



Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad Al-Banjari

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Abstract

Marriage is a sunnatullah presented by Allah SWT for the survival of mankind on this earth. Taboo in Banjar culture is a prohibition that is carried out during a wedding procession or before the wedding takes place. In Islam, there is no law against this taboo. This study uses qualitative research with a library approach. The results of the study show that in the Book of Marriage written by Syekh Muhammad Arsyad Al-Banjari, there is no specific prohibition against cultural taboos that exist in Banjar society, but he only explains the prohibition of marriage in Islamic law, such as the prohibition against marrying women of the same lineage, breastfeeding and so on other.

Keywords: Marriage, Kitabun Nikah, Banjar Culture.

Abstract

Pernikahan merupakan sunnatullah yang dianugerahkan Allah SWT demi keberlangsungan hidup umat manusia di muka bumi ini. Tabu dalam budaya Banjar merupakan larangan yang dilakukan pada saat prosesi pernikahan atau sebelum pernikahan dilangsungkan. Dalam Islam, tidak ada hukum yang melarang tabu ini. Penelitian ini menggunakan penelitian kualitatif dengan pendekatan kepustakaan. Hasil penelitian menunjukkan bahwa dalam Kitab Nikah yang ditulis oleh Syekh Muhammad Arsyad Al-Banjari tidak terdapat larangan khusus terhadap pantangan-pantangan budaya yang ada pada masyarakat Banjar, namun beliau hanya menjelaskan larangan menikah dalam hukum Islam seperti larangan menikahi wanita yang sama nasab, menyusui dan lain sebagainya.

Keywords: Pernikahan, Kitabun Nikah, Budaya Banjar.

Introduction

Marriage is a sunatullah presented by Allah SWT. for the survival of mankind on this earth. Among the proofs of Allah's power is His creation of the instinct of living in pairs to obtain tranquility, peace, mutual understanding, love and compassion, as described in QS. Ar-Rum [30]: 21 as follows:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Among the signs of His (greatness) is that He created pairs for you from your own (kind) so that you may feel at ease with him. He makes among you a sense of love and affection. Indeed, in such there are signs (of the greatness of God) for the thinking people.¹ A taboo or taboo is a strong social prohibition against words, things, actions, or people that a group, culture, or society deems undesirable. Taboo violations are usually unacceptable and can be considered offensive. Some taboo actions or habits can lead to sanctions. Taboos can also create shame, disgrace, and harsh treatment from the surrounding environment.

Taboo or abstinence is something that almost always exists in every culture of society, especially the culture of primitive people. Various studies show how taboos (taboos) almost always appear in various social and religious activities of people in various parts of the world. In carrying out social activities, people always pay attention to whether there are taboos related to their activities to avoid things that may be prohibited (taboos) in their culture. Every taboo contains moral messages for the people who believe in it and often someone who wants to do so is forced to abandon his intention when it is considered contrary (forbidden) in the tradition they believe in. Traditionally taught beliefs for generations. In Banjar culture, the concept of taboo is synonymous with the word abstinence which is a prohibited act, either in terms of words, deeds, or related to other physical forms.

In general, these taboos or taboos are found in traditional community life, which basically the life of the community is very strong in carrying out the customs inherited by the ancestors of the community. And it does not rule out the possibility that the meaning of the taboo is still felt in the current era that has been inching modern. The concept of taboo in Banjar Culture is like two sides of a coin, distinguishable but inseparable. On the one hand, abstinence contains plagues (bad luck) that are feared if done, so the advice is "do not do it". On the other hand, taboos in Banjar Culture also contain the intention to get luck (luck), so the advice is "don't kada (not) done" (meaning it must be done).² This research uses a qualitative approach assisted by descriptive analysis methods. This is because this study is to conduct a literature review on the taboo of marriage in Banjar culture in the

¹ Ministry of Religious Affairs of the Republic of Indonesia, *The Qur'an and its Translations*, 2019.

² Grace Sholihin, Marriage Taboos in Banjar Culture, *Al-Banjari Journal*, Vol.02, No.02, (2021), p. 221-222.

prohibition of marriage in Kitabun Nikah written by Sheikh Muhammad Arsyad Al-Banjari.

