

**MISFORTUNE PREDICTION OF RESTRICTED MARRIAGE OF
LEP TARJHA IN TLAGAH VILLAGE OF BANYUATES SUB-DISTRICT
(A STUDY OF SAD AL-DZARÎ'AH)**

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Abstract

LepTarjhâ according to the concept of TlagahBanyuatesSampang society refers to marriage between two families that shares the same lineage with other couple in the families. Unfortunately, Madurese people believe that this practice will create misfortunate events for the families. The misfortune can be in the form of matéh (death), ke' sakean (susceptible to diseases), difficulty earning income, frequent problems, and/ or unhappiness. People strongly believe the LepTarjhâ marriage can create impacts in the form of misfortunes. Therefore, whenever there is LepTarjhâ marriage practice, the society will consider the couple as inviting the misfortunes and disasters. The misfortunes pattern due to the LepTarjhâ marriage practice is varied, such as income-earning difficulty, problem-prone situation, unhappy marriage, susceptibility to diseases, unpleasant response and treatment from families and neighbors, death, and divorce. Based on the point of view of sad al-dzari'ah, the LepTarjhe is concluded as a disputed practice in terms of its legal basis. The practice then resulted in the division of society into two: people who believe in the impact of the LepTarjhe tend to forbid the practice, and those who do not believe in it allow the practice to continue.

Keywords : Lep Tarjhâ, Madurese society, sad al-dzari'ah.

Abstrak

Lep Tarjhâ menurut konsep masyarakat Tlagah Banyuates Sampang mengacu pada perkawinan antara dua keluarga yang memiliki garis keturunan yang sama dengan pasangan lain dalam keluarga. Sayangnya, orang Madura percaya bahwa praktik ini akan menciptakan peristiwa sial bagi keluarga. Musibah itu bisa berupa mateh (kematian), ke' sakean (rentan terhadap penyakit), kesulitan memperoleh penghasilan, sering mengalami masalah, dan/atau ketidakbahagiaan. Masyarakat sangat meyakini pernikahan Lep Tarjhâ dapat menimbulkan dampak berupa musibah. Oleh karena itu, setiap kali ada praktik pernikahan lep tarjhâ, masyarakat akan menganggap pasangan tersebut sebagai pembawa sial dan malapetaka. Pola kemalangan akibat praktik perkawinan Lep Tarjhâ bervariasi, seperti kesulitan memperoleh pendapatan, situasi rawan masalah, perkawinan tidak bahagia, rentan terhadap penyakit, tanggapan dan perlakuan tidak menyenangkan dari keluarga dan tetangga, kematian, dan perceraian. Berdasarkan pandangan sad al-dzari'ah, lep tarjhe disimpulkan sebagai praktik yang disengketakan dilihat dari dasar hukumnya. Amalan tersebut kemudian mengakibatkan terbelahnya masyarakat menjadi dua: masyarakat yang meyakini dampak Lep Tarjhe cenderung melarang praktik tersebut, dan yang tidak meyakiniya membiarkan praktik tersebut berlanjut.

Kata kunci :Lep Tarjhâ, masyarakat Madura, sad al-dzariah

A. Introduction

Lep Tarjhâ, a marriage type commonly found in Madurese society, is a practice in which the man and woman share a similar family lineage from both sides. According to the Islamic law context, *Lep Tarjhâ* is considered legal and permissible. There is no proposition in both Al- Qur'an and Al Hadits that forbid the *Lep Tarjhâ* practice. Nevertheless, most of the Madurese people believe that *Lep Tarjhâ* can bring misfortunes such as *matéh* (death), *ke' sakean* (susceptible to diseases), difficulty earning income, frequent problems, and/ or unhappiness.

The misfortune belief due to the practice of *Lep Tarjhâ* marriage in society is significant. Therefore, when a couple wants to conduct a marriage, the surrounding society will consider them to bring bad luck and draw disasters. Whenever sickness or death occurs to a particular person surrounding them, people will consider it the curse of *Lep Tarjhâ*. The belief combined with Madurese's characteristics, namely rough, bad-temper, and upholding the pride (Hubb, LKiS) has made the myth become general truth proven with a series of events that occurred to the *Lep Tarjhâ* marriage couple.

