

# The Tradition of “Merariq” in Sasak Ethnic Group of Lombok Island

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## Abstract

Sasak ethnic group recognized several forms of marriages, including *merariq*, *belakoq*, and *nyerah hukum*. *Merariq* was taking the bride away from her house in which her parents, close relatives and other family members did not know about it, but both parties had agreed that they got married. This research used a descriptive approach of the marriage law in effect on rural communities of Rembiga. Informants of this study consisted of the traditional leaders, religious leaders, headmasters, as well as couples who practiced the traditional custom of *merariq* wedding. Data obtained through observation and interview. The results showed that *merariq* did not fit with the existing law. According to the law, eloping a girl was a crime, but in fact it was allowed in Sasak tribal society. It could be concluded that *merariq* in Sasak community was applying the customary law (*adat*), and therefore contributes to people's perspectives on marriage. This tradition encouraged the occurring of under-age marriages. By doing *merariq*, a young woman got a higher position in the society.

**Key words:** tradition, marriage, *adat* law, custom, under-age.

Sasak ethnic people recognize several forms of marriages, including *merariq*, *belakoq*, and *nyerah hukum*. *Merariq* is taking the bride away from her house in which her parents, close relatives and other family members do not know about it, but both have agreed to get married (Sabardi, 1990). *Belakoq* refers to a marriage in which the bridegroom *meminang* or proposes his bride first. *Nyerah hukum* refers to marriage in which the bridegroom was totally submissive to his bride. That was because the man here has no financial capacity to perform *adat sorong serah*.

In another area, *merariq* is known as “kawin lari” (eloping the girl) and woman and man who involve in *merariq* were considered to have violated the custom. *Merariq* was called *Ijari* among people from Dayak Lawangan ethnic in Central Kalimantan (Miring 1984:19). Of 207 respondents in the study done by Sabardi (1990: 48) among Sasak ethnic people in Lombok island, 85.20% of them get married by *Merariq*, 4.15% by *meminang* or proposing the bride first, and 5.55% get married through “matching” by their parents or called *Tenperondong*. However, generally Sasak ethnic people expect that their children should get married through *merariq*, and the marriage was considered “lawfully” when several stages of traditional wedding ceremonies have been completed (Sabardi, 1990: 46). As with wedding tradition among other ethnic people, the Sasak Ethnic people must undergo several stages of traditional wedding ceremony already practiced for along time from generation to generation. These stages

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include preparation stage prior to marriage, during wedding procession and after wedding ceremony.

This paper describes some stages carried out in *merariq* marriage among Sasak ethnic people (existing in Kelurahan Rembiga, Mataram city, Kecamatan Selaparang, West Nusa Tenggara province). The paper also discusses how legal culture influences an incidence of the under-age marriage in *merariq* marriage.

To describe and discuss the *merariq* marriage, the data were collected through interview, observation, documentation and literature study. There were 10 informants consisting of three elders having thorough understanding about cultural custom occurring in marriage among Sasak ethnic people; two *pembayun*, people who were responsible for carrying out customary functions in *sorong serah* ceremony, also having comprehensive understanding about everything related to forms of marriages and their processes; one community leader having knowledge and information regarding events happening in his community, including history of community investigated here and its marriage; one *tuan guru*, a Islamic religious leader who has knowledge and information on religious development and social interaction in community; one master of ceremony (MC), a person who was responsible for organizing the wedding procession, knowing rules regarding marriage; two KUA (Office for Religious Matters Administration) staff and Kelurahan, person involving marriage certificate administration. Beside those informants, the researcher also investigated 22 couples, consisting of 12 couples who engaged in *merariq* marriage, 5 couples of the *merariq* marriage but under age, one couple of *terperondong* marriage, two couples of *nyerah hokum* marriage and two couples of *belakoq* marriage.

## METHODS

This research was a descriptive qualitative research, ie. research that aimed to explain in detail the particular social phenomenon. According to Kirk and Miller certain traditions in social science was fundamentally depended on the human observation (Moleong, 1993: 3). The location of this research was Rembiga Village, Mataram, Selaparang Regency, West Nusa Tenggara Province. Considerations taken in determining Rembiga Village as the location of the research was the diversity of marriages occurred here, and the existence of *merariq* that was common to happen. Another reason was that under-age marriage often happened in this area. Before the interviews, the authors make some fundamental questions for guidelines. To support in-depth interviews, the author uses everyday tools such as diaries that include interview notes and research activities. Recordings made directly or from memory. Observations were carried to identify existing problems and to gather data. The researchers participated in several activities of the process of marriage and marriage ceremonies

## RESULTS

### ***Merariq* Marriage**

*Merariq* was greatly influenced by Balinese culture. In history, Sasak Lombok ethnic was an area under Karang Asem kingdom and Anak Agung as the king. However, not all areas in Lombok island was under power of Anak Agung

where the Balinese culture gets faded more and more in eastern areas. Islamic culture was found stronger in eastern areas since Islam comes to Lombok through East and North (www.kabarindonesia.com 12 February 2007, 12:43:55 WIB).

*Merariq* must be performed in evening close to the night, starting between Maghrib (sunset prayer) and Isya (evening prayer), or at 23.00 Central Indonesian Time. When the *merariq* was done on the day, the man who engages in such *merariq* was considered as coward thus he was prohibited to enter a yard or front porch of the house. In previous time, those who engage in *merariq* marriage would be fined at 49,000 *kepeng bolong*, a very large fine. When this occurs, family members of the man feel very ashamed because community members will record their names for badness. Therefore, the parties involving in *merariq* will negotiate this problem in amicable and secret manner but the fine was very large.

At the time of *merariq*, there must be a woman who involves in process of kidnapping the bride. Woman who participates in *merariq* process must be adult to avoid suspicion from community members, while the bridegroom was allowed to participate or not. Participation of a woman in kidnapping process was essential to avoid undesirable things and suspicion from other people. The process of taking a bride can be described briefly below. First, the bride sends her clothes to the house of bridegroom. These clothes were used for change when she stays in house of the bridegroom's kin. Afterward, the bridegroom comes together with his friends at predetermined time to take his fiancé. The bridegroom can take his fiancé by several ways. For example, she says to the parents that she will stay in her friend's house. She may go out when the parents were absent at home, or through other ways as long as her parents or other community members do not know about her intention.