Marriage in Banjar culture

In Banjar custom, the terms "kawin" and nikah are when the bride and groom sit side by side after the marriage contract according to religion. Relatives and invitees will give blessings and congratulations while enjoying various dishes / food provided by the bride and groom. The wedding day is the most important event of the entire series of wedding receptions (walimatul ursy). Fatigue and fatigue will pay off with the success of the wedding event marked by the many invitations present at the wedding event held.

There are several stages in the Banjar Traditional Marriage Ceremony that must be passed by the bride and groom before reaching the aisle (holding a marriage), these stages are:³

1. *Basasuluh*

This term is taken from the word "torch" or torch which can be interpreted as the first step or exploration of the bride-to-be and her family. Usually, this basasuluh procession uses a trusted third party to be sent as an ambassador (representative) from the male side to find out the condition of the bride-to-be. Sometimes the woman herself still does not know exactly about the purpose of her arrival, just visiting and seeing closely as well as giving a global assessment to convey to the man. This initial overview is important to determine the next steps.

2. *Batatakunan*

Betatakunan is a stage like basasuluh but is more detailed, "takun" or asking the purpose is to obtain more specific information about the bride for example: "does the bride already have a candidate for life companion or not?", or "is the girl ready to enter the marriage or family level?". Betatakunan is usually done by the man or his representative by coming directly to the house (family) of the prospective bride with a clear purpose, namely wanting to ask about the position of the woman (whether it is still *Single* or there is already a potential companion).

3. *Badatang*

The next stage shows the seriousness of the groom to the candidate, namely with Badatang. BaDatang or proposing is a kind of conveying the intention or hajat of the man to make the girl a future wife to both parents. At present, the stages of traditional Banjar marriage ceremonies have begun to fade, so often the stages of basasuluh and betatakunan are carried out during badatang or proposing to a girl. The messenger usually consists of the groom's immediate family.

4. *Father*

Bapapayuan is a term for bargaining over the amount of honesty. Other terms are *Be honest*. In this meeting, there will usually be bargaining about honesty and accompaniment, sometimes there is a whole house, a whole room, and so on. After

³ M. Suriansyah Ideham et al, *Urang Banjar and its Culture*, (Yogyakarta: Ombak, 2015), pp. 73-81.

the procession comes and bepepayuan (bepepatutan), the next step is to decide on a day to talk about *Meaatar Patalian* and all its attendants.

5. *Maatar Patalian*

This stage is a follow-up to the *badatang*, the bridegroom who has officially *badatang* and is accepted will then carry out the *Maatar Patalian* (binder) stage. This *patalian* is a package of devices containing: rings, clothes, jewelry, makeup, and various other items given to the bride-to-be with the intention of being a symbol of the bride's provisions later to live a new married life. Sending a *patalian* is a clear signal that the woman already has and is bound by the promise to marry.

6. *Maatar Honesty*

Honesty or *maskawin* is a procession that is also carried out in the stages of traditional Banjar marriage ceremonies. Honesty or dowry can be delivered to the woman before the day of the marriage contract or shortly before the marriage contract procession. Usually honesty in the form of money, gold (rings) and a set of prayer tools, accompanied by sundries such as: cloth, towels, shoes, bags, makeup tools, banana trees and so on.

7. Marry

Nikah is the process of *ijab qabul* (marriage contract) led by a ruler and witnessed by two witnesses, so that the relationship between the bride and groom is valid in terms of religion and law. The implementation can be done at the bride or groom's house or at the Office of Religious Affairs, depending on mutual agreement.

8. *Bapingit*

Married women will be "pinged" or locked up at home and are not allowed to meet the bridegroom or other young men while preparing for the Qur'an and the wedding. During this period some of the preparations made by the bride and groom include: *bakasai*, *batimung*, and *bapacar*.

9. Bathing (*Badudus*)

At this stage, the bride or together with the bridegroom (if married) carry out a bathing procession in the open on a hall consisting of three levels, each corner of which is attached to a spear given a yellow roof. Yellow is the dominant color in traditional ceremonies of the Banjar tribe which means Greatness and Nobility. In this procession there are several plants that are used including yellow sugarcane and banyan leaves as a symbol of protection, *Kambat* leaves as a repellent of danger, *linjuang* leaves as a repellent of demons, and a *mayang* fence that surrounds the bride and groom.