The local people's belief in the misfortunate events due to practice will affect the *Lep Tarjhâ* marriage practitioners. The threat faced by the couple is in the form of verbal aggression such as insults, curses, hate speech, defamation, and slander, which eventually resulted in unhappiness, fear, and insecurity for the couple. In other words, marriage practice is threatening the practitioners, even though the real misfortunate for the couple comes from society itself by throwing verbal aggression towards them.

Another impact that may arise is family conflict, which eventually spreads out, becoming community conflict. When a married couple experiences misfortune after their relative having the *Lep Tarjhâ*, marriage, the couple will blame them and consider what they experienced as the curse of *Lep Tarjhâ* marriage conducted by the relatives. Responding to the accusation from the couple who experienced the misfortune, *Lep Tarjhâ* marriage's family cannot accept it, which becomes a conflict between the two families and eventually resulted in a significant family conflict.

Characteristics of Madura people and its nature as coastal inhabitants will affect their coping with conflict; small issues can grow more prominent, which eventually may break the family relationship, throw bad words to each other, verbal aggression, and the most worrisome is lead to *carok* event. For this reason, this study wants to describe the sad al-dzarî'ah analysis of the perceived disaster that occurred due to the Lep Tarjhâ marriage, which occurred in the coastal communities of Madura. The analysis uses the perspective of sad al-dzarî'ah and describes whether this marriage remains in its original law; that is, it is permissible, or on the contrary, gives mudlarat and deviates from the original purpose of a blessing marriage.

B. Literature Study

Marriage in Islam

According to Islamic teaching, marriage is a strong bond (*mitsaqan ghaliza*), as stated in the Al-Qur'an. The term *mitsaqan ghaliza* presents in the Qur'an at three places, namely surah al-Ahzab (33): 7; al-Nisà (4): 154; and al-Nisà (4): 21. In surah al-Ahzab (33): 7, the term *mitsaqan ghaliza* refers to a divine agreement between Allah and a number of His prophets. While in surah al-Nisà (4): 154, the term *mitsaqan ghaliza* refers to an agreement between Allah and the Jews. Finally, in surah al-Nisà (4): 21, the term *mitsaqan ghaliza* refers to the marriage agreement. Based on the mentioned terms, it can be concluded, indirectly, that in marriage, the bond between husband and wife is equal to the sacred relationship between Allah and his prophets and messengers.

In marriage, there are three general purposes mentioned in the Qur'an. The first purpose is to multiply the number of human beings on the earth as a means of reproduction. The reproduction purpose can be found in surah al-Shura (42): 11, al-Tariq (86): 6-7, and al-Nisà (4): 1. The second purpose of marriage is as the fulfillment of sexual needs, as mentioned in surah al-Ma'arij (70): 29-31, al-Mu'minun (23): 5-7, al-Baqarah (2): 187 and 223, and an-Nur (24): 33. The last purpose of marriage, according to the Qur'an, is to provide the feeling of peacefulness, affection, and love, as mentioned in surah Ar-Rum (30): 21. Besides the purposes mentioned, marriage can also serve the function to establish

relationships with family and society. Therefore, marriage is a bond between husband and wife and, at the same time, attaches two families into one, which creates a more prominent bond in society (Nurhidayatulloh and Marlina, 2011: 216)

Basic Principle of sad al-dzarî'ah

Sad al-dzarî'ah is a combination of two words, namely *sad* and *al-dzarî'ah*, in the form of *mudhaf-mudhaf ilaih*. (Ma'luf, 2005:326) Wahbah Zuhayli divides *al-dzarî'ah* into two categories, first, *sad al-dzarî'ah*, which means the prohibition to use a particular facility because it may lead to destruction and damage. The second category is *fath al-dzarî'ah*, which refers to the permission to take and use the facility because it will lead to goodness and benefits of all (Zuhayliy, 1986: juz II, 173) Ibnu Asyur, in brief, explains that *sad al-dzarî'ah* is the prohibition on any deed, including the permissible ones, that may lead to the haram deed. (Ibn Asyur, 2001:365) Kaidah dasar metode ini The basic principle of this method is *كل أمر يئذره إلى محذور فهو محذور* The principle derives from *درع المفساد في التشريع* (al-Nadwi, n.d.)