### **Acquaintance *Adat* and Social Interaction**

Before stepping to further stage in the life cycle, every people must interact with community members through some different stages in line with their ages and effects of social system commonly prevailing in a community. Acquaintance of a man and woman allows them to establish friendship relationship. In this friendship relationship, a man makes a friend with woman. In further stages, the friendship relationship will continue when both man and woman like each other. This relationship was called *pacaran* (dating). When the dating period has taken place for certain period, this relationship may lead to a formation of new family through marriage.

In Rembiga community consisting of vast majority of Sasak ethnic people, the acquaintance *adat* and social interaction was influenced by some elements of local culture and Islamic religion. However, social interaction among community members in Rembiga was similar to social interaction in large city since Rembiga was located in capital of West Nusa Tenggara (NTB) province, Mataram and near Senggigi coastal area. Besides influences from Islamic religion, Rembiga community was also influenced by metropolitan culture. Metropolitan culture can be described by opinion of a youth, Unang (30 year): "Young man can freely make a date with any girls. They make a date without taking care of the family, they can go freely until the late night."

Acquaintance *adat* and social interaction in community begin to take place when a child lives in family where he/she was taught on how to interact with his

parents and how to educate children in family in line with their gender. In the childhood, social interaction between boys and girls was not controlled, because during the childhood the parents allow them to play with their friends regardless of the sexes. However, when these children have reached schooling age, social interaction between boys and girls were controlled slightly. In Rembiga community, children at schooling age usually play with friends of the same sex and make some limitation in their interaction with friends of the opposite sex. This can be seen from types of toys they use. This was also seen when they were taught on Islamic religion by the religious teacher or their parents or informal community leader on how to engage in social interaction according to Islam.

When they have reached adolescent age, social interaction among friends of the opposite sex was controlled rather rightly. In this period, the male adolescents or youths in Rembiga generally gather with friends of the same sex. When gathering and meeting with friends, they talk about some daily issues such as hobby or girls to whom they like to make a friend. This does not apply to the girls who usually live at home because of the religious percepts they received since childhood. However, in general the religious effects or values that they received since childhood may decrease in line with increasing age. They feel that they can freely make a friend and interact with those of the opposite sex. This was as result of the modern social interaction in large city. However, they were still afraid of going out with the friends, particularly with male friends. This might be the case because of the *merariq*. Even though *merariq* usually happens with agreement of both parties, but the girls may be forced to get married with anyone. Thus, the parents control their children social interaction. The parents usually attempt to know anyone who was close to their daughters. This was related to a form of marriage conducted by Sasak ethnic people, namely *merariq*.

Acquaintance among adolescents in Rembiga community commonly occurs in public places such as shopping center, market or tourism sites. But a place which the adolescents most like to make acquaintance with others was educational institutions such as school or learning center. Acquaintance between female and male adolescents will continue when they like each other. This may proceed with dating (*pacaran*) period. Dating represents relationship between man and woman prior to marriage where this was called “approach” among adolescents in Rembiga community. However, within the processes prior to the actual marriage (*midang*), anyone can propose the girl even though she has boyfriend or partner unless her parents already matched her with another man.

### **Selection of Partner (Jodoh)**

In Rembiga community, there were two ways of selecting partner prior to the actual marriage. The first way was *kemele lesaq*, based on her/his own desire. The second way was *suka lokaq*, based on the parents' preference. Selection of partner using *kemele lesaq* occurs because there was a loving relationship already established between man and woman, called *meleang*. This way was also found when a male youth comes, *midang*, to the girl's house for meeting with his *meleang*. In talking during *midang*, the parents do not involve in such talking in which both partners make their own plans without intervention from parents or third party. Regarding this fact, almost no parents have objection when their children marry with partners they choose by themselves. In contrast, in *suka*

*lokaq*, parents of either man or woman involve actively in selecting partner. This way was usually performed when there was an intimate relationship between parents of both partners. Partner selection using *suka lokaq* way often does not begin with *meleang* period. Both man and woman may not know each other. In other words, this partner selection was called *terperondong* or “being matched” by parents.

Vast majority of the partner selections taking place in Rembiga community were undertaken using *kemele mesaq*. This was because the partner selection with *suka lokaq* was regarded as “forced marriage” by the young generations or more extreme term, this marriage was often criticized using sentence “*ia mulang deit anaknya*”, meaning that it was the man’s father who actually marry the girl.

### *Midang*

*Midang* or walking around, according to Sasak term, referred to young man who came to the girl’s house or widow with the purpose of proposing her. Times for *midang* were after 17.30 until 23.00 Central Indonesian Time. *Midang* was “approaching” between two people who are *meleang*. *Midang* was not only for both *meleang* people, but also for man who wants to propose a girl or widow. It was common that at *midang* time, two or more men may come to the girl in a day. Sasak ethnic people assume that when the girl or widow was beautiful, then many men were more likely to come to her house for *midang* purpose. Generally, it was the girl or widow who decides whether or not she will meet the youths coming to her house. This was because when at *midang* time there was more than one youths coming to her, then she will decide to receive one of them.

The *midang* ends up with agreement between both parties to get married. Firstly, the youth will offer a plan of marriage to her. This offer was called *menarih*. When receiving the offer, the girl was usually “silent”, suggesting she agrees to receive the offer or she nods and smiles. The youth also offers a time of marriage execution. This was because he provides financial support to conduct the marriage (wedding ceremony). When *menarih* was well accepted by the girl, this was called *teruq* or *mele*. Ceremony was not required to indicate agreement of both parties since they adhere to the appointment they have made together. Indeed, if the girl and man have agreed to get married, parents of the girl were not disclosed. Also, there was no “exchange of rings” ceremony or ceremony of engagement as found in marital custom in many ethnic people in Indonesia.

### *Masejati and Selabar*

*Sejati* or *mesejati* was the first activity carried out by the family members after the girl has been taken away by the youth. At least three days after the girl was taken away (*merariq*), a notice or message will be delivered to the girl’s parents through *keliang* or kampong head where the girl and parents live. After the notification was made, several activities would be done to obtain marriage permission from the girl’s kin.

