

The Perspective of Community Voice and Islamic Law on Akad Bhekal Tradition in Maron Kidul, Probolinggo District

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Abstract: The *bekalan* tradition frequently becomes the topic of discussion in the social community. The initial purpose of holding the *bekalan* tradition, which should be a pattern of intimacy, has now become a common mistake. Some associations between men and women during *bhekalan* are often known to deviate from Islamic Law. It has become standard when it is known that men and women during *Bhekalan* are always together, holding hands and even staying at their partner's house. Ironically, if such things are not done, it becomes a topic of controversy in the neighbourhood. The research discussed the implementation of the akad *bhekal* tradition that occurs in the Maron Kidul community and the community's perspective and Islamic Law on the tradition. It occurs due to the community's traditional law, which appears to have taken the form of local community customary law. This research uses a qualitative method where the primary source is obtained through observation, interview and documentation. The technique of testing data validity is to use the triangulation method. This research shows that the tradition of akad *bhekal* is not a fixed tradition that applies to the entire village of Maron Kidul. Furthermore, the implementation of the Akad *Bhekal* is the same as the implementation of the Akad *Sirri*.

Keywords: Tradition, Akad *Bhekal*, Akad *Sirri*.

Abstrak: Tradisi *bhekalan* kerap kali menjadi fenomena yang menjadi sorotan perbincangan asyarakat. Tujuan awal diadakannya tradisi *bhekalan* yang seharusnya menjadi pola pengakraban kini menjadi salah kaprah yang sering terjadi. Terdapat beberapa pergaulan antara pria dan wanita semasa *bhekalan* yang sering diketahui menyimpang dalam hukum Islam. Telah menjadi fenomena yang lumrah ketika diketahui pria dan wanita yang sedang dalam masa *bhekalan* mereka sering berboncengan, berduaan, berpegangan tangan, bahkan sampai menginap di rumah pasangannya. Ironisnya jika hal-hal semacam itu tidak dilakukan, malah menjadi perbincangan negatif bagi masyarakat sekitar. Penelitian yang dibahas dalam artikel ini membahas tentang pelaksanaan tradisi akad *bhekal* yang terjadi pada masyarakat Maron Kidul serta bagaimana perspektif masyarakat dan hukum Islam terhadap tradisi tersebut. Hal ini terjadi karena adat tradisi yang berlaku dimasyarakat sehingga hal tersebut seakan-akan telah menjadi hukum adat bagi masyarakat setempat. Penelitian ini menggunakan metode penelitian kualitatif dimana sumber utamanya diperoleh dengan cara observasi, wawancara dan juga dokumentasi. Teknik pengujian keabsahan data adalah dengan menggunakan metode triangulasi. Hasil penelitian ini menunjukkan bahwasannya tradisi *akad bhekal* bukanlah tradisi tetap yang berlaku pada seluruh masyarakat di desa Maron Kidul. Dan pelaksanaan akad *bhekal* yang dilakukan sama persis dengan pelaksanaan akad *siri*.

Kata Kunci: Tradisi, Akad *Bhekal*, Akad *Sirri*.

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Introduction

Marriage is an important moment in an individual's life. Before getting married, several things need to be accomplished. The fiance parade, also known as bhekalan, is one of the customs observed by the Javanese community. In Maron Kidul village, Probolinggo Regency, East Java, the Javanese and Madurese communities speak in terms of bhekalan. Before getting married, villagers of Maron Kidul in Probolinggo Regency, East Java, perform a betrothal procession, also known as a khitbah in Islamic law. Islam supports a discourse before marriage with the aim of each couple getting to know each other to strengthen their hearts and build a household together.¹ Islam prescribes a sermon (engagement) because the man and the woman can get to know each other and strengthen their hearts to continue to the level of marriage,² Because during the engagement period, they can get to know each other and understand each other's characters.

The engagement procession also took place and has become a custom for the community in Maron Kidul, Probolinggo Regency, known as bhekalan. The bhekalan tradition is carried out by the Maron Kidul's community with the aim that each man and woman who performs bhekalan can recognize each other's character and be one of the ways of self-sacrifice. However, this tradition of bhekalan often becomes a misunderstanding that has become a habit in the community. They believe that people who have committed adultery can be sure that they will become a married couple in the future so that at the time of adultery, they can engage in social activities that deviate from the Sharia, such as being together, holding hands, pillion and even staying at the fiance's house. For that reason, for unmarried couples to freely associate with their partners without worrying about violating the rules of Sharia, the community in Dusun Krajan Desa Maron Kidul does a tradition known as the akad bhekal tradition. The people of Maron Kidul Village have carried out this tradition until now.

