



THE TRADITIONAL MARRIAGE OF MERARIK AND ITS PROBLEM IN THE SASAKNESS SOCIETY IN LOMBOK INDONESIA

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ABSTRACT

This research aims to describe the practice of marriage and its problem to formulate the best solution in order to minimize the negative effect from the implementation of tradition in the society. This research paradigms are the nondoctrinal and descriptive, which is done by the literature study, interview, and observation in some area in Lombok Island, such as in Bayan village in north Lombok and Sade sub-village, in Rembitan village, in central Lombok, then it is analyze by using a study method in law rules which applied as the way of common law and the country law. The results of the study known that the marriage of merarik is the form of traditional marriage that commonly happen in the Sasakness society. This marriage is done by taking the girl run from her parent and family control, which can create a latent and manifest conflict. This merarik tradition also often connected with the marriage under age as the effect of no exact requirement standard of marriage age based on the common law. It is caused to the status of civil among the parties especially the kid's law status. The marriage of merarik is done by some steps, which is start from the tradition of midang it is the visiting of a man to the woman's house that he love and then they agree to each other to do the eloping, and finish by doing the tradition of balik tampak as the way of family friendship, both the man and woman's family after deal with the pisuke which is a valid requirement to create a marriage based on the common law. It is need a constitution about the confession, and the protection of customs community rights in order to keep the sustainability of custom society and common law's existence in the future. It is need the local regulation that can maintain the marriage of merarik which does not create the negative effects in the society. Beside that it is important to strengthen the family figure as the first and main education institution for the children in order to realize, the enforcement, and also the development of social and culture moral value, except the effort to optimize the institution of local subject in some level of education in order to minimize the changing of value in marginalize the truth of merarik tradition in Sasakness society.

Keywords: *Merarik, Pisuke, Sasakness, Common Law*

Introduction

The structure of Indonesian society is complex, it seems implies on the law system in Indonesia, where, the law system is plural, it is a condition where there are two or more law system in the same area. The colonial law (West) still exist, including religion, law, and common law which has been recognized and validated, beside the country law's existence in the form of codification and unification.

Indonesia, also rich with its culture and tradition with the uniqueness from one to another including in the wedding and marriage rituals. In the Sasakness society that lives in Lombok islands known the common marriage which called *merarik*. This wedding is the common wedding in the sasakness society (Haq et. al, 2021), therefore, the phenomenon of *merarik* is assume as the ethical peak form of local wisdom (local wisdom) for the Sasaknes society exclusively (Masnun, 2008).

Merarik is a form of custom marriage which done by taking the woman run from her parents and family (Haq et.al, 2021). This tradition is followed by some consequences, they are *belas* (separated) which sometimes ended with fight, if in the process of running is known or catch by the woman's family or with another man who become his competitors to get the woman.

In addition, the existence of *merarik* is often connected to the widespread of underage marriages as a result of there is no standard age requirement to get married, based on the common law so it caused to the civil status among parties, such as the kids law status or create the other social effect, which is caused of the person who get married underage immature physically, psychic, and mentally. This is to encourage the local government to publish the regulation where the range about the maturation of marriage age (PUP), besides to implement the punishment for the people who get married under age.

There are some previous study, which talking about the background of the implementation of *merarik* tradition in the Sasakness society, such as the article about the meaning of *merarik* and *nyongkolan* for the bridal couple in West Nusa Tenggara, which written by Febri Triwahyudi and Achmad Mujab Masykur. In the article, the writer use the phenomenological method to describe the meaning of *merarik* and the ceremony of *nyongkolan* in the sasakness society. Next in 2018 there is an article with title the *nyurlembang* woman in the tradition of *merarik* which written by Titi Fitriana and friends. The writer described the tradition of *merarik* from historical perspective, where this tradition is assumed as a way to save the woman from the disobedience Anak Agung, the king of Lombok. Then in 2023 there is a facts about *merarik* based on the way of the tradition, Sasakness wedding in the Islamic law perspective, which written by Ita Surayya and Musakir Salat. in that article, the writer described about the procedure of the implementation of *merarik* which reviewed from the principal marriage based on Islamic law.