Two persons from the youth’s family called *pembayun* were instructed to report to the girl’s parents/family members through kampong head where she and parents lived. These two people in this ceremony wore customary clothes with batik cloths, *dodot* and *sapuq*, and a piece of kris inserted between *dodot* and batik

cloth. The objective of the two delegates was to give formal information about the girl who has gone for three days. Or the objective was giving explanation that the girl was taken away by the youth for marriage purpose, and would become a wife of the youth taking her away. After the notification of both *pembayun* was formally accepted by *keliang*, then *keliang* asked the *pembayun* to come again three days later. The second arrival of the *pembayun* was intended to conduct *pemuput selabar* ceremony. After the kampong head has received *sejati* or notification from both *pembayun*, he together with the girl's parents and the girl herself would perform small discussion about adat (tradition/custom) which might be implemented in marriage and whether there was kinship relationship between the girl and youth who in accordance with religious or customary rules were prohibited to marry, as well as imposition of fine, if any.

After *sejati* was already undertaken, then *pemuput selabar* ceremony was done two or three days later. This ceremony was designed to talk a bout *ajikrama* as the efforts of performing *akad nikah* or various ceremonies before the actual marriage. A place for performing the ceremony was at the girl's house or her close relatives'. *Pemuput selabar* was usually attended by *keliang*, *kyai*, *perebot*, *tuaq lokaq* and representatives from the girl's kin, including her parents.

#### *Nuntut Wali or Mbait Wali*

*Nuntut wali* or *bait wali* means asking *wali nikah* from the bride's family members (her father or other close relatives who have the rights of becoming *wali*) as stipulated in Islamic rules. Those who were responsible for *mbait wali* were the religious justice apparatuses, including *penghulu* (religious Islamic leader, often responsible for marriage/divorce issues). This was because there was *awig-awig* or taboo rule, saying that bridegroom should not meet the bride's parents. Consequently, the bridegroom asked *penghulu* to have *wali nikah*. However, when the bride's parent didn't agree if she gets married with the existing bridegroom, then the task as *wali nikah* will be handed over to *wali hakim* (usually from KUA office).

#### *Mbait Janji*

*Mbait janji* or the binding agreement, represented of the effort of sending a delegate of the bridegroom to the bride to settle some problems such as *adat serong serah*, its costs, day and date of the marriage. Costs incurred during the marriage in Sasak community was called *Pisuka*, meaning shared happiness, sincerity or "matching"/appropriateness. That is, the bride family does not ask for the high costs for conducting marriage ceremony without considering the bridegroom family's financial capacity. In practice, these costs were adjusted to the *Pisuka* (financial/economic capacity) of the bridegroom family. Material form of *Pisuka* is called *Gantiran*. *Gantiran* was classified as Utama (High), Madya (moderate) and Nista (low).

**Table 1**  
**Comparison of *Gantiran***

<b>Goods</b>	<b>Utama</b>	<b>Madya</b>	<b>Nista</b>
Cattle	2 cattle	1 cattle	Half the cattle
Rice	120 catu	70 catu	30 catu
Wood	30 lembah (pikul)	15 lembah (pikul)	8 Lembah (pikul)

Coconut	200 satak (butir)	100 Satak (butir)	50 satak (butir)
Oil	10 bottles	7 bottles	3 bottles
Spices	At sufficiently	At sufficiently	At sufficiently

In previous time, the *gantiran* was granted through ceremony, accompanied by varied sounds (gamelan). Nowadays, *gantiran* was not given in material form but in cash. The *gantiran* is not handed over through ceremony, but given in simple way. This was because cash was much more practical than material items.

### **Akad Nikah**

*Akad nikah* was conducted at Mosque under supervision of the staff from KUA (office dealing with religious issues, such marriage and divorce) by following the Islamic rules, including reading of *khotbah nikah* (speech on marriage) and *ijab kabul* which was performed directly by the bride's father before the bridegroom. *Khotbah nikah* was read using Arabic and Indonesian languages, while *ijab kabul* using local language. *Ijab kabul* was spoken three times by the bride's father, while the bridegroom repeated the spoken *ijab kabul* three times too. If there was no mistake in articulating *ijab kabul*, it was considered "lawfully", and the bridegroom then squatted and shook hand with those present at Mosque and signed the marriage certificate duly.

### **Ceremony of Sorong Serah Aji krama**

Ceremony of *sorong serah aji krama* represented the most important stage of traditional wedding ceremony in Sasak ethnic. *Aji krama* derived from words *aji* meaning holy, valuable and *krama* meaning *adat* or unwritten and shared guidelines, which was followed strictly by all of the *adat* community and Lombok, Sasak ethnic people. According to the prevailing norms or custom, *Sorong serah* derived from words *sorong* meaning "present something to anyone" and *serah* meaning "submit anything to anyone" (Depdikbud, 1994:35.).

Due to its very essential role to survival of the family life, the *sorong serah* ceremony must be witnessed by all of the family members, friends, and open to public. In this case, the *sorong serah* also serves as means of notification and publication about the newly conducted marriage. It also functions as recognition of status of the bride and bridegroom and their children who were born from the marriage. *Sorong serah aji krama* ceremony was replete with symbols as reflected in ceremony itself and accessories brought in the ceremony, such as money and other symbolic items of *sesirah* and *aji krama*

*Sesirah* was the essence of all of the existing symbols, or also called *otak doe* or *juru doe*, meaning brain or "mother" of *aji krama* and other accessories. *Sesirah* took the form of container, like a brass-made tray, which was layered with the covering cloth of the corpse's face on it. Kris was placed on the *sesirah* along with *kain kembang komak* (type of cloth), needles and threads. The *sesirah* as if wanted to say that "when we were guilty and could not be forgiven, kill us with this kris, but when we were not guilty, please sew us (between both families) with these threads."

*Aji krama* derives from words *aji* and *krama*. *Aji* means value, valuable, status of certain group. *Aji* also means king or the respected elders. *Krama* refers

to a group of people who have rules and social order, which they highly respect to. *Krama* also means power. Therefore, there were terms *krama desa*, *krama kampung*, and *krama adat*. This was likely inspired by or refers to division of castes in Hinduism. *Aji krama*, which was handed over to the bridegroom, was dependent on social status of the bridegroom, whether he was noble, *perwangsa* and *jajarkarang*. In line with the implementation of *Sorong Serah Aji Krama*, the social status has values as follows: Raden (title of Java Nobility) (100), Permenak (99), Perwangsa (66), and jajar karang (33).