In this case, the researcher would like to study or compare the writing of the scientific work that the researcher is currently compiling with the writing of previous scientific works with the aim of the researcher being able to find out anything that has been discussed in previous scientific works that are related to the views of the community and Islamic law regarding the akad Bhekal in Maron Kidul, Probolinggo Regency.

First, Imam Bukhori "Ulama's View of the Relationship between Men and Women in the Age of Bhekalan in Kedungsari Village, Maron Subdistrict, Probolinggo Regency"³. The result of this research is to know the phenomenon of the bhekalan tradition and the views of Ulama on the association of bhekalan couples in Kedungsari Village, Maron District, Probolinggo Regency..

Second, Abd Qorib Hidayatullah's "Ulama's view" on the relationship between men and women during the Bhekalan period (Case in Sumber Kerang Gending village Probolinggo)⁴. This research aims to know the phenomenon of tradition and Ulama' views on the association of married couples in Sumber Kerang Village, Gending District, Probolinggo Regency.

Third, Dhani Ramadhani's "Male and Female Relationships During Engagement in Religious Elite Families and Blater Community in Kapedi suburb, Bluto District, Sumenep

¹ Sayyid Sabiq, *Fikih Sunnah - Jilid 3*, (Mataram: Tinta Abadi Gemilang, 2013), 221.

² Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia* (Jakarta: Prenata Media, 2006), 50.

³ Imam Bukhori, "Pandangan Ulama Terhadap Pergaulan Laki-Laki Dan Perempuan Dalam Masa Bhekalan Di Desa Kedungsari Kecamatan Maron Kabupaten Probolinggo," *Asy-Syari'ah* 1 No.01 (2015).

⁴ Abd Qorib Hidayatullah, "Pandangan Ulama terhadap Pergaulan Laki-Laki Dan Perempuan Selama Masa Bhekalan: Kasus Di Desa Sumber Kerang Gending Probolinggo" (Universitas Islam Negeri Maulana Malik Ibrahim, 2010).

Regency”⁵. The result of this research is to find out the phenomenon of the relationship between men and women during engagements in Kapedi suburb, the role of parents in controlling their children's relationships during engagements both in elite religious families and the Blater community in Kapedi suburb and the community's views on the relationship between men and women during engagements are reviewed from Islamic law.

Fourth, Lia Novita Sari's "Analysis of Islamic Law on Direct Engagement of Sirih Marriage and Failure of Engagement and Divorce (Case Study in Ketah Village, Suboh Situbondo District)"⁶. The research results is to know the practice of direct engagement in sirih marriage in Ketah Village and the perspective of Islamic law on direct engagement in sirih marriage.

Fifth, Wuwun Ayu Kristina "Tina Fiqh Munakahat Towards Female Bridegroom Candidates Who Live in the House of Male Bridegroom Candidates Before the Marriage Contract Is Performed (Kisam Traditions in Berasang Village, Kisam Tinggi Subdistrict, Ogan Komering Ulu Selatan Regency)"⁷. The result of this research is to know the procedure and jurisprudence review of munakahat prospective brides who live in the house of prospective grooms before the marriage contract is executed.

Research Method

The researcher used qualitative research with the type of empirical research, and it adjusted the background and focus of the studied research to explore the tradition of akad bhekal in Maron Kidul Village. This research's data source uses two primary and secondary data sources. The various data collected are obtained from observations made by the researcher as a data collector who acts and plunges directly into the field by way of observation or research into the tradition of akad bhekal in Maron Kidul Village, interviews with public figures in the legal community such as village heads and headmen such as kyai and ustad in Maron Kidul Village, as well as some residents in Maron Kidul Village, and documentation used to obtain various data and everything that includes the object of research, such as documents on population, religion, occupation, population education, and economic strata, as well as writings and books related to the object of this research, then the author reduces and presents data related to the research taken from various books, books, journals, and previous theses.