Based on the reality and some previous article, so it is important to describe the implementation of *merarik* marriage and it's problem to find and formulize some of the ring solution, which can minimize the negative effects from the practice of *merarik* marriage which common happend in the Sasaknes society. This study is also as the entry poin in order to keep the continuity of the custom society and the existency of the common law, in the era of modernization nowadays.

Methodology

This law study using the non-doctrine paradigm which aimed to find some concepts about the process of law's occurrence and operation in the society. Therefore the typology of this study is mentioned also as the social legal research. The type of this study is tend to be descriptive because it aims to show clearly (without close any possibility and in some certain level also will do the explanation) about something which relate to the practice of *merarik* and it's problem in the Sasakness society, which got from the literature study, interview, and observation. In order to maximize the analysis, the writer use the case approach (*case approach*) and the law rules that applies (*statua approach*) such as the customary law rules and the country law.

This study is conducted in some area in Lombok islands such as in Bayan Village, in North Lombok, and in Sade sub-village in Rembitan village in central Lombok. The determination of the study location is based on some consideration that; (1) Bayan village and sade sub-village is the custom area which is until now still followed the value of local law wisdom in the Sasaknes society some of them is the traditional marriage of *merarik*; (2). Bayan Village and Sade sub-village is the custom area which presents the typology of *dayan gunung* and *lauk gunung* Sasaknes society. Beside that this research is also conducted in some other area, which has a connection with the research variable.

The Implementation of Traditional Marriage Merarik in the Sasakness Society in Lombok

Marriage is a place where two different individuals meet together, that is between men and woman as a husband and a wife, which has efficient to create a a happily family physically, and spiritually. Based on the marriage laws, marriage is the pure and mentally relation between a man with a woman as a husband and a wife to create a happily family based on the believeness in the one and only God.

Marriage is at the process of human changing from teenager to the level of family life. Every marriage is not only based on the biological needs between man and woman which is legal, but as the implementation of the human nature process. Therefore marriage is consider as the first basic to realize or create the society. Moreover, it can be said a group of society will never be created, if there is no marriage relation between man and woman.

The Sasakness society which stay in *Gumi Selaparang* the nickname of Lombok Island known some kinds of Marriage, which, commonly divided into five kinds, they are *memagah*, *nyerah hukum*, *kawin gantung*, *belakoq* and *lari bersama* or *merarik* (Rais, 2024).

Memagah is a form of marriage with the way by taking the woman run with force it is done at noon. A man with some helps from his friends take the woman run by caring her away from her parent's control, sometimes the action is also done by caring (tote) which can endanger the girls. Next *nyerah hukum* is the ceremony of marriage which is given by the woman's family and the form of this marriage commonly is done by the sasakness woman with the men from outside of Sasak, therefore, the level of the husband later as same as household servant for the woman's parents. Next the *kawin gantung* is the marriage when the man and woman still kids, it means this marriage is pending until one of the bride or groom become mature, but the form of this marriage is rarely done as the changing of the era, which is becomes more modern. While, *belakoq* or propose is a form of marriage, which is done by proposing the woman. Whereas *merarik* which come from the word *berari* (Sasak language) which mean running is the thecnic or a way depends on the action from taking away, or give free to the woman from her parens relationship and her family.

Merarik as a form of traditional marriage, which is commonly happen in the Sasukness society, it is divided into three phases, they are: before marriage phase, the process of marriage implementation, and the traditional ceremony after the marriage (Rais, 2024).

The phase before marriage, *merarik* starting from the way of choosing a mate, that is *kemele mesaq* and *suka lokaq*. *Kemele mesaq* or based on self willingness is the most common way which done to choose the mate, compare with *suka lokaq* or parents choice. The way *kemele mesaq* or self willingness l is starting from taking the woman run away from there guardian control and her social environment previously. But before the decision ran is taken, it is commonly starts with a new tradition of *midang* which is the process to know the woman and her parents.