The values existing in social strata *krama* originates in influence of Islamic religion. In the kingdom period in Lombok, people generally assume that persons having the highest social strata have good understanding on Islamic religion. Those values were taken from *dzikir* in Islamic religion, in which *dzikir* also has several levels in its articulation. The first was Takbir, *Allahu Akbar* 33 times, Tasbih, *Subhahanaloh* 33 times and Tahmid, *Alhamdulillah* 33 times, and added with *Laa Ilaaha Illallah* once time, thus totaling 100. These values were of symbolic in nature within the social strata.

In *Sorong serah Aji Krama*, there were comparisons between *tapak lemah*, *olen-olen*, and *pemegat* as follows:

**Table 2**  
**Comparison of Aji Krama, Tapak Lemah, Olen and Pemegat**

<b>Aji Krama</b>	<b>Tapak Lemah</b>	<b>Olen</b>	<b>Pemegat</b>
100	40	60	Rp. 10.000
66	20	46	Rp. 10.000
33	8	25	Rp. 5.000
30	5	25	Rp. 5.000
17	3	14	Rp. 5.000

*Aji krama* consists of two components, namely *tapak lemah* and *olen-olen*. *Tapak lemah* in *aji* means stepping on the earth and symbolizes a presence of human beings on the earth. People living on the earth have *tata krama* (courteousness, etiquette), devoting to God, parents, government, and have needs which in *sorong serah* were described in the form of pieces of metals. *Olen-olen* was described in the form of traditional woven cloths. *Olen-olen* derives from word *uli*, meaning “processed cloth” or self-made cloth as symbol of self-sufficiency, the needs for clothing. Therefore, a married woman was demanded to have skills of making cloths for her herself and family members. A married woman in Sasak culture must fulfill criteria of *Tao nyesek* “*miseh*” meaning capability of weaving cloth or spinning. *Olen-olen* in *sorong serah* ceremony takes the form of several pieces of cloths placed within *lontar* leaves-made bag. However, now this bag was already replaced with suitcase. *Olen-olen* symbolizes that a husband was obliged to fulfill the wife’s needs for clothing.

*Pemegat* in *aji* means providing a compensation of loss experienced by the bride’s mother who was pregnant for about nine months and ten days and bore her, raised her until adult and then getting married with her current husband. In addition, there were several fines imposed to the husband due to *merariq* or taking

the girl away. The fines were called *denda memaling* (fines imposed due to “elope the girl”) and *pemutus pembicaraan*.

**Fines.** The bridegroom may sometimes contravene elements of *merariq* and *Sorong serah Aji Krama* ceremony to whom a fine was imposed on. Thus, he has no reasons to reject imposition of the fines.

*Pemegat* or *pemutus wicara* (speech breaking). In *Sorong serah* ceremony, *kata pemutus* (breaking words) or *putus wicara* (speech breaking) manifests in the form of money. *Uang pemegat* or “speech-breaking money” has the highest position. Its function was like the last word/the last hammer blow because after the breaking words were already spoken, no ones were allowed to speak. All of the words have finished. No ones can protest against every decision already made. Its symbolic form was breaking the ties.

Entire accessories of *Sorong serah* ceremony were brought by several persons in certain containers in which they line up under supervision of a *pembayun* and two or more assistants. *Pembayun* has central position in *sorong serah* ceremony. It derives from word “ayun ajung”—arsa arep—honesty.

*Pembayun* means a person standing in front. His task was performing all of the customary functions thereby the hand over of *aji krama* can be implemented well, tidily and properly; all of the expressions were spoken correctly; and decisions of the *adat* deliberation (*Krama Adat*) can be executed sufficiently. A group of *Sorong serah* was chaired by *pembayun* and preceded by *penyolo* and his assistants.

*Penyolo* means torch, illumination. *Penyolo* also means a person who informs that *pembayun* and his assistants have been ready. In performing their tasks, *pembayun* and *penyolo* use Sasak language and employ *tembang* (Java poetry) to express their words. This was intended to make *sorong serah* ceremony more attractive and pleasurable since it contains diplomacy and arts of articulation. Therefore, *pembayun* and *penyolo* have far-reaching and comprehensive understanding on *adat* rules and have high skills of diplomacy and literature.

### *Nyongkol*

1. After *sorong serah* ceremony, this proceeds with *nyongkol* or usually called *nyongkolan*, where in the ceremony both bride and bridegroom visit the house of the bride’s parents along with family members, close relatives and friends in cheerful way with expectation that the bride and bridegroom appear formally before the parents and their related family members. *Nyongkol* ceremony takes place a day after *sorong serah*, but it was sometimes carried out in the same day after *sorong serah* execution.

When the bridegroom was a *Raden* (title of Java nobility), a *juli*, large tent resembling *berugaq* with roof of the so-called *puki* (triangular pyramid) will be used. When *juli* was used, the bride and bridegroom will sit side by side, but guarded by four guards standing in four points on the bearers (not inside *juli*). Two bearers of cord sit in front of *juli*. About forty guards (*moger sari*) walk on foot wearing apparels similar to those of bearers, and bring lances of *Juli* symbolizing state/government and the people, suggesting that the driving power

lies in bearers representing the people's power. *Pengempering marga* was in front of *Juli*, walking on foot while bringing a sword, opening the way and walking in front line.

The bride family members as receptionist performed a welcome called *mendakin*. Their followers were also similar to those of *penyongkol*. Women lined up in front line, while the men behind them; all of them wore Sasak ethnic apparels. The front row was also similar to that of *penyongkol*, bringing *karas* followed by bearers of beverages of young coconuts, which would be used to entertain *penyongkol* guests who were thirsty because of the long distance travel.

*Mendakin* ceremony was usually carried out at the borders of villages. The essence of the ceremony was the hand over of bride and bridegroom using *adat*. When arriving at a predetermined place, a group of *penyongkol* members sat for a while. Then *penyongkol* group put forward their intention, while *mendakin* group welcomed them by providing "dish service" of the betel leaves and areca nut symbolizing etiquette (*tata krama*) to the respected guests. Afterward, *mendakin* group fetched both bride and bridegroom with "noble umbrella" in which they joined the *mendakin* group, and then *mendakin* group accompanied and brought them to their parents. Before that, all of the group members were entertained with young coconuts and various fruits.