Result and Discussion

Akad Bhekal Procession in Maron Kidul Community

Marriage is a bond between a man and a woman that aims to build a family and live together until the end of their lives. Marriage is one of the dreams of every person, both men and women. The common purpose of this marriage is to have an amicable relationship, love each other, protect each other, help each other, trust each other, and through each other's lustful needs. As has been following the words of Allah SWT. in Al-Qur'an Surah Al-Rum verse 21:

⁵ Dhani Ramdhani, "Pergaulan Laki-Laki Dan Perempuan Semasa Pertunangan Pada Keluarga Elit Agama Dan Masyarakat Blater Di Desa Kapedi Kecamatan Bluto Kabupaten Sumenep," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 1, no. 1 (2019): 31–42.

⁶ Lia Novita Sari, "Analisis Hukum Islam Terhadap Pertunangan Langsung Nikah Siri Dan Penggagalan Pertunangan Sekaligus Perceraian: Studi Kasus Di Desa Ketah Kecamatan Suboh Situbondo" (UIN Sunan Ampel Surabaya, 2021).

⁷ a Y U Kristina Wuwun, "Tinjauan Fikih Munakahat Terhadap Calon Mempelai Perempuan Yang Tinggal Di Rumah Calon Mempelai Laki-Laki Menjelang Akad Nikah Dilaksanakan (Tradisi Kisam Di Desa Berasang Kecamatan Kisam Tinggi Kabupaten Ogan Komering Ulu Selatan)" (UIN Raden Intan Lampung, 2022).

و من آيته ان خلق لكم من انفسكم ازواجا لتسكنوا اليها وجعل بينكم مودة ورحمة, ان في ذلك لايت لقوم يتفكرون.
(الروم: 21)

Means:

"And among His signs (greatness) is that He creates mates for you from your kind, so that you may incline and feel at peace with them, and He makes love and affection between you. In such a thing, there are indeed signs (of God's greatness) for people who think.⁸

Before the wedding process takes place, various pre-wedding processes are carried out, including the engagement process. Before stepping into marriage, the custom that prevails in Javanese society is first to perform an engagement, or in the Madurese language, it is called bhekalan. That has become a habit that occurs and occurs in the community in Maron Kidul Village, Maron District, Probolinggo Regency.

Engagement or bhekalan is the process of proposing to a woman who will be married to a man. Bhekalan is a pre-wedding procession held where the man goes to the woman's family home to convey his intention and seriousness to marry a woman and seek the blessing and approval of the parents and family of the woman he will marry. The bhekalan process aims to get to know each other's potential partners before reaching the most severe level, namely the marriage level. After the man's family carries out the application process to the woman's house, the bhelesan process continues, where the process is to go to the man's place who proposed to her.

During the bhekalan period, the engaged couple is allowed to get to know each other such as getting to know each other, interacting and so on. However, this is not something that can be taken for granted. When the couple interacts, such as talking to their partner, a mahram must accompany them. However, in reality, known to researchers, engaged couples freely interact and socialize with their partners without being accompanied by their mahram. Both the couple's families even, sometimes their parents think it is trivial and something normal for engaged people. Even more ironic is that part of the community thinks that if a couple who has committed adultery does not interact with their partner, it will be whispered about by the neighbours around them.

Due to the looseness of the relationship of couples who have done the bhekalan process, many associations often overstep the rules of Sharia during the time of bhekalan, such as being together without being accompanied by the mahram. In order to avoid and minimize the worries of parents from the women's side, the community of Maron Kidul Village performed a procession that has become a custom for men and women who have performed the bhekal process, namely the bhekal contract procession.

Akad bhekal is a community tradition in the village of Maron Kidul where the man makes an akad with the wali from the woman's side, which is established with the presence of witnesses and is done at the woman's residence. This procession is done after the family's return from the female side from the bhelesan event. Akad bhekal is a tradition carried out by the community in Maron Kidul Village with the aim of parents being able to provide relaxation and freedom of association to their sons and daughters who are infidelity with their partners. The couple is allowed to hold hands, walk with their fiancée, just the two of them, piggyback, and even spend the night at their fiancée's house, especially on important days such as family events, Eid al-Fitr, where it has become a common thing among the village community South Maron.

