

## **“Passorong Tedong” As A Requirement For The Validity of Marriage According To The Tuho Law in Ulumanda District Majene Regency**

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### **ABSTRACT**

Marriage is defined as a very strong contract or *miistaaqan gholiidhan* to obey God's commands and its implementation is a form of worship. In Islamic law, marriage is considered valid if the pillars and conditions of a valid marriage are met. These two elements are very basic and cannot be abandoned. However, in the Ulumanda District, the community imposes conditions other than those specified by the Shari'a and the Islamic Law Compilation. The condition is "*Passorong Tedong*", which determines the validity of a marriage in the Ada' Tuho community in Ulumanda District. This study discusses the conditions for the validity of marriage according to the Ada' Tuho Law and whether or not the application of these validity conditions is in line with the provisions of Islamic law. The results of the study show that the application of *Massorong tedong* as a condition for the validity of a marriage that is applied in the community in the Ulumanda District is contrary to the provisions of Islamic law, because this is not in accordance with the provisions regarding the legal requirements of a marriage that have been stipulated in the Marriage Law and Compilation of Islamic Law.

**Keywords:** *Validity Requirements, Passorong Tedong, Ada' Tuho*

### **INTRODUCTION**

Marriage is the most important thing in forming a family and creating a bond in human life. The instinct to live together with other people binds a strong desire to live in order, live life as husband and wife, and build a peaceful, peaceful and orderly household life. In its smallest form, living together begins with a family. Living together between a man and a woman who have fulfilled these requirements is called marriage. (Rasyid, 2009).

In general, marriage according to Islam is a marriage, namely a very strong contract or *miitsaqan ghalizhan* to obey Allah's commands and carry it out as worship. (Syarifuddin, 2009). Article 4 of the Compilation of Islamic Law specifically regulates the pillars and conditions for a valid marriage. Pillars and conditions for legal marriage are determinants for the validity of marital status, pillars and conditions determine legal actions, including those relating to whether or not the act is legal from a legal perspective. (Mardani, 2011).

Before the marriage law was implemented, especially during the Dutch colonial period, the law used by natives in carrying out marriages was customary law, known as *adat recht*. This customary law is believed to be an unwritten law but still exists and is applied in the community environment in Indonesia. One of the traditions that exist in Indonesia is the custom of the Mandar tribe, the Mandar tribe generally inhabits the western region of Sulawesi and some are scattered in South Sulawesi and several other regions in Indonesia. The Mandar tribe has a type of custom called *ada' tuho* which is implemented by a community group, this group inhabits a number of mountainous parts of West Sulawesi Province, for example in the areas of Rantebulahang, Mambi, Bambang, Mamasa-toraja, Kalumpang and Ulumanda. Until now, the community still applies *Ada' Tuho* principles and values. *Ada' Tuho* comes from two words namely, *Ada'* can be interpreted as a custom or habit and *Tuho* which means life. So that it can be translated as customs or habits that govern life (life).

In *Ada' Tuho*, the marriage law is called *Sakka' Pembojangg* (Khaedir M, 2020). The law of *Sakka'* celibacy is the rules in marriage. *Sakka'* means law and celibacy is matters of marriage and household. In the customary language it is also called *pa'banne tauang* and the peak of the ritual is called *passorong* (Amin H, 2017). The application of marriage law or *Sakka' Pambojagang* law applies as a sacred matter, so it is important for the Mandar community to obey it, especially in Ulumanda District, Majene Regency (Amin H, 2017).

The development of human life, which is currently experiencing a shift in modernization values, in no way erodes the meaning of *sakka pambojangan-passorong* in the Ulumanda community. Although it cannot be denied that this tradition has undergone several changes, especially in terms of the rituals of carrying out the *passorong* tradition, which over time has differed between the *passorong* tradition in the past and the *passorong* tradition which can be found today in every wedding procession carried out by the Ulumanda people. The *Passorong* ritual, which was passed down from generation to generation in the past, was synonymous with *marrende tedong* (herding buffalo) but along with the difficulty of getting buffalo (*tedong*), *marrende tedong* changed to *massorong tedong*.