The escaping of the clause is starting to do after the agreement between the man and the woman to continue the relationship into more serious that is the marriage. The process is starting to escaping which is done by the man to the woman to then he take her to the hiding place, which already prepared by the man. The place for hiding is a house from the man's family (commonly it is the uncle's house of the man).

The next steps is the phase of *merarik* which is start with giving information to the man's family, which is become finish a place to hide to the parent's house of the man, and then both of the bride and groom are pick up, and then taking to the men's parents house. as of the effects from the escape, so the men's family is must to do the tradition of *besejati* (giving the information to the head of custom in the place or the woman's house). *Besejati* start from giving a report to the *kleang* (the head of the village) by his parents or the man's family. Next the information from the Men's family (*pembayun*)

to the woman's family through the *kleang* around the woman's house regarding to the *merarik* who has done the escape. they said when and where the woman is taking now.

Based on the information from *pembayun*, *keliang* tell to the woma's parents and her family to then they will do the discussion about the marriage atuquette in the area, including some payments which given to the men's family. All become a note until then will be said by the representative of *selabar*.

Selabar is the process of asking the woman's parents or her family willingness to give permission and guardianship toward the bride and groom. In the process of *selabar* many things that must be discussed or negotiate in order to meet both of the families need. In the process negotiation, there are some that become the important discussion and crucial. That is the customary payments, which is called *ajikrame* and *pisuke*. *Ajikrame* is some of the payment which is already determined by the custom as the symbol and social status from the bride and groom and every descendent, which will be birth. The payment of *ajikrame* is a must and become away so the marriage on track can be done soon. It is also let the tradition of *pisuke* that is the request of other payment, such as some money as the changing cost of growing up the woman.

After both of the family is still in the process of *selabar* and the men's family is willing to give. What is the girls ask, the next process is *bait wali*. In this process the chip from the man's house, go to the woman's father or the elder man in the woman's family to then ask for the marriage guardian. After the marriage guardians willingness and certainty from the woman's family marriage contract (*ngawinang*) can be carried out.

The traditional ceremony after the marriage contract is *sorong serah*, *nyongkolan*, and *balik tampak*. *Sorong serah* literally means giving our trust thing. While the good which is trusting, and giving is the payment of *ajikrame* and *pisuke*. As for *nyongkolan* is the ceremony of a come accompaniment bride from the man's house to the woman's house acompany with traditional music of Sasak such as *rudat* or *gendang beleq* which aim to tell all of the common people if there is a marriage between the bride and groom. The traditional ceremony *merarik* is finish by *balik tampak*, it is the tradition which is then one day after the process of *nyongkolan*. In this event, the men's family to the woman's family, and this event is to stay in touch with both of the family know each other.

Bayan village as one of the traditional Village in North Lombok (*dayan gunung*) which lies on the north beach in lombok Island starting from the East in Kayangan District until *kali puteq* (*White River*) which in border to east Lombok regency almost all the people do the marriage with taking the woman running from her family and parent, so if we move to the south of Lombok Island (*lauq gunung*) such as the people which stay in Sade sub-village, they also do the marriage with the same way.

Regarding to the reality of law, Bertholomey show that *merarik* is the important thing in the process of marriage indecisiveness society, as describe through a sentence says that". I will not marriage with a man that cannot take a race to escape with me he will weak even in my eyes, or other people from my foolish if he asking for permission to

my father. Actually, my father will draw outside to the house if he try to do that thing". (Bertholomey, 2001).

Otherwise, the marriage with asking for mission to the woman's parent (propose) often assume as something that taboo, or even as a humiliation, because based on her daughter, is not as a Bethel, or a chick which can get easily (*ara'm ngendeng anak manok baen'*).

The common society is permissive to word the practice of eloping, at least there are five reason that become a background why they agreed to work the practice of elope, they are; (1) elope is the custom, and not completely contradiction with the Islamic paradigm; (2) elope is ancestral heritage, which is become tradition; (3) elope can increase the happiness of the married couple heart; (4) elope can increase the social status of the husband or the social status of the wife; (5) elope is assume as a common thing (Yasin, 2008).

