand washing], eight plates, and eight glasses. Besides ensuring that all guests receive a meal, *Idangan Adat* is a form of readiness of the host in carrying out the purpose of marriage. The following is an excerpt by AL:

"Idangan Adat is carried out orderly, and the presentation is gradual, starting from an invitation for parents, adults, youth, and children. Everyone present is given enough food without fights. This is where the stage ability is tested with the presence of callers for food, delivery officers and food servers, and spoons of gulai (officers for filling dishes), which are well organized to maintain order in traditional dishes."

(AL, 64 Years)

Idangan Adat is carried out orderly and gradually, from an invitation to parents, adults, youth, and children. Everyone present is ensured to have enough food without fights (Interview with Lubuklinggau traditional leaders, personal communication, October 20, 2018). This is where the stage ability is tested with callers for food, delivery officers, and spoons of *gulai* well organized to maintain order. Besides the value of manners and order, cultural education is also a system that can be obtained. In the traditional process, children will not receive *idangan tue*, callers to eat, and screwdrivers are not allowed to eat before others. The shift from *idangan adat* to buffets (French) in pre-wedding and complete chicken abolishes the cultural coexistence of serving food mentioned earlier. Suppose pre-wedding is a form of coexistence that duplicates the new culture. In that case, the *koneng* chicken arbor and *idangan adat* are a form of coexistence that eliminates the traditional format.

Customary marriage culture at Uluan Musi and globalization

The Uluan Musi community is part of a trend reflected in the integrated and transparent face of the earth. Globalization can be analyzed culturally, economically, politically, and institutionally. The consequence of an integrated and transparent world is the possibility of a clash between traditional and modern cultural values. Many experts explain that the expanded idea of globalization as a complex process is often contradictory with multiple contradictory results (Ife & Tesoriero, 2008; Tesoriero, 2011). Globalization not only includes how significant changes affect daily life (top-down) but also ways in which these changes affect local activities globally (bottom-up) (Nahak, 2019). Consequently, the cultural differences that occur in culture show the transnational expansion of several aspects and practices homogeneously used to explain cultural acculturation that tends to occur due to the heterogeneity of diverse cultures in society. Likewise, AB and RS also conveyed this in the following excerpt:

"The customary marriage process takes a long time and also requires much money. Presently, a greater number of people have decided to simplify the process, except for the characteristics of traditional culture. The proper procession can now take up to a year."

(AB, 67 Years; RS, 56 Years)

The format for holding traditional marriages that were previously carried out for a long time with long stages included *belinjang/besinde* [the period when bachelors have given jewelry and received women but have told their parents], *nepek gan* and *nunak dera* [a bachelor's customary sign to show his seriousness in establishing a relationship with dere. In the form of a small knife, a silver ring wrapped in a handkerchief], and *ngeruan rasan* [family deliberation activities to determine the procedure for marriage, and a series of other processions that can take a long time, based on simplified efficiency considerations making it slimmer and more compact]. In the past, it took more than a year for the grumbling rasan to nyangge; now, it only takes two or three months. This shows that the community also considers the pros and

cons of practicing traditional marriages. The Uluan Musi community, in the end, prefers just to carry out the pillars and legal requirements of a marriage. At the same time, the traditional procession is only used as a regional symbol to maintain the existence of its customs. This is also seen from the economic capacity of the two parties who are getting married, as stated by traditional and youth leaders of Musi Rawas and Muara Beliti in the following excerpts:

“The change in the process of customary marriage, besides shortening the implementation time, also eliminates the culture of cooperation among the community. Currently, marriages use Wedding Organizers; hence, guests just attend the event and return home.”

(D, 40 Years)

From the perspective of cultural globalization, the above simplification manifests the interaction between capitalist and industrialist institutionalization. The capitalist character that puts forward the economic capital and individual needs as a consideration for the implementation of customs changes the culture of the Uluan Musi community from society [lan] to individual [lan nga lan nga, lanku lanku; okop detang herka be jedila] (AL, 64 Years).

Globalization comes with everything in life, specifically for indigenous peoples (Islamy et al., 2021). It has changed cultural patterns in social reality, specifically in the process of customary marriage practices. This certainly impacts changes in the economy, education, and customary culture, although they are inseparable from the agents of the structure of change (Baharuddin, 2015). Customary marriages that were previously carried out by practicing customs in full slowly turned into simpler forms. Therefore, the application process for the *ijab qobul*, which took up to a year, can be condensed into several months. This is explained by D in the following excerpt:

“The work of prospective couples is often a consideration to simplify the series of traditional events. Those domiciled in different regions and islands have varying customs, which makes a family compromise in simplifying the wedding process. The important thing is that the conditions and pillars of Islamic law are enough; the rest is sunnah, which means you cannot do it.”

(D, 40 Years)

Globalization, from a cultural perspective, simplifies the institutional interactions between industrialists and capitalists, where the practice tends to profit from capital as an economic calculation. This aligns with the community's needs in carrying out customary marriage processions, which were previously more inclined to a social perspective with globalization becoming more individual (Setiawan, 2020). Therefore, a compromising attitude is needed to deal with the cultural changes after adopting an external tradition, indicating it can become part of the marriage practice of the Uluan Musi indigenous community. The simplification of the customary marriage practice was due to the pressure of various interests compromised in a dialogue room, thereby obtaining a positive response from the local community to form a new value system in customs (Azkar et al., 2021).

Globalization is part of the acculturation process between religion and culture. The value of Islamic law is still embedded in the cultural tradition of the Uluan Musi people, even though customary marriage has undergone several changes since globalization. Changes in the Islamic law of the marriage culture still show its local identity, which is religious, tolerant, independent, democratic, responsible, etc (Rosmaidar, 2020). Therefore, profanization,

coexistence, and globalization in customary marriage tradition at Uluan Musi have changed the views of Islamic Law related to *al-'urf*. These changes occur without losing identity in the practice of the tradition in line with the purpose of the Islamic religion as *rahmatan lil 'alamin*.

Conclusion

The structural practice of customary marriage can be seen from two sides: the legitimacy of institutions and the individuality of its practices. Traditional culture shows personal expression in preserving culture, which changes with globalization and impacts the customary marriage practice of the Uluan Musi community. There are at least three essential points from the process of cultural change, such as the profanization of the customary marriage from external cultures included in the traditional procession both culturally and religiously. The second point is the coexistence of the indigenous community, showing an attitude of Openness to blend and survive in every movement of change in social reality. The third is globalization, which can be seen from the interaction between culture and the external environment to form a new pattern in simplifying the procession.

Limitations and further recommendations

This is also a space in legal research, not only on community units and legal institutions but also on micro-analysis related to institutional, legal functions, namely family law, which consists of positive, religious, and customary law. It also emphasizes the existence of customary marriages in the Uluan Musi community in the dynamics of globalization. The processions become a symbol of a particular society, established based on the customary order to practice traditional rituals. The existence of this custom also implies a discursive dialogue between the guidelines, which are always used as legal footholds. This research also contributes to aspects of customary, family, and Islamic law, specifically legal morality, from the perspective of civilization.

This research showed the existence of marriage as a symbol of the Uluan Musi community's identity. Unfortunately, it has not been considered sufficient to provide an overview of the practice pattern of customary marriages in the Malay community. Therefore, more detailed research must follow up on a more representative pattern of customary existence without relying on a region to gain a better understanding. This proposed research also needs to analyze how the harmonious relationship between culture and religion relates to the practice of marriage. Finally, it can complement the scope of customary marriages in the Uluan Musi community.

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