In the marriage process in Ulumanda District, *Pa'tedongang* is an absolute requirement and is legally obligatory in marriage. Without the *massorong pa'tedongang* procession, a bridegroom is considered invalid to pronounce the marriage contract and of course the marriage cannot continue. The *passorong tedong* ritual starts from the readiness of both parties, both men and women are ensured to attend. This is because the local people believe the *passorong tedong* ritual is sacred. This sacred value has developed since ancient times in society, furthermore it was found that not a few cases of marriage cancellation were caused by the failure of both parties (male and female) to agree on the value or price of a *tedong* (Amin H, 2017).

This is clearly not in accordance with the provisions in Islamic law which regulate the pillars and conditions for the validity of marriage which have been clearly determined in Islamic law, in other words the matters contained in the provisions of the pillars and conditions for the validity of marriage outside of the provisions set out in the Islamic law

should not be applied. The existence of the implementation of a certain customary law which is used as one of the conditions determining the validity of a marriage bond apart from religious provisions, is clearly something that should not be carried out in accordance with the theory of "Receptio A Contrario" put forward by Prof. Hazairin who stated that Customary Law only applies if it does not conflict with Islamic Religious law (Novitasari I, 2019).

## **METHOD**

The type of research used in this research is empirical research in the form of field research, using a statute approach research such as Law No. 1 of 1974 concerning Marriage and Compilation of Islamic Law and also using a conceptual approach such as reception a contrario theory, using the nature of qualitative descriptive research with inductive-deductive thinking method.

Data collection was carried out using observation techniques, interviews and documentation directly to the community in Ulumanda District, especially customary stakeholders, religious and community leaders, as well as literature studies, namely studying legal literature, research results and legislation that has relevance to this research.

This study uses a qualitative descriptive analysis. Qualitative descriptive analysis is used to analyze data by describing or describing the data that has been collected as it is without intending to make general conclusions or generalizations in detail and compiled in a scientific setting.

## **DISCUSSION**

### **Terms of Marriage Validity According To The Law of Ada' Tuho**

Terms of Marriage Validity according to the Law of Ada' Tuho Ulumanda District has rules that have been set and the provisions are called Bassi'dan Petahang. Bassi' (thread) is making a policy that binds everyone. Whereas Petahang (foundation/rebuttal) means that so that the rules that have been made are not damaged or broken, there must be a force to refute. In the marriage in Ulumanda Bassi' and Petang Sub-Districts, this becomes the force to determine who Passorong is assigned to. This is what distinguishes the social strata, which consists of descendants of the tomakaka, relatives of the tomakaka and ordinary people. This is called in the customary language by the terms Diruang La'lang (Tomakaka relatives), Dipuang La'lang (direct descendants of Tomakaka) and Dibiring La'lang (ordinary people). The results of the interview with Mr. Ir. H. Ibrahim as Chair of the Ada' Tuho Development Study Forum, in the marriage process Ada' Tuho in Ulumanda District was known as Passorong which was part of the dowry. In implementing Passorong, there are several stages that must be passed, including: Missisi'/Mentandingi, Mambaha/Applying, Siperapi'i/Siperau'l and Mangakka'/Mangopor. The steps that must be carried out are Passorong and Bassi kada.

#### **1. Passorong**

First, when carrying out the passorong process, there are stages that must be passed, namely Pangngan and Pittule'. Pangngan (cigarettes) is the process of inviting

smoking while Pittule' (talking) is the process of inviting the family present to talk. When finished, there is the next process, namely Buka Loa'.

a. Buka Loa'

In this process, the man gives a kappar (tray/tray) containing a ball of white shroud to the woman. When finished we enter the next stage, namely PoangSORONG.