10. *Batamat Quran*

Batamat Quran is the activity of chanting the Quran together. By chanting the Qur'an, it is hoped that the blessings, mercy, and pleasure of Allah SWT. will always be poured out to the bride and groom in particular. In Banjar culture, there is a term for blessing from reading the Quran. It is hoped that this Qur'anic *batamat* ritual is a good start to walk the married life so that the noble goals of marriage can be realized, a life full of blessings and guidance from Allah SWT.

11. Wedding Day

It is the day on which the bride and groom are juxtaposed by holding a kind of congratulations or celebration attended by neighbors and relatives as well as relatives and invitees. The bridegroom will usually be "processed" to the bride's residence plan and some Banjar traditions are usually enlivened with artistic accompaniment *Sinoman Hadrah*.

Marriage Taboos in Banjar Culture

The marriage ceremony procession is a traditional ritual in Banjar society. Rituals are defined as everything related and associated with religious ceremonies. The existence of rituals is one of the cultures of society that is full of symbols.⁴ As a cultured being, all human actions both behavior, language, science and religion are always colored by symbolism, which is a system of thought or understanding that emphasizes or follows patterns that base themselves on symbols. Symbolism in addition to its prominent role in religious matters also stands out its role in terms of tradition or customs. In this case, symbolism can be seen in traditional ceremonies carried out by the community which are inherited from the older generation to the next younger generation.⁵

In the procession of the wedding (nikah) in the culture of the community there are interesting things according to Banjar customs (traditions) that are considered taboo to do related to the issue of marriage (marriage). Taboo in the sense of not (abstinence) to do or not kada (must) be done, because it has certain consequences. The following will outline some Banjar traditions that are considered taboo surrounding marriage and marriage. In Banjar tradition, there is an assumption not to marry beimbai (simultaneously) with relatives, because it will cause the couple there be those who are not last (not harmonious) in undergoing their marriage. There is even the possibility of frequent quarrels to get to divorce.

Some things that are taboo in Banjar Society

1. Ordinary people should not marry Syarifah

For syarifah may not marry an ordinary person while Habib may marry an ahwal or ordinary person, this is very strict in Banjar culture. The reason is that if Sharifah marries an ordinary person, then his lineage will be broken otherwise this does not apply to Habib who marries ordinary women or ahwal.

2. Must not step over mating

Banjar culture is unique because a younger brother is not allowed to step over his brother to marry first. The reason is to appreciate the older brother and not to avoid something that is not wanted in the family.

⁴ Bustanuddin Agus, *Religion in Human Life, An Introduction to the Anthropology of Religion*, (Jakarta: Raja Grafindo Persada, 2007), p. 96.

⁵ Budiono Herususanto, *Symbolism in Javanese Culture*, (Yogyakarta: PT. Hanindita, 1983), p. 29-30.

3. Don't give gifts when marriage comes

This process is considered a sign of attention to the invitee and a thank you and congratulations for the marriage.

4. Do not do not take baths

Bathing in Banjar culture aims to avoid something that is not desirable and as a private prayer to the bride and groom. In Banjar cultural customs, many taboos are considered mystical, but basically, adat is only a habit that occurs in society. Customs in Islamic law can be done but can also be abandoned.

Analysis of the Prohibition of Marriage in Islamic Law and The Study of *Kitabun Nikah* by Sheikh Muhammad Arsyad Al-Banjari

1. Islamic Perspective

Marriage is something exemplified by the Prophet SAW and has many benefits and religious and spiritual values. But in Islam also prohibits several types of marriage with a mahram, namely: The first type of mahram whose prohibition is permanent, and the second which is temporary.⁶

The limitations referred to here are clearly regulated in QS. Al-Baqarah and QS. An-Nisa. These classifications include (1) prohibition of marriage of different religions; (2) prohibition of incestuous marriage; (3) prohibition of milk marriage; (4) prohibition of marriage due to cement; and (5) prohibition of marriage with a woman who already has a husband. First, regarding the prohibition of marriage due to religious differences, this is expressly stated in QS. Al-Baqarah (2): 221 which means, "And do not marry idolatrous women, before they have believed. Surely the believing slave woman is better than the idolatrous woman, even if she attracts you. And do not marry polytheists (to women of faith) before they have believed. Surely a believer is better than a polytheist, even if he attracts you. They are invited to hell, while God invites them to heaven and forgiveness with His permission. And God explained His verses (His commandments) to men that they might learn lessons."