Al-dzarî'ah has three principles: the first is prohibited deed that does not derive from the deed itself. This principle is divided into three, the deed's purpose for other actions, the deed's purpose for the deed itself, and the deed becomes a principle that serves the medium function for other good deeds to occur. The second principle of *Al-dzarî'ah* is the *al-ifdha*, that is the accusation and strong assumption that a particular deed will lead to *mafsadah*. The third principle is *al-mutawashil 'ilaihi*, a condition where a deed is *mubah*, causing its *wasilah* becomes permissible (al-Burhani, 1995:102–122)

Sad al-dzarî'ah is a method to make a legal decision in Islam. The proposition as the basis of law *istinbath* is *إذا اجتمع and درء المفساد أولى من جلب المصالح*. *Al-Dzarî'ah*, in its practice, consists of several categories. According to the impact, Ibnu Qayyim divides it into (1) a deed that will cause *mafsadah*, (2) A deed that is basically of *mustabah* type but intentionally is made as a media to cause *mafsadah*, (3) A deed that is permissible but unintentional causes greater *mafsadah* than *maslahah*, (4) A permissible deed

which occasionally may cause *mafsadah*. The *maslahah* it creates is more significant than the *mafsadah* that it brings *Maslahah* (Zuhayliy, 1986:884)

The second category of *al-Dzari'ah* is based on the damage it creates. Based on the category, the *al-Dzari'ah* consists of Yaitu; (1) a deed that causes a definite *mafsadah*, (2) A deed that is rarely to cause any damage or of prohibited one, (3) A deed that might lead to mafsadat, (4) A permissible deed, but since it contains *maslahat*, it might create *mafsadat* in the future (Zuhayliy, 1986:885–886). The third category of *al-Dzari'ah* is based on Al-Qarafi point of view, which divides *al-Dzari'ah* into three categories; (1) A deed that is prohibited based on the mutual consent, (2) A deed that is permitted based on mutual consent, (3) A deed that is still under a discussion of its nature, whether it is a permissible or prohibited (al-Burhani, 1995:105)

C. Research Method

This research is field research that uses a qualitative design; therefore, it is prescriptive-descriptive research. The research is categorized as descriptive because it describes social phenomena in Madurese people's assumption as a response of misfortune due to the *Lep Tarjhâ* marriage practice. Further, the research is of prescriptive study as this research aims to find suggestion or solution of conflicts that may arise as a result of social phenomena in the form of an assumption that every misfortune that occurs is because of the practice in the Madura society based on the point of view of *sad al-dzari'ah*.

The research location is at Tlaga village of Banyuates sub-district in Sampang. This research appointed the site due to the village's characteristics that consist of 100% Madurese ethnic and that the village holds several *Lep tarjhe* practices, which, according to some people, creates many misfortunes in their society in Madura Island. A combination of Madurese people's characteristics and behavior makes this research significant in handling the *LepTarjha* issues because it faces a rather-hard-to compromise human character. The data research is in two forms, primary and secondary data. The primary data consist of information obtained directly by the researcher through an interview with informants that has a direct relationship with

the *Lep Tarjha* marriage practice. The primary data is also obtained through observation in the field of study. Another source of this research's primary data is the documentation result to show saturated data towards the research's information requirement.