⁸ Departemen Agama RI, *Al-Hikmah Al-Qur'an Dan Terjemahannya* (Bandung: CV Penerbit Diponegoro, 2014), 406.

Akad Bhekal Tradition in Islamic Law and Community's Prospective

Allah SWT. Created a human with male and female gender, and Allah SWT. Created them in pairs. As social beings, they will get to know each other to live in society. Allah SWT. Creating a sense of attraction as the nature of both of them. That form of attraction will create a feeling of love so that a more severe life relationship will be forged to the next level by getting married.

The wedding procession is a sacred procession that needs the totality of preparation from both sides, and it aims to inform all the directions that must be prepared and fulfilled by both sides to carry out the contract. If the two families of the prospective bridegroom are ready and willing to agree to everything required for the procession, also with the willingness of each party, both the prospective bridegroom and the bridegroom, then the agreement has been reached.⁹

Engagement or Bhekal is a term used by the people of Indonesia that indicates that a man commits to guarantee the sincerity of the woman he will marry one day. The word finance comes from the verb "fiancé, fiance," which has the same meaning as "betrothal" or "proposal", which in Arabic is known as the word *khitbah*. In jurisprudence, engagement is known as the word *khitbah*, which means a statement by a man to ask a woman directly or through the intermediary of someone who can be trusted.¹⁰

Khitbah is the process of proposing to a girl by a man. In this context, the *Khitbah* is the process of a man's proposal to a woman about an interest or issue on the woman's side. So, the association of meaning that the woman can capture and understand is the importance of the issue related to marriage. Terminologically, a sermon is a request or statement made by a man to a woman to marry her, whether the man does it himself personally or through the intermediary of another person who can be trusted per religious provisions.¹¹ Moreover, of course, this is done based on the rules and traditions that have been prevalent in the community in general in the area.

The Complications of Islamic Law (KHI) Article 1 Chapter 1, paragraph A, explains that courtship is an effort towards a matchmaking relationship between a man and a woman that can be done by someone who wishes to have a partner. However, the right can also be delegated by someone who can be trusted, known by the Madurese community as *pengadhek*. Before the wedding, this procession is one of the first steps to be taken. Allah SWT has outlined that every couple getting married should know and understand each other first before the marriage contract so that the wedding procession is appropriate according to the applicable rules and norms.

The law of preaching is the recommendation (*istihbab*) of the Prophet Muhammad SAW. once proposed to Siti Aisyah binti Abu Bakar Ash-Siddiq, as well as to Hafsa binti Umar bin Khattab r.a., so the sermon is nothing but the will and determination to marry a specific woman. At the same time, marriage is a contract with several limits, conditions, rights, and consequences. The sermon that later became the "engagement" we often see in the surrounding environment is now only a tradition and culture, although it includes some rituals such as salvation and giving the rings.

In the context of the *Khitbah*, a man is allowed to see his proposed partner strengthen his desire to marry her. However, it does not mean that engaged couples have the freedom to relate as husband and wife. In Islamic law, there are limitations in association during the

⁹ Muhammad Raf'at Utsman, *Fikih Khitbah Dan Nikah* (Jawa Barat: Fathan Media Prima, 2017), 21.

¹⁰ Aminur Nuruddin and Azhari Akmal Tarigan, *Hukum Perdata Islam Di Indonesia* (Jakarta: Prenata Media, 2004), 72.

¹¹ Muhammad Thalib, *40 Petunjuk Menuju Perkawinan Islam*, Cetakan 1. (Bandung: Irsyad Baitus Salam, 1995), 59.

engagement period. A man is forbidden to gather alone with his future wife unless accompanied by his mahram.¹²

عن ابن عباس رضي الله عنه عن النبي صلى الله عليه وسلم قال: لا يخلون رجل بامرأة الا مع ذي محرم. (رواه البخاري)¹³

Means:

"On the authority of Ibnu Abbas, on the authority of the Prophet, peace be upon him, he said: "A man should not be with a woman unless (there should be) a mahram with him". (H.R. Bukhori)

In the context of traditional law, engagement is different from marriage. The purpose of holding an engagement is not to legalize two people who are in pairs to associate as a married couple, but the purpose of the engagement is a preliminary agreement to marry. However, the fact that researchers often find contradicts the meaning of the sermon as explained. What often happens and has become a common occurrence in society is when a man is officially engaged to a woman, he feels that they are freer in their relationship or association, such as being together, holding hands, pillion, and even staying at his partner's house.