b. PoangSORONG

PoangSORONG is the giving of a dowry in the form of living objects, generally coconut trees, rumbia trees, or durian trees. PoangSORONG means in Indonesian that is to make a basis, what is the basis for conducting massORONG events. After the poangSORONG event is finished, it will then enter the core stages, namely Pakkatiang and PattedONGANG.

c. Pakkatiang

Pakkatiang, namely giving objects or goods that are worth or worth according to catty measurements, is still the same part, namely as a dowry. Pakkatiang is interpreted as a value that leads to pattedONGANG. Because the process of Pakkatiang talks about values, this is where the Tomakaka family differs from those who are not the Tomakaka family.(Amin H,2017)

In Ulumanda District, Pakkatiang culture has undergone many changes, because it follows the development of modern times. In order not to damage the cultural values of pakkatiang, the rules regarding pakkatiang are re-established, the rules regarding pakkatiang are called re-Bassi or realigning customary rules so that they don't get messy or change customary rules. The next stage is PattedONGANG.

d. PattedONGANG

PattedONGANG is giving tedong/buffalo. This pattedONGANG is used as a dowry in marriage, later the tedong is given in the form of an agreed value or price of a buffalo according to the relative version (depending on the agreement). PattedONGANG in today's sense is different from the past. If in the past the tedong (buffalo) really was an animal form, today the tedong can be a form that is no longer a buffalo but has the same value or value as a buffalo. So even if the community agrees to value cash as a buffalo, it is legitimately considered a tedong (buffalo). The results of interviews with traditional leaders found that there were several types of pattedONGANG criteria, namely:

- a. Tedong mindonga dikalakka Tedong mindongan dikalakka is the gift of dowry in the form of a tedong (buffalo) that actually takes the form of an animal.
- b. Tedong tituju' in galung Tedong tituju' in Galung this term is known if someone gives a dowry to Tedong (buffalo) in the form or in the form of a location. For example a plot of rice fields and or the like.
- c. Tedong tipalle in Pammulaang Tedong tipalle in pammulaang this term is known if giving tedong (buffalo) dowries in the form of plants or gardens, such as coffee, cocoa, and the like.

- d. Tedong literacy on the latte Tedong melekka di latte is called giving cash in the massorong pa'tedong procession. Recently, this fourth point is most often found at weddings for Ulumanda residents (Amin H, 2017).

If the four Pattedong criteria above are not met, then there is still one way, namely borrowing (indebted). Being owed means being given a maximum of one year to find a buffalo as a dowry to hand over. If within a year they cannot provide (repay) then both parties will communicate to discuss internally. If within a year it cannot be repaid, then tolerance is given, giving authority to husbands and wives to discuss (debt) without involving adat. Ada' tuho is also called Ada' Mannannung in the sense of custom which is flexible in nature, binding but not burdensome. In his philosophy, Ada' Tuho always seeks a way out or provides facilities according to his abilities, both in terms of dowry, as well as legal consequences for those who violate them. The completion of the passorong stage in the customary language is called rappung sorong. (Amin H, 2017)

## 2. Dibassi Kada'

Dibassi Kada' is a process in which traditional leaders or Tomakaka/traditional elders give advice/advice that binds both parties not to be arbitrary in running the household. There are 3 suggestions / advice, namely:

- a. Tomorrow or the day after tomorrow, if after the consent granted the woman cannot have intercourse, then the woman is obligated by law to return the items given by the man except those that were eaten by fire, such as money that must be returned.
- b. If the man does not pay attention to the woman who is already bound in a marriage relationship, which in traditional language is called Massarembeng Daung Ta'bu, in Mandar Mallelerra Daung Pambe (sugar cane leaf), it means that the man attracts and treats his wife badly, then his wife has the right to demand a divorce. 3) If both behave the same, the male is mallemba (carrying) and the female is mandengnge' (carrying). In the sense that these assets are divided based on their ability status, in the customary language of men Mallemba (carrying) and women Mandengnge' (carrying). This is where justice lies, meaning that the property is divided into more parts for men than for women. (Amin H, 2017)