Second, regarding the prohibition of marriage due to blood relations, this is affirmed in QS. An-Nisa (4): 23, where in the verse it is explained that men are forbidden to marry mothers, children or daughters, sisters, father's sister (or aunt), mother's sister (or aunt), brother's daughter (nephew), and sister's daughter (nephew). Third, regarding the prohibition of marriage due to milk. Fourth, regarding the prohibition of marriage with those who have temporary relationships. Semenda relationships are family relationships that arise because of marriages that have occurred before.

⁶ Amir Syarifudin, *Islamic Marriage Law in Indonesia*, (Jakarta: Kencana, 2005), p. 109.

Prohibition of Marriage in *Kitabun Nikah* by Sheikh Muhammad Arsyad Al-Banjari

According to Shaykh Muhammad Arsyad Al-Banjari⁷ in his book *Kitabun Nikah* mentioned that there are several prohibitions on marrying women, namely:

1. Marrying a Woman Who Is Always

It is unlawful for a man to marry a woman, as long as there is blood flowing with him.

The prohibition of marriage due to blood relations, and the proposition regarding the prohibition of semenda marriage is also regulated in QS. An-Nisa (4): 23:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخْوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ ۗ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا -

Meaning: It is forbidden upon you (marry) your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, the daughters of your brothers, the daughters of your sisters, the mother who breastfeeds you, your sisters in milk, the mothers of your wives (in-laws), the daughters of your wives (stepdaughters) who are in your care) of the wives you have interfered with, but if you have not mixed with Your wife is (and you have divorced), has no sin for you (marrying her), (and it is forbidden for you) to have wives of your natural children (sons-in-law), and (it is forbidden also) to gather (in marriage) two sisters who are brothers, except (the occurrence of the past). Indeed, Allah is the Most Forgiving and the Most Merciful.

The mother at the beginning of this verse is the mother, grandmother, and so on, while the daughter is the daughter, the granddaughter of the perempuan, and so on, by down, it is meant by the children of your wife who are in your care, according to most scholars, includes stepchildren who are not in her care.

Based on the above verse, it is forbidden for a man to marry the mother of his wife (in-law), stepdaughter, wife of the child (son-in-law), two sisters at once, and a woman who has been married by the father (stepmother).⁸ This has something to do with what Shaykh Muhammad Arsyad wrote in his book that it is not permissible to marry a woman, the *senasab* referred to is clarified by the verse, namely mother, father, and other blood relatives. So it can be said that this is forbidden in Islam and there is no law that allows it.

⁷ Muhammad Arsyad Al-Banjari, *Kitabun Nikah*, (Banjarasin, Comdes Kalimantan, 2005), p. 2-3.

⁸ Fahrul Fauzi, Prohibition of Sexual Marriage in terms of Islamic and Medical Law, *Journal of Islamic Civilization and Law*, Vol. 3, No.2 (2020), p. 48-49.

2. Marrying a Dairy Woman

The second prohibition is to marry a woman who is breastfed with us, be it breastfeeding with a mother or with someone who has breastfed.

Milk in Arabic is *radha'ah* which is a mashdar form of the word *radha'a* or *radhaatshadya* meaning he suckles or sucks mother's milk. In terminology, *rada'ah* is a name for the suction or straw of the *alsadyu* (nipple), both to humans and to animals. The understanding that has been written earlier can be drawn from two common threads about *radha'ah*, namely 1) direct suction from al-sadyu, if milk is milked and consumed on infants, then it is not as *radha'ah*. 2) Anyone who suckles or suckles, whether adult or infancy, can be to humans or animals also referred to as *radha'ah*.⁹

The Qur'anic verse that forbids marriage is surah an-Nisa Verse 23, namely:

وَأُمَّهَاتِكُمُ الَّتِي أَرْضَعْنَكُمْ وَأَخَوَاتِكُم مِّن الرِّضَاعَةِ.....