In order to avoid behaviours and associations that deviate from the Sharia, the community in Dusun Krajan Desa Maron Kidul chooses to perform a Bhekal contract on engaged couples so that they can more freely associate with their partners without worrying about breaking Sharia rules. However, not all communities agree to the occurrence of the contract. They are more likely to agree not to make a bhekal contract at the time of engagement because there is concern that it could harm one of the parties, especially the woman.

The author conducted interviews with several public and community figures in Maron Kidul Village to find out the author's purpose in researching this tradition. The author found some differences of opinion about the tradition of akad bhekal in Maron Kidul Village. According to Ridwanto, the Village Head of Maron Kidul, "The tradition of akad bhekal that occurs in Maron Kidul Village is not a permanent tradition of the community. The tradition only occurs in certain areas because of the robust religious environment, such as in the Dusun Krajan area. For the people of this area in general, socializing that happens after the bhekalan period is a normal thing because it is to establish a good relationship between couples and families, as well as to establish closeness and get to know each other better between males and female candidates, as well as with good Human Resources, they do not feel they have any worries about the association. This free association breaks the rules of Sharia as long as the two candidates are in their prime."¹⁴

However, according to Reni Yulinda, as one of the communities in the Krajan Hamlet of Maron Kidul Village, she thinks that the majority in the Krajan Hamlet is more agreeable and agree with the existence of the marriage contract because it is to avoid free association that deviates from the rules of Sharia and with the existence of a marriage contract between couples who do Bekalan, they can have a halal relationship without worrying about sin. Apart from that, the existence of this contract also provides facilities for couples who do not have the money to get married in the country.¹⁵

¹² Ahmad Rofiq, *Hukum Perdata Islam Di Indonesia*, Cetakan 2. (Jakarta: Rajawali Press, 2015), 56.

¹³ Al- Bukhari and Al- Sindi, *Sahih Al-Buhari Bihasiyat Al-Imam Al-Sindi : Vol. 1* (Lebanon: Dar Al-Kotob Al-Ilmiyah, 2013), 472.

¹⁴ Wawancara, 20 Januari 2023.

¹⁵ Ibid.

Meanwhile, according to Lukman Hakim, one of the community leaders in Maron Kidul Village, he agreed not to make the bekal contract because it is only religiously valid but has not been recorded in the country so that when a problem occurs, the one who will be more harmed is from the party female.¹⁶

Finding shows of several interviews conducted, the researcher would like to conclude that holding the bekal tradition in Maron Kidul Village is just a way for prospective couples to get to know each other so that they can better themselves to continue to the wedding stage. In contrast, the tradition of the bekal contract that is done is just a way so that the couple who commits the bhekal can more freely associate with their partner without worrying about sin, such as being together, holding hands, pillion or staying at the fiance's house. Provide facilities for couples who do not have the expenses to get married officially registered in the country, and both couples are still in student status. Moreover, the tradition of akad bhekal is not permanent because the tradition of akad bhekal is only performed by some of the community in Dusun Krajan, which is more religiously prominent, but not performed by the entire community in Maron Kidul Village. In addition, the differences of opinion from some of the community in the Maron Kidul Village regarding the tradition of akad bhekal show that the tradition is not a customary law that has been in place since the ancestors and applies to the entire community in the Maron Kidul Village.

From the point of view of Islamic law, the tradition of akad bhekal can also be called secret marriage because the execution process is the same as the provisions of secret marriage in terms of conditions and principles. Secret marriage is considered valid according to Islamic religious law. It is stated in the Compilation of Islamic Law (KHI) chapter 4 that "Marriage is valid when performed according to Islamic law under chapter 2 paragraph (1) of Law No. 1 of 1974 on Marriage".