There are ten informants involved in this research: KH, Female, a Lep Tarjha practitioner; JM, Female, a Lep Tarjha practitioner; AH, Male, he canceled his marriage due to the Lep Tarjha reason; MR, Male, A neighbor of the couple who practiced the *Lep Tarjha*; MH, Male, a religious leader; UR, Female, a religious leader; SN, Male, a village elder; HN, Male, the brother of one of the *Lep tarjha* practitioner; RD, Female, KH's mother; MP, Male, JM's father. This research's secondary data is in the form of information obtained from books, journals, and other literature related to the *sad al-dzari'ah*. This secondary data serves the benchmark function in analyzing the primary data. Data analysis of this research uses the qualitative analysis by inductive technique. The analysis started with particular propositions (as an observation result over *Lep Tarjha* marriage practice), continued with analyzing the phenomena by using the *sad al-dzari'ah* perspective and ended with a conclusion in the form of misfortune events that occur due to the assumption of a result of the *Lep Tarjha* practice in Tlagah village, viewed from the point of view of *sad al-dzari'ah*.

D. Result

***Lep Tarjhâ* Marriage Practice in Tlagah Village of Banyuates Sampang**

Based on the appointed informant's information, *Lep Tarjha* is a marriage between a man and a woman who has other relatives married to a person with a similar lineage with the prospective bride and groom. The practice is called *Lep Tarjha* if the relation is of different genders. For example, Andy is married to Hena, while Andy's cousin, namely Citra, is married to Adit, Hena's cousin. These marriages are considered *Lep Tarjha* because the cousin of the same lineage is of a different gender. According to the people's belief, the *Lep Tarjha* is not permissible because it will cause misfortunes. There are different ideas on the marriage practice limitation; some say that the marriage cannot occur between the

second generation of cousins, some other says to the third generation of cousins. Some people believe that misfortune will occur to the couple who get married last, but others say that misfortune will happen to both couples. According to some people, the event can be avoided by conducting a particular ritual, which contradicts others' belief that the misfortune cannot be avoided.

The research found that two *Lep Tarjha* marriages occurred in Tlagah Banyuates of Sampang. The first marriage is the one between KH and KB. They were married in 2005. The couple has three sons. Their first son is fourteen years old and is currently studying at an Islamic boarding school in Bangkalan. Their marriage is against both families' will. KH's family even tried to stop the marriage from happening in 2005. Unfortunately, KH and KB insisted on continuing the marriage. After the marriage, both KH and KB's families gossip about the couple because their family has many problems. Especially after KB was arrested due to murder, KH's family try to make KB file for the divorce to end all misfortunes that occur in the families. The second marriage of *Lep Tarjha* practice is the one between JM and SM. Similar to KH, this marriage did not get approval from both families. JM's father asked JM to file for the divorce. The pressure and urge from families caused the couple to have quarrels often. Eventually, after one year of marriage, JM and SM decided to get a divorce.

Another case happened to AH, who wanted to marry his girlfriend, but it was against the whole family because their marriage is considered *Lep Tarjha*. Therefore, AH canceled his wish to get married because, according to their belief, *Lep Tarjha* will happen to the couple and take into account their close relatives who will experience misfortunes due to the marriage (close family and neighbor). The possibility of getting misfortune due to their family's marriage is of the *LepTarjha* type causes the family and neighbors against the marriage.

According to the elder of Tlagah village, the marriage practice of *Lep Tarjha* is the type of marriage that brings bad luck. It has been acknowledged by the society that *Lep Tarjha* is forbidden for the goodness of everyone. Whenever a couple breaks this rule, there will be continuous misfortunes in the family, and even to society, in the form of diseases, loss, poverty, and so forth. The elders have claimed that this assumption has been proven. Anyone who insisted on

proceeding with this marriage practice was proven to experience a series of misfortunes and had unpeaceful life.

A different opinion comes from the village's religious leaders, who assume that *Lep Tarjhe* marriage does not cause misfortunate events to the couple and the whole village. What causes the misfortunes is the society itself, their reaction, and prejudice that create the problems. People who believe that the *Lep Tarjha* marriage practice brings bad luck will abusively blame and oppress the couple, which eventually creates an unhappy marriage. Therefore, the misfortunes indeed come from society instead of due to the marriage itself.