*Nyongkol* ceremony didn't take place in the house of bride's parents, but in at the reception hall. *Nyongkol* ceremony actually resembled *meeting of bride and bridegroom* ceremony commonly conducted in marriage in large cities because the objective of the ceremony was to show both bride and bridegroom to public while allowing their friends and acquaintances to express congratulation and gave wedding gifts. Similarly, *mendakin* ceremony was executed before entering the hall at place about 500 m from the hall.

### ***Balas Onas Nae***

One or two day after *Nyongkol* ceremony, there was a ceremony called *Bales Ones Nae* (tracking the footprints). *Balas onas nae* means returning to the bride's house. This ceremony was usually performed in the night after *Nyongkol* ceremony, or two days after *Nyongkol* ceremony.

*Bales Ones Nae* was only attended by close relatives in simple way. This ceremony had an important role because at the time of ceremony, all of the family members were introduced one by one with the purpose of making the bride and bridegroom know their new close relatives, including uncle, aunt, grandfather, grandmother, younger sister/brother or elder sister/brother, etc, resulting from the marital relationship between them.

### ***Adat of Post-Marital Residence***

After getting married, the newly married couple will decide to determine their residence after marriage. The couple does not occupy their own house directly. There were several possibilities of the post-marital residence *adat* in Sasak ethnic people in kelurahan Rembiga. The first option was *bale mesaq*, meaning the couple-owned house, namely a house, which has been built by husband before marriage. This post-marital residence *adat* was considered as the best and most respected in Sasak adat, since this proves that the husband has already made adequate preparations including in material terms before marriage. Residing in

*bale mesaq* also causes the couple to live independently from their family members. This might be the case since living together with other family members often results in conflicts due to trivial problems such as misunderstanding between parent-in-law and son-in-law.

The second option was *Nyodoq* or living with husband's kin or living in father's house. This may happen when the husband has not made adequate preparation (or has not built a house) before marriage. The residence pattern was known as virilocal/patrilocal adat, stipulating that the newly married couple must reside near or live with the husband's kin (Koentjaraningrat, 1992: 106 -107).

The third option was *nurun nina* or living with the wife's kin. Husband either by his own desire or her wife's initiative lives with the wife's father or the wife's kin. This residence pattern was called Uxorilocal/Matrilocal (Koentjaraningrat, 1992:106-107). The couples getting married in *nyerah diriq* or *nyerah hokum* manners usually use this residence pattern.

### **The Cases**

There were several forms of marriages commonly occurring among Sasak ethnic people as described in some cases below.

#### **1. Marwan and Dian**

Marwan was a youth, 30 year, coming from West Lombok District. After finishing his high school education, he continued his study in private university in Mataram. Now, Marwan worked as private employee in Mataram. His father worked as civil servant (PNS), while the mother was housewife.

His wife was Dian, 28 year. Currently Dian worked as private tutor for elementary school students. She was resident of Rembiga. Her father worked as teacher at state elementary school (SDN), while her mother worked as farmer . She was the first child of the three children.

When Dian pursued her tertiary education in private university in Mataram city, she was taken away (*merariq*) by Marwan. At the time, she was in the second semester. Previously, Marwan ever came to propose Dian, but his intention was rejected by her father. And ultimately based on agreement between Marwan and Dian, they engaged in *merariq*. When Dian was taken away by Marwan, her father was shocked and greatly disappointed, since his daughter stopped continuing her study because of the *merariq*. The father, Ikhwan, actually gave approval to his daughter's desire of getting married in young age as long as she has finished her study first. The father expected that having certificate of tertiary education (university), she could work as teacher. In addition, it was expected that Dian could become good example for her younger sisters or brothers. Ikhwan felt very ashamed if Dian dropped out while the father was teacher.

However, Ikhwan ever tried to asked Marwan family to return Dian in order that she could continue her study until completion and obtained good job. Even Ikhwan promised to marry them when Dian has completed her study. However, Marwan and his family members consistently retained Dian, and Dian herself didn't want to return to his father, because she said that when she was returned to her father, this was a great disgrace to her family, thereby she forced the father to marry her with Marwan.

Currently, Dian and Marwan have one child. They take care of the child with love. Even though both Dian and Marwan work, but the task of taking care of the child was more imposed on Dian, while Marwan works to earn sufficient income to fulfill the family needs.

Now Dian and Marwan live in Chakranegara. Until now, Ikhwan has been showing his displeasure toward his daughter, Dian. Every Idul Fitri Ikhwan was reluctant to meet his daughter and the husband along with the grandchild when they come to the house.

## **2. Rina and Hasan**

Rina was the youngest child of three children from Abdul and Minah. They lived in Rembiga. Her father was retired teacher, while her mother was selling sate *bulayak* (a kind of chicken sate). Now Rina was 20 year and lived with her husband, Hasan. Rina married Hasan at 14 year.

Rina met Hasan when he was attending the wedding ceremony of Rina's brother. In this short encounter, they liked each other. After the wedding ceremony, when having a time, Hasan visited her house or school. Rina at the time was still in junior high school. After several times, Hasan urged Rina to engage in *merariq*. Rina agreed with Hasan's idea. At the predetermined time, Rina prepared several clothes, which she would wear when staying in Hasan's house. Rina was fetched by Hasan while going home from the school without informing her parents. Rina's parents were of course very confused of seeking their daughter who didn't go home after the class dismiss. They were anxious that something wrong might happen to Rina. They didn't think that Rina and Hasan would engage in *merariq*.

The next morning, a representative from *keliang* or kampong head where Hasan lived came to report to the *keliang* of Rina place. The *keliang* informed Rina's family members that she was in safe condition, but she had engaged in *merariq* with Hasan. Now she stayed with Hasan's kin. Rina's parents felt happy hearing the news that their daughter was fine, but felt discontented because of Rina *merariq* (that is, Rina was taken away by Hasan). This was because the parents wished Rina finished her study at senior high school. However, they did nothing when Rina insistently showed her intention to marry Hasan. The news was disseminated to other community members.

Because Rina get married when she was 15 year, their marriage was not registered at KUA office. However, with help from village authority, Rina's father manipulated some necessary documents, namely by making ID Card (KTP) with age of 17 year. This was frequently done because getting new ID was very easy and inexpensive.