There are some reason why Bayan society do the marriage with *merarik* (in the Bayan society known as *memulang*) they are; (1) this society believe that *merarik* is a part of custom, which is already done since past time; (2) people believe that *merarik* can increase the practice of woman's family, because if the marriage is done with asking, it seems like the woman as same as a things which can be asking and this case will cause some conflict among the family. Therefore, to keep the second goodness of the tradition they make the *awiq-awiq*, that is the life rules for the Village *krame* in the custom village to create the secure, peacefull, orderly, and prosperous life (Irrubay, 2017).

Along with other progressive era, the existence of *merarik* still can be maintained by the Sasakness society even in the practice can create some conflict, which is tend to be Latin and manifest conflict, except potentially trip him as the subject of criminal offense, if the tradition of elope (*merarik*) is then to the woman which is not mature based on the rules in the close 332/ first 121 law book (KUHP) which manage that who ever take and meet young girls without parents permission, or do guardian birth, with the willingness of the girl, even in or outside of the marriage threaten to be seven year prison as a punishment.

The latin conflict are the surrender of the parent to let their daughter which already taken because in the sasakness society, paradigm if the woman is take back, will be a shame for the family, as the disappointment of the father in West Lombok, which is tell that he forced to wear his daughter so that his daughters stop study after taken by (Aniq, 2012) or otherwise there is a way of the parent to parties who question the daughter decision to get married earlier after taking as happened in Barabali village in sentral Lombok (Diantina, 2018).

The Latin conflict also can develop become a manifest conflict such as the case of *merarik* which happen in Aik Darek Village in sentral Lombok add 2008, which that case is already decided by the praya court with the decision number

232/bid.b/2008/bn.PRa, with imprisonment for one month and 15 days to wear it there prospective bride groom (Putro, 2013).

In addition to the existancy of *merarik* it's also often connected with the widespread up under age marriage as a cause of there is no standard age requirement in the middle age based on the custom law. This is impacted to the civil status among the parties, because it is not written marriage phase on the country, law, even the marriage in the perspective of custom law commonly is not only assume as a Seefeel relationship which cause of death rights and obligation for the married couple, join property, childs position, rights and obligation. Baron even the case which relate to inheritance. It's also about the genetic relationship and the neck, bone hood relationship and the custom ceremony, and the religion.

In the tradition of *merarik*, especially unmateur couple often the marriage letter is not formally. The marriage is only known by the traditional rulers and family environment so that there is no marriage certificate, or marriage book is the written based on the country law, which will be a requirement in order to make the family certificate and birth certificate (Drajadiah, 2015).

The practice of each data manipulation is done by the family or the village officials, so not not in accordance with the real age that says on the book married, or the ID card. The effect from the unclear ID card cause the girl who has married earlier, cannot access the public surface, which provide by the government such as. jampersal, jamsostek for the worker, working abroad without any file it document and etc. (Drajadiah, 2015).

The marriage law actually already arranged that for them who has not meet the age requirement to get married based on the country law, that is 19 years old for men and woman, so the parties can apply the marriage dispensation through the court but the legal remedies itself is not fully taken by the custom society considering it's nature which formal procedural except this strongness. Ask the interaction among them with the customer and sharia, especially in order to evaluate the validity some married, institution.

Commonly the criteria to where the minimum age of marriage in the custom society of 10 change with the criteria of the mature custom law, such as in the study by Hillman Hadikusuma, which says that the minimum of married age is more mature toward the mature criteria. Therefore, if the Paradigm is the mature, so someone's mature in the custom law can be measured with some symptom some of them is the physical factor such as social factor.

Based on Supomi which support the mature socially the meet for criteria custom law except different with the mature as the characteristic is that strong *gawe* (can horrible working by herself) it means able to do some thing and responsible independently and able to manage the pressure and personal need. Is it also same with the idea of Djpdodiguno which says that based on the Java custom law, the condition of mature is not based on the meaning of biology, but it is more to the conditioned independent

that is, is already married and able to be in there, married life. This opinion is also go along with the statement of Ter Haar on his book. Begin sellern En Stelsel van het Adatrecht which written by some someone who already mature based on the custom law in there, law fellowship, which small is when someone even man or woman is already get married, except is already left their parents house are there parents in law's house, and move to build there, married life there.