## **Application of the Conditions For The Validity of Ada' Tuho Marriage According To Islamic Law.**

Guidelines for discussing marriage in Indonesia, especially concerning Muslim marriages, use the provisions of Law no. 1 of 1974 concerning marriage and Presidential Instruction No. 1 of 1991 concerning Compilation of Islamic Law (KHI). In the process of marriage according to the Islamic religion there are pillars and conditions for marriage contained in the Compilation of Islamic Law which consists of articles 14 to 29. Apart from the pillars and conditions of marriage in Islamic religious teachings, there is also something that must be fulfilled by men, namely dowry. Mahar is also included in the Compilation of Islamic Law which is listed as consisting of articles 30 to 38. (Compilation of Islamic Law, 2020).

In community marriages that adhere to Ada' Tuho law, "Massorong" is positioned as part of the dowry in a marriage. Dowry is property given by a husband to his wife as a reward and appreciation for his willingness to be lawful and married, even though dowry is not included in the conditions for a valid marriage, this dowry is fully owned by the wife (Novitasari I, 2019).

Based on the results of the interviews it was found that the implementation of Massorong was made part of the dowry, so that if it was not fulfilled then the marriage could not take place. Because in a society that adheres to the Ada' Tuho law when the consent is granted, the utterance is Mesa kating-Mesa tedong as dowry, although it is known that in religion, especially Islam, there is no such procession, however, because the "massorong" procession is positioned as dowry, it is something that must be fulfilled in a marriage, then the massorong tradition is a procession that must be fulfilled by the man.

The determination of the dowry is based on the principles of simplicity and convenience recommended by Islamic teachings, which are clearly regulated in Article 31 of the Compilation of Islamic Law. This article indicates that the implementation of the tedong massorong procession is not in line with this principle, because the requirements applied in this procession seem to make it difficult for the prospective groom (Compilation of Islamic Law: 2020).

The application of the ada' tuho law which makes massorong tedong one of the determinants of the validity of the marriage process is something that is not in line with the provisions regarding the pillars and conditions of marriage according to Islamic law, especially in the Compilation of Islamic Law in Indonesia. According to the results of interviews with religious figures, the Massorong Tedong procession is only an act or understanding in the Ada' Tuho tradition, however, it cannot be denied that this is not contained in Islamic teachings. Thus, the application of this tedong massorong should no longer be carried out because this procession is a local custom but is not in line with Islamic teachings. As in the Receptio a contrario theory put forward by Prof. Hazairin who stated that customary law only applies if it does not conflict with Islamic religious law (Novitasari I, 2019).

In terms of the validity of marriage, in Islam the status of marriage depends on whether the elements that make up the pillars and conditions for a valid marriage are

fulfilled or not. When the elements of the pillars and conditions for a valid marriage are met, then legally and religiously the status of the marriage becomes valid, while things that are later added and implemented outside of the provisions of the elements of the pillars and conditions for a valid marriage will only become a true community habit, no need to implement.

## CONCLUSION

In determining the conditions for the validity of a marriage according to Ada' Tuho law, it is not only based on the pillars and conditions for a valid marriage according to the Marriage Law and Compilation of Islamic Law, but also applies the Massorong tedong procession as part of the dowry in Ada' Tuho's marriage. Because it is functioned as a dowry, when the massorong tedong consent qabul must be carried out in the marriage process of the people in the district Ulumanda.

The application of Massorong tedong as a condition for the validity of a marriage according to Ada' Tuho law in Kec. Ulumanda is not in accordance with the provisions of Islamic law, where the provisions of Islamic law contained in the Compilation of Islamic Law have clearly determined the pillars and conditions for a valid marriage and place a dowry in the series of the marriage procession.

Massorong tedong should no longer be applied as a determinant of the validity of a marriage process, because the customs or habits of the community are not in line with Islamic law. The role of the Office of Religious Affairs (KUA) and religious and traditional leaders in Kec. Ulumanda in cooperation is needed to oversee the implementation of marriages in accordance with Islamic law.

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