Rina's parents asked a great deal of money as compensation of educational costs of Rina who dropped out due to *merariq*. This money was called *pisuka*. Hasan's parents negotiated the costs until parents of both parties have achieved consensus. Rina's parents demanded compensation at 19 million rupiah, while Hasan's parents negotiated it at 8 million, but both parties had achieved agreement on *pisuka* at 10 million. Despite such agreement on *pisuka*, but Hasan's parents didn't have money of 10 million in short term. Hence, Hasan's parents borrowed money from their relatives or had their relatives seek loans from other people in order that Hasan and Rina could marry. Hasan's parents were forced to

do this because if they could not pay the money, *wali nikah* would not be given, thereby preventing Hasan and Rina from getting married.

### 3. Adi and Lisa

Adi was a youth, not resident of Sasak, but he was born by parents of Sasak and Javanese descendants. His father, Joko, was from Madiun, Java, while his mother, Misaq, was from the noble family, in Rembiga. Joko's marriage was conducted without involving *merariq*, but through *nyerah hukum*. This was because he was not resident of Sasak. He was submissive to Misaq's father. Indeed, she wanted to marry Joko, thus, Joko was welcomed warmly by Misaq's parents.

However, Misaq's parents wished she engaged in *merariq* as her marriage requirement. This was because from generation to generation, Misaq's kin conducted their marriage through *merariq*. Joko was startled as he didn't know how to do *merariq*. After knowing and understanding about *merariq*, he finally followed the parents' desires by taking her away. This requirement was only formality thereby other people considered their marriage as "lawfully" in accordance with local adat. Because of the formality, *merariq* ceremony was also done in formal sense.

After finishing his study at junior high school, Adi didn't continue his study to higher degree. He worked helping his parents by cultivating fields because they had much debt. When he was 20 year, he worked as a waiter at a restaurant. While working, his uncle came talking about a girl. His uncle wanted to introduce the girl to Adi. When Adi liked her, he could marry her. The girl was Lisa, the daughter from the uncle's friend. After a short conversation, Adi didn't accept his uncle's offer directly. He needed a time to think because he didn't know who the girl was and whether or not he could fulfill the needs of the prospective wife. After thinking for several occasions, he came to the uncle to state his intention to get acquainted with Lisa.

Lisa was born in Rembiga, aged of 13 year at the time. She still studied at junior high school. Lisa's father, a friend of Adi's uncle, asked the uncle to seek a partner for Lisa. This was because the parents wished Lisa got married promptly to avoid undesirable effect of the milieu, and adhered to the religious teachings. Thus, the uncle expected that Adi be acquainted with Lisa immediately.

When there was *nyongkol* ceremony, Adi was invited by the uncle to attend the ceremony. It was the wedding ceremony of the uncle's friend. At the time, the uncle already planned to introduce Adi to Lisa. When Adi was acquainted with Lisa, Adi was so confused because Lisa was still child. When they were talking each other, Adi found it was pleasurable to get on with Lisa. This acquaintance proceeded with friendship. After for rather long time with Lisa, Lisa's parents urged Adi to marry Lisa. However, the parents wished Adi took her away first.

As with his father's marriage, Adi also engaged in marriage by *nyerah hukum* but followed *merariq* process as formality with expectation that community members considered them as adhering to the adat. However, the marriage process was confronted with administrative obstacles, including drawing-up of marriage certificate as Lisa's age (14 year) was not sufficient to get married. Therefore, they got married without marriage certificate or their marriage

was called *nikah sirri* (this marriage was not formally registered at KUA, but conducted with help of the local religious leader).

Now Adi and Lisa have been working and have two children after 8 years of the marriage. However, they had no marriage certificate so that birth certificates cannot be issued for their children. When their children would attend the school, Adi and Lisa made official statement of birth with generous helps from the elders, kampong authorities, and witnesses present at the *nikah sirri*. Therefore, they reported to KUA to have it draw up the marriage certificate thereby birth certificate could be drawn up for their children.

#### **4. Dimas dan Yanti**

Yanti, was a girl, aged 15 year. She worked as washerwoman in her surrounding place. She dropped out when she was in fifth grade of elementary school because of the financial difficulty. When she had no job to do, she played with her friends. Despite economically disadvantaged, she got on with friends from various backgrounds.

On Saturday, Yanti went together with friends of both sexes. They went to coastal area located in West Lombok. One of the friends greatly liked Yanti. He was Dimas. Having played along the day and the day was getting darker; Yanti thought that she went home late. She invited them all to go home. Their friends have known what actually happened, and ensured her that they would go home. When it was dark, they arrived at Dimas's house. In this house, Yanti had their friends seek *bemo* (a kind of public transportation) to go home. The friends who were already paid by Dimas to plan Yanti's elope informed her that she was already taken away. She was confused and did nothing facing such situation. Her female friends confirmed that she was taken away and had to marry Dimas. However, Yanti didn't like Dimas. She would not marry Dimas because she disliked him.

At the night, Dimas's father and his uncle went to *keliang's* house to informed him about such event. Afterward, they came and gave explanation to Yanti's parents who highly worried about their daughter. When Yanti's mother has known what happened to her daughter, she was really furious, but her family members asked her not to make quarrel with them and remained relaxed.

However, when Yanti's parents were aware that the man who has taken Yanti away was Dimas, they accepted it. The mother thought that Dimas was a good husband. Therefore, they agreed when Yanti married Dimas. Dimas was a child of the repairing shop trader and he worked in his father place.

Yanti actually disliked Dimas as she didn't know much about his characteristics and behavior. Dimas was one of her playfellows in the group. She met him about three months ago before she was taken away. Dimas was six year older than Yanti, so that Yanti regarded him not as the playfellow and she rarely met him.

But she could not reject the parents' desire of marrying her with Dimas. They felt very ashamed when Yanti refused to marry Dimas. Regarding some constraints related to Yanti's age (her age was insufficient to get married), Dimas's father could help "upgrade" her age by contacting PPN staff and giving him amount of money.

After getting married, their family life was less harmonious in the first days. Yanti couldn't fully accept her marriage with Dimas. However, after three years of the marriage, she could accept Dimas as her husband. To help in crease family income, she opened small store at parent -in-law's house.