***Lep Tarjhâ* Impacts**

The first impact experienced by the married couple due to the *Lep Tarjha* practice is the psychological impact. KH often feels insecure about society's accusations and insults about her marriage. The situation triggers arguments between KH and KB, mostly after KB went to prison; this resulted in insecurity in the children from their marriage. There was a revenge threat from the murder victim's family. Besides, bad words about her marriage make KH feel restless and unhappy. Due to the people's assumption on *Lep Tarjha* marriage practice, she is worried about the misfortune that may happen to her. Most of the time, JM had quarrels with SM, her husband. Usually, the quarrels were triggered by the neighbor's comment on JM's characteristic that was very lazy. On the other hand, SM's father was also concerned and worried about the misfortunes that might happen to his descendants, a situation which made JM became restless and uneasy.

The second impact is the psychological impact. Due to the misfortune, KB is having difficulty gaining trust from society; therefore, he cannot properly support the family. The difficulty is getting worse since B does not have specific skills to find a job. KH, on the other hand, tries to support the family by selling stuff at the market. They even once went to Papua to improve their lives; nevertheless, it did not work the way they expected it. After the marriage, they stayed at an empty house that belong to KH. After getting married, SM could not get any job causing the couple to go to Papua, but it did not go well. Finally, they

came back to Madura with no better condition than their situation before leaving for Papua.

The third impact is sociological impact. KH and KB's marriage was against their family, who believes the bad impact of having *Lep Tarjha* marriage practice. Further, KB got more negative accusations because he killed his cousin, which created conflict and split within the family. Therefore, most people and family members avoid having interaction with KH and KB to swerve the misfortunes.

The fourth impact is what happens to the marriage. So far, KH still maintains the marriage with JM despite the strong suggestion from society and family to file for a divorce. Even though they often have quarrels and domestic violence from KB to JM, the marriage persists. On the other hand, JM and SM took a different solution to their marriage. They decided to divorce because SM could not handle the emotional distraction she got from the family and neighbors due to bad words they threw at the couple. After the divorce, both families from JM and SM sides stay enmity.

Analysis

Sad al-Dzariah Analysis

Based on the religious rule, *Lep Tarjhe* meets the sharia rules and is permissible. Culturally, the people of Tlagah village of Banyuates sub-district in Sampang regency are mostly against the *Lep Tarjha* because they believe that the marriage will bring misfortune luck, and unhappiness due to many problems, financial problem, divorce, and even death. The interesting part is when *Lep Tarjha* is viewed from *sad-dzariyah* point of view. There is a similarity in terms of the context. *Sad Dzariah* is a method to stipulate law on a particular case, where the case is initially permissible but eventually is prohibited because it brings *mudharat*. Ibnu Asyur describes the *sad-dzariah* using the principle of *به إلى محظور فهو محظور كل أمر يثرب*

As mentioned before, there are three principles of sa-dzariah: the first is prohibited deed that does not derive from the deed itself. This principle is divided into three, the deed's purpose for other actions, the deed's purpose for the deed

itself, and the deed becomes a principle that serves the medium function for other good deeds to occur. The second principle of *Al-dzari'ah* is the *al-ifdha*, that is the accusation and strong assumption that a particular deed will lead to *mafsadah*. The third principle is *al-mutawashil 'ilaihi*, a condition where a deed is *mubah*, causing its *wasilah* becomes permissible (al-Burhani, 1995:102–122)

Based on the principles above, three conclusions can be drawn on the *Lep Tarjha* marriage practice. The first conclusion is that the practice does not violate sharia because the marriage does not break any regulation and rules. The second conclusion is that the practice causes *mudharat* as occurred in the marriage of KH and KB with all ongoing misfortunate events happen in the family, and in the marriage of JM and SY that ended up with the divorce; the society strongly believes that those misfortunate is due to the *Lep Tarjha*.