In the marriage law, there is no specific mention of a secret marriage. Secret marriages known by the Indonesian community today are performed by a prospective groom and a prospective bride by fulfilling several pillars and conditions set by religion but not performed in front of a Marriage Registrar (PPN). In the context of a secret marriage, the procession is only performed by certain parties in front of Kyai or a religious figure without the presence of officers from the KUA (Religious Affairs Office) so that there is no legalization by the Acting Registrar of Marriages, namely the KUA party and course the couple does not have an official marriage certificate. According to the country's law, the marriage is considered to have never happened. However, the law of series marriage is allowed when the rules and conditions are met.¹⁷

Since there is no proof of legalization from the state for a secret marriage, it is considered a violation of the government's rules established in the article in Law Number 1 of 1974 on Marriage¹⁸. Furthermore, for recording, there is a rule that requires the marriage to be submitted to the Marriage Registrar (PPN) at the Office of Religious Affairs (KUA) located in the sub-district where the bride resides following Chapter 2 of Government Regulation No. 9 of 1975 on the Implementation of Law Number 1 of 1974 on Marriage "Registration of the marriage of those who perform their marriage according to the Islamic religion, performed by the Registrar as referred to in Law number 32 of 1954 on the Registration of Marriage, Divorce and Referral".¹⁹ In KHI (Compilation of Islamic Law)

¹⁶ Ibid.

¹⁷ Sulaiman Al-Faifi, Ringkasan Fiqih Sunnah Sayyid Sabiq, cet. 1, (Jakarta, Ummul Qura, Januari, 2003), 453

¹⁸ Undang-Undang No 1 Tahun 1974.

¹⁹ *Kompilasi Hukum Islam*.

article 5 verse 1 also says that "In order to ensure the order of marriage for the Muslim community every marriage must be recorded". Thus, violating government regulations is an act that violates Sharia, as has been narrated in the hadith:

من أطاعني فقد أطاع الله، ومن يعصني فقد عصى الله، ومن يطع الأمير فقد أطاعني، ومن يعص الأمير فقد عصاني (رواه المسلم)²⁰

Means:

"Whoever obeys me, he has indeed obeyed Allah. Moreover, whoever disobeys me, has indeed disobeyed Allah. Whoever obeys the leader has indeed obeyed God.

Furthermore, whoever disobeys the leader, he has indeed disobeyed God." (H.R. Muslim, no. 1835)

In addition, *nikah sirri* (secret marriage) also causes more negative impacts on women and children. They cannot claim legally if their rights are not fulfilled. Some of the negative impacts that may occur on behalf of women and children who perform a *sirri* marriage contract are as follows:

- a. Marriage is not considered legal by the state
- b. Women and children will not be able to obtain legal protection
- c. Enables domestic violence (domestic violence)
- d. The woman cannot legally claim her rights to the religious court when there is a divorce between the two.
- e. The birth of a child from a secret marriage will not be considered a legally valid child and will only have a relationship with the mother
- f. Children cannot get inheritance and maintenance from their father
- g. Enables many infidelities and polygamy

Thus, it would be better if people do not do an Akad Bhekal or secret marriage because it is not only considered a breach of government regulations, but it will also harm women and children.

Conclusion

In traditional law, the *bekalan* procession is not to legalize the couple's intercourse as husband and wife, but the purpose of the *bekalan* is a preliminary agreement to marry, which the *bekalan* is not the same as marriage. Based on the results of the researcher's interviews with several public figures and the Maron Kidul community, the tradition of *akad bhekal* is not a nailed tradition that applies to the Maron Kidul community. The tradition is only a tradition that occurs in some regions that are more religiously prominent, one of which is the community in Dusun Krajan Village of Maron Kidul. The tradition is also not included in customary law because customary law is a fixed tradition that has been in place since the ancestors of the entire community in the area, not just a part of it. The tradition of *akad bhekal* performed by the Dusun Krajan community aims to avoid promiscuity during the time of *bekalan* and to be able to have a halal relationship without the fear of keeping the rules of sharia also to provide facilities for couples who do not yet have the expenses to get married officially registered in the country. The procession of the *akad bhekal* can also be said to be the *akad sirri* because the procession is the same. As for

²⁰ Imam Muslim ben Al-Hajjaj, *Sahih Muslim (The Authentic Hadiths of Muslim)* (Lebanon: Dar Al-Kotob Al-Ilmiyah-Beirut, 2011), 230.

the law of Sirri marriage, it is permissible and valid according to Islamic law, provided that the pillars and conditions are met. Under the pretext of avoiding associations that deviate from religious law, they perform clandestine marriages, which will cause many negative impacts on women and children.

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