### **Legal Culture**

In this section, the researcher will explain how people in Kelurahan Rembiga have formed *legal culture*. This legal law has significant effect on the under-age marriage. Customary marriage in Sasak ethnic people actually was contrary to implementation of positive law or state law, namely Marriage Law No. 1 of 1974. This was particularly related to Marriage Registration. The Law places more emphasis on marriage registration, saying that marriage must be registered by Pegawai Pencatat Nikah (PPN, Marriage Registrar Staff). When the marriage was not registered by PPN, then such marriage was considered unlawful even though it was deemed legal according to Islamic Religion. This may be caused by the fact that there was no good cooperation between KUA staff and police as essential component of the *legal structure*. Attitude or behavior of the KUA staff and police that do not provide support to the applicability of state law was called *legal culture*.

Legal culture in Rembiga community was supported by customary law (adat law), affecting the state law significantly. This was obviously seen in one of the marriage forms in Rembiga community, *merariq*.

*Merariq* or known as *kawin lari* (elope the girl) refers to marriage in which the bride was taken away by bridegroom and her parents do not know where she was taken away. The bride's parents have just known the *merariq* incidence when their daughter lived in house of the youth taking her away.

Viewed from the youth's action, this action was the same as theft. He brought and took a girl without making her parents know about it, without their permission. A punishment can be imposed on the action.

However, community members regard it as usual incidence between a man and woman loving each other. No *merariq* cases in Kelurahan Rembiga were reported to the police. According to an informant, when *merariq* case was reported to the police, the police will do nothing about it, as said by an informant, Mulyawan (50 year):

“The police generally do not accept and process *merariq* cases on the ground that *merariq* in Lombok was done using customary law (adat law). Therefore, the police won't deal with and process *merariq* cases reported to them.”

Regarding the informant's information above, this situation causes the police to have difficulty in making decision related to the *merariq* case. When the *merariq* cases were considered as criminal cases, intense conflict between Sasak ethnic people and the police will happen. This condition makes the police cannot deal with the *merariq* cases. Criminal punishment can be imposed on anyone taking a girl away in accordance with Criminal Code of Article 332. Article 332 (1) of the Criminal Code says that:

“Imprisonment of maximum seven years can be imposed on anyone who takes a girl away, anyone who takes the under-age woman away without permission from her parents or guardian, but at the woman’s will, with the purpose of owning the woman with or without marriage.”

From this article, term “taking away” means taking the under -age woman without permission from her parents or guardian, even though it was done at the women’s will.

In addition, taking away (kidnapping) also means taking a woman (either adult or under age woman) away because of the abuse, deception or violence threat reasons. As revealed by Article 332 (2) of the Criminal Code, “Imprisonment of maximum nine years may be imposed on anyone who takes a woman away due to deception, abuse or violence threat reasons, with the purpose of owning the woman with or without marriage.”

In associated with the Article 332, the punishment can be imposed on anyone taking the girl away or called *in schaking* (Hadikusuma, 2004: 35). However, this law was contradictory to the law prevailing in Lombok area. The act of taking the girl away from her house was associated with fines, which will be imposed on *sorong serah* ceremony.

Furthermore, the wife and husband involved in the *merariq* will have difficulty getting marriage certificate and birth certificate for their children. This might be the case because while getting married, the girl was still under age. The state law, namely Law No. 1 of 1974 Article 7 clause 1 says that the marriage must fulfill requirement of certain age as stipulated by the law. The requirement of age was 19 year for the man and 16 year for the man. In addition when referring to Convention on the Rights of the Child), the lower limit of age for the children was 18 year. Thus, according to the convention, the marriage under 18 year was considered as contradictory to the children’s rights.

The under-age marriage occurs in Rembiga community as mandated by their customary law (adat law). In adat community, every man and woman getting married were considered capable of carrying out their tasks and obligations. Besides adat law, the under-age marriage was also influenced by Islamic law. This was because vast majority of Sasak people were Muslims. According to Islam, marriage must be done based on desires and consensus of both man and woman involved in the marriage. When both woman and man have not reached consensus to get married, then no ones can force them to marry, including their own parents and guardians. The parents/guardian’s rejection to marry their daughter to a partner to whom she agrees to marry with, was considered as contravening the religious rules, as stipulated in Qur’an, Al -Baqoroh verse 232, “Do not challenge your daughters to get married with their prospective husbands.”

According to Islamic religion, there was no exact limitation on age for marriage. To a woman, she was considered as adult and allowed to get married if she has got menstruation.

Due to the justification in Islamic law and adat law as mentioned above, then marriage through *merariq* already conforms to both adat law and Islamic law. First, the *merariq* occurs through consensus of both woman and man who

will marry. Second, in associated with presence of *merariq*, the parents cannot prevent their children from getting married.

Every bride and bridegroom who get married was registered by PPN (marriage registrar staff) in accordance with Government Regulation No. 9 of 1975 regarding implementation of Law No. 1 of 1974 Article 2 clause 1 saying that “Every marriage conducted with respect to Islamic religion will be registered by marriage registrar as stipulated by Law No. 32 of 1954 on registration of marriage, divorce and *talak*.”

The marriage registrar staff must register those who get married. In addition, the registrar staff also examines and investigates marriage requirements in accordance with Government Regulation No. 9 of 1975, Article 6.

In associated with the under-age marriage, the marriage registrar staff does not allow this marriage to occur because it violates Law No. 1 of 1974 Article 7. When a person wants to get married but his/her age was still insufficient, he can ask dispensation from the competent authority with respect to Article 7 clause 2. Despite the presence of dispensation, but people who will get married do not seek dispensation since obtaining dispensation in the court was time consuming. To get marriage certificate, they merely ask help from *keliang* (kampong authority) to make new ID card by “upgrading” their age or changing their age while dealing with administration. Of course, the *keliang*’s action was contradictory to the existing laws, namely Law No. 1 of 1974 Article 20.

Associated with marriage case of Adi and Lisa, they engaged in marriage under age. Adi was aged 20 year, while Lisa 14 year. They engaged in marriage by *merariq* without reporting to KUA, as Lisa’s parents didn’t want to have problems with administration in KUA. They also didn’t requested dispensation to the court since it was time consuming. However, they had *keliang* make new ID Card for Lisa by which they obtained marriage certificate.