The third conclusion is that one of the marriage's purposes is for *hifdzhu al-nasl* (maintaining the descendants). In Islam, the only way to have descendants is by conducting a marriage. Therefore, marriage in Islam is, at first, considered as *sunnah*, which has been practiced by the prophets. In this context, marriage is a medium to permit the *Lep Tarjhe* practice to become legally permitted and even become one of the *sunnah* to perform.

To consider the grouping of al-Dzari'ah Ibn al-Qayyim, the *lep tarjhe* model of marriage, is included in the *al-dzari'ah* category, the second is a *mustahab* act, but with the belief of the community, that later if this model of marriage is dangerous, either by itself or with verbal attacks, both words or actions from the community who do not agree with the *lep tarjhe* marriage model. In this way, *lep tarjhe* marriage is prohibited in the community, which significantly denies the dangers, harm, and calamities that result from the marriage.

Meanwhile, viewing the damage resulting from the marriage practice, the *sad-dzariah* consists of (1) an act that is done brings a definite interpretation, (2) an act that rarely leads to damage or prohibited acts, (3) the act that is done is likely to lead to *mafsadat-an*, (4) which basically can be done because it contains benefits but allows the occurrence of *mafsadat* (Zuhayliy, 1986:885–886)

Based on the explanation above, *Lep Tarjha* is included in category four because marriage has purposes of fulfilling human's psychological needs such as life peacefulness and having children. On the other hand, the disadvantages (*mudharat*) consists divorce, quarrels, disharmony in the family relationship, and other harmful effects resulting from bad words from society and negative suggestion from people who are against the *Lep Tarjha*, which eventually are believed by the *Lep Tarjha* practitioners and might lead to creating an internal problem between the couple. Therefore, seeing the events occurred in society, it can be concluded that the legal law in the *Lep Tarjha* marriage refers to Al-qarafi's al-dzari'ah three categories: (1) A deed that is prohibited based on the mutual consent, (2) A deed that is permitted based on mutual consent, (3) A deed that is still under a discussion of its nature, whether it is a permissible or prohibited (al-Burhani, 1995:105)

Regarding the third point in the category, it remains a disputed idea. This situation is because some people, especially those who have a good understanding of religion, consider that the lep tarjhe model of marriage is permissible, resulting from an interview with MH as a religious leader in Telagah Village, Banyuates District, Sampang Regency. The informant said, "*Since the religion (Islam) allows the lep tarjha, it means that the marriage is permissible; the misfortunes only in the incidental event that occur in the time of the marriage.*" Therefore, the *Lep Tarjha* marriage practice at Telagah village of Banyuates sub-district of Sampang is considered *tafshil*.

People who believe in the harmful results of lep tarjhe marriages are prohibited from applying this practice. This belief is in line with the basis and purpose of applying Islamic law, resulting in benefits and rejecting the harmful deeds. People who do not believe in the calamity of lep tarjhe marriages are permitted to apply it, because in general, in Islam, there are no provisions from the Qur'an and Hadits, and strong ulama's ijthihad that prohibits it.

E. Conclusion

The misfortune's pattern due to the Lep Tarjhâ practice at Telagah Village, Banyuates Sampang of Madura, varies, including financial problems, unhappy

marriages, sickness, and receiving unpleasant treatment from family and neighbors, death, and divorce.

The lep tarjhe marriage's impacts found in Telagah Village, Banyuates sub-district of Sampang Regency includes: the marriage carried out by KH and KB is believed to bring misfortunate events, one of the apparent calamities is that KB was imprisoned for committing *carok* with his cousin, causing his cousin's death. Second, in JM and SM's marriage, it often encounters quarrels and arguments, leading to divorce.

Based on the sad al-dzari'ah point of view on Lep Tarjhe's marriage, it can be concluded that the lep tarjhe marriages are categorized as disputed marriage according to Islamic regulation. People who strongly believe in its impact are prohibited from conducting such marriage, while those who do not believe in the impact are allowed to proceed with such marriage.

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