Means: the mother who breastfeeds you, your sisters are breastfed, the mother of your wives (in-laws)

Although in QS. An-Nisa (4:23) only states that women are forbidden to marry because they are mothers and brothers are milky, but Fukaha argues that what is forbidden is not only limited to mothers and siblings. It also applies to mothers and siblings, on the side of the biological mother for example, which includes haram marriage the grandmother up and down the daughter, and so on, and to the side of the sister. Such is the case with women who are related by blood to milk mothers and milk relatives.

3. The woman who stole

It is forbidden in Islam to marry a woman who steals or takes away the rights of others. Islam forbids human beings to steal because women who like to steal are not good and are forbidden to marry because, in addition to harming the husband, it can also harm other parties in the family.

4. Combining Wives without husband's permission

A husband marrying a new wife without asking her husband's permission is forbidden in Islam because the husband if he wants to marry must ask permission from his old wife.

5. Women who have been rejected three times

The woman who is rejected here is reserved for the husband who rejects his wife but wants to marry her again, so in Islam, it is forbidden, unless the woman marries first another man and then divorces, then *iddah*, and then marries her again.

A husband who has dropped the third *talaq* on his wife, then the woman is no longer lawful for him to marry her before she marries another man. The point is that if there is triple *talaq*, it is necessary to allow remarriage between the first-married couple. The meaning of *muhallil* is one who justifies. The point is that the wife must

⁹ Rashidin Imran. Prohibition of Marriage Due to Sexual Relations in the Perspective of Jurisprudence and the Compilation of Islamic Law Tathwir, *Journal of Community Development* Vol.1 No.1 (2018), p. 28.

first marry another man and have intercourse with her husband as a matter that is the essence of marriage.

The other man was named Muhalil. If this married couple divorces too, then the original married couple can remarry. Women who have been sentenced to triple talaq must have married another man and then divorced. In such circumstances, the woman is not prohibited from being remarried by the man of the former first husband; The marriage law remains lawful.¹⁰

Based on the explanation, the author can understand that the law of marrying a woman who has been rejected in Islam is not allowed unless a woman who has been rejected marries another man first.

6. Because Lian

Lian is an oath that a husband and wife take in court, and then the husband accuses his wife of adultery with someone else, but there is nothing to prove the accusation. Then the husband swears, if the husband will swear an oath then he will get 80 lashes.

As for the Hadith that explains, namely; From Ibn 'Abbas radhiyallahu 'anhuma, that Hilal bin Umayyah accused his wife of adultery in the presence of the Prophet Sallallahu 'alaihi wa sallam with Sharik bin Sahma', then the Prophet Sallallahu 'alaihi wa sallam said, "You bring information (witnesses) or whipping about your back." He said, "O Messenger of Allah when any of us sees a man on top of our wives, should we go find witnesses?" The Prophet (peace and blessings of Allaah be upon him) continued to say, "You bring testimony (witnesses) or whipping on your back." Then Hilal said, "By Rabb who sent you with the truth, I am honestly honest. Surely God will send down the verse that frees my back from the lash."

Based on the hadith narrated by Ibn Abbas Lian can be said to be an accusation made against the husband, but there is no definite evidence against the sentence, so the husband and wife swear an oath before the judge, this is called lian. In Islam, a woman who has been married to her husband can no longer be married to a man.

Conclusion

Marriage in Islam is *sunnatullah* performed for every Muslim. In marriage in Banjar culture, there are taboos or things that should not be done, namely not being allowed if you don't take a bath and so on. In Islam, there is nothing to forbid but there are only customs of the Banjar people, but it also contains some goodness in religious life. While Shaykh Muhammad Arsyad Al-Banjari in his book explains that there are prohibitions in marriage only aimed at women who cannot be married in Islam, not prohibiting the culture carried out by society. So this is clearly different from the Islamic cultural and legal perspective on the prohibition of marriage.

¹⁰ Hedi Duri Jayanti, *Triple Talaq Outside the Court Perspectives on Islamic Law and Positive Law for Civil Servants (Study Analysis of Argamakmur Religious Court Decision Number 0207/Pdt.G/2015/PA. AGM)*, Journal of Law, IAIN Bengkulu. p. 97.

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