Under-age marriage was not acceptable and unlawful since it was contradictory to the prevailing laws. This was because *merariq* was carried out based on adat law. Thus, it was impossible to abrogate a marriage between woman and man. Even the bride has been taken away by the bridegroom. When the bride taken away by bridegroom was returned to her home due to under age reason, her parents would felt ashamed. She was usually called “bird bride”; that is, she was liberated to “fly”, but she was caught again. Designation as “bird bride” caused their family members to feel ashamed amid other community members. Associated with those issues as mentioned above, the state law was ignored by Rembiga people when they were involved in marriage, thereby generating negative effect on their marriage in the next times. For example, they have no marriage certificate and birth certificate for their children; they cannot continue their study and find job properly for their children’s life in the future. Under-age marriage was also disadvantageous. This was because when a woman gets married under age, she will drop out and lives together with the husband in family life. Hasan and Rina experienced this case.

Based on these marriage cases, the Rembiga people were more likely to use Islamic law and adat law to legalize their marriages. Thus, the legal culture can form as result of the community behavior and represents a part of the culture in general sense.

Rembiga people have some interests in formation of legal culture. Among Rembiga people, the researcher finds several types of laws, including adat law, Islamic law (religious law), mores, agreement and other social conventions, which they accept as law.

Pluralism not only lies in diversity of laws but also individuals who become subject of more than one laws. In this case, people make the sense of and interpret those laws in different ways depending on their knowledge, expectation, and interests (social, political and economic) or more precisely they have different legal cultures (Irianto, 2000:81).

Interests among Rembiga people in establishing legal culture were more oriented on interests of individuals who will get married. They argue that marriage by *merariq* represents a proper way to avoid or ignore the parents' disapproval on bride (bridegroom). The *merariq* interests were also based on Sasak people's reasons that a practice of taking a girl away from her house gives a youth opportunity to show his bravery.

In addition, the woman's parents will conduct wedding activity when their daughter was taken away by the youth, regardless of whether or not they approve the youth. Designation as "bird bride" suggests that the bride and bridegroom must get married. When a girl has been taken away by youth, people have different views on her if she was returned to her parents. This was disgrace to her and the parents. This was because they really do not know what happens when the girl was taken away by the youth. They generally think that the girl has engaged in sexual intercourse with the youth taking her away, as described by informant, Ana, 32 year, as follows:

"The youths here won't approach or marry a girl who has been taken away or "kidnapped", and then returned to her parents. They generally think that it was not appropriate to get married with this woman because she was not virgin anymore. Despite the opinion, but one of the youths gets married with her as he loves her."

These interests cause Sasak ethnic people to form legal culture in *merariq* marriage.

### **Women's Position in Marriage**

In this section, the researcher discusses women's position in marriage in associated with adat followed by Sasak ethnic people. The women position in the marriage can be seen from division of labor in family. In Sasak family, women not only perform domestic tasks of taking care of the children and educating them, they also work outside home. They work outside home because they want to help husbands earning additional incomes and fulfilling family needs. They use some of the incomes for their own interests as said by Ani (35 year), "We get married in poor condition. Therefore, I need to work to earn additional incomes. I save some of the incomes, use them for my own interest and give some to the husband."

Division of labor among Sasak ethnic families generally takes place successfully in which husband takes a role as household head with tasks of working for fulfilling the family needs, while wife was on domestic tasks.

A woman will have higher position when the marriage she engages in was *nyerah hukum*. This was closely related to distribution of properties in case of divorce and decision-making in family life, as said by informant, Ahmad (58 year) who has son-in-law through *nyerah hukum* marriage, “*Nyerah hukum* was much different from *merariq*. In *nyerah hukum*, the husband must totally follow what were said by his wife or the wife’s kin because he was already submissive to the wife’s kin.”

Conversely, in *merariq*, a woman shows her position in making decision. The rights to get married with someone represent essential rights in life cycle in which every person has the rights to choose anyone to whom she/he will live with.

In traditional community, the child was viewed as ownership and family asset. Hence, the marriage was considered as one of the ways to make transaction and establish good relationship with other families. For example, a prince or princess was encouraged to marry other princess or prince as compensation of agreement in trade, military, economy or politic. A princess may also get married with the noble man or commander-in-chief of war as reward for his loyalty to the king.

In this condition, a girl was most susceptible. Due to her physical and psychological condition, the girl often cannot strive against her parents’ desires, as seen in marriage case of Dimas and Yanti. It appears that she was forced to marry Dimas. She couldn’t reject the desires of her parents who urged her to marry Dimas. She followed her parents’ will. This might be related to her instable psychological condition (aged 15 year) in which she has not been ready to deal with hard situation.

However, in *merariq* marriage, the woman has high position to decide whether or not she marries a man. This can be seen in *midang* event. During *midang*, woman and man “approach” each other for several times until both agree to get married. Her parents do not interfere with their businesses because marriage represents agreement of both bride and bridegroom. This case was found in couples of Marwan and Dian, Hasan and Rina. They seek agreement with their partners and then make decision to marry.

## **Conclusion**

First, a marriage to which Sasak ethnic people commonly engage in, particularly among people in Rembiga community was *merariq* or known as *kawin lari* (elope the girl). Besides *merariq*, Sasak ethnic people recognize other forms of marriages such as *nyerah hukum* and *belakoq*. In general, kidnapping the girl or taking the girl away frequently precedes marriages through *nyerah hukum* and *belakoq*. In opinion of the Sasak ethnic people, the youth who gets married through *merariq* was regarded as responsible and brave to take high risk for the girl he most loves. These bravery and knight characteristics were more emphasized in *merariq*.

Second, in Rembiga community, customary law or adat law determines at what age a girl can marry. In adat community, every man and woman who get married were considered capable of carrying out their tasks and obligations. Under-age *merariq* was mainly influenced by adat law and Islamic religion. Legal culture will form when the marriage was lawful according to adat and religious

rules but does not follow the existing formal law. It was the legal culture which allows the under-age women to marry in *merariq* manner.

And third, in *merariq* marriage, woman's position was higher than the man's. This can be seen from the fact that it was the woman who decides whether or not she marries a man, regardless of the influence of the parents and the man. However, her position was susceptible when she was forced by the parents to marry the youth whom she dislikes or she was hopeless when facing the situation. Her position was also susceptible as she was psychologically less capable to decide what was the best for her life, because she was very young.

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