Based on the expert opinion above, according to the custom law know the symptom of nature, or someone who is under age, and when she or he does not become the children, and she or he is use act as the head of married life. The same condition also happen in the area of Tapanuli or Batak, where the people assume already mature, if he already got married, and already as a head of the marriage life itself. Otherwise in Aceh, The mature can be start from the ability of his common sense.

The constructions of patriarchy culture relate to the distributions of the different form rules, which enforced by the parents work, the gates that is the woman will create a ties, the rules in the house, while the man outside of the house effect to the mindset and habit that woman is not important to get a high education because they will come back to the kitchen (domestic work), except that is society opinion, if the woman is already got into teenager and not married yet will be a soon as not selling well (*mosot*). Those opinion is strengthened by there is a Sasakness society that is an elope (*merarik*) so this tradition this issue support the divide split up under age marriage which is sometime ended with divorce (Drajadiah et.al, 2015).

Starting from this condition, the local government since 2014 is already publish the governor circular West Nusa Tenggara number SE/150/1138/KUM about the metal marriage age (pup) which recommend that marriage manage in the regulation above, which mean to make both of the bride and groom is really ready and mature, physically psychology, and mentally in order to have married life (Nurhayati and Wardayaningrum, 2012).

Beside that, some part is also planning to give a punishment for the couple marriage that merried under age, as a suggestion from the head of Sub-District in Masbagik in East Lombok district which balance to give fine 25 million rupiah to the couple who did average under age. It also same with the case in kekait village government, West Lombok, which also give a fine to the couple who did *merarik kodeq* (married under age).

According to some reality above can be formalize as some offering solution as follows:

1. The country must create the marriage constitution about recognition and protection of at the custom society right as legal protection, for the this is the nobility, custom society, and the existence of custom low in Indonesia.
2. The local the government must create the local rules about the determination of custom, marriage, the territories, and the jurisdiction custom low, as the way to preserve the law value which is exist in the Sasaknes society.

3. The local government important to support in each village to create the village rules, which manage specially about the custom marriage *merarik* with still looking at the consideration country, low as age requirement of each marriage.
4. The local government must try the institution of local subject, through the improvements of what is structure in some level of education because definition of are you can wait goodness the existence of custom marriage *merarik* in the society, especially for them, who believe, or mistaken *merarik* as a instant way to get married, which can create the negative stigma in the society to the word that custom marriage *merarik*.
5. Written the family rules as the man and first education institution for kids, in order to give the awareness, the implantation, and also the development of social and cultural moral value.

This paper believe in the context of law, tradition has a function which parallel with the legislation, or the determination of law to give the discipline in the society. There is no contradiction between tradition and legislation to work the function above. Some tradition has developed, become the custom which is followed by some community as the law norm. it is also some law norms custom has said by the legislation as part of positive law system in some modern country. It means positive law, which is a rational can be cleared base on the tradition because invites of them. There is a same social function to create and skip this social order (Azhari, 2014).

But then the existence of custom law in the development of country law should be fine too, they do united, and one perspective and not contradictory with the basic norm and not has the contradictory impact with the constitution rules because basically, the effective law is the law which is in accordance with the culture and social pattern, based on the constitution of Tap MPR number 11/MPRS/1960 which strictly and clearly give the explanation about this position and custom law rules in there sounding country that is as long as it is not hamper the development of chess and prosperous society, which is a day the foundation (Pide, 2015).

It is not surprisingly if then many parties believe that custom love it, all its uniqueness and pluralism is the real Indonesia, which born from the value and society, where are the paradygm since long time ago which then can be used as a way, law source for the country law, profession, and exist in the society until now (Firmanda et.al, 2024).

Pisuke is the Principle of Consent in the Cost of Marriage Merarik in Sasakness Society in Lombok

The practice of wedding in Indonesia, except follow the religion roles, the tradition is also as the something which is important like always practice. by the Sasakness society when giving the dowry marriage with full of the custom (Huda, 2021). The marriage custom, except giving the dowry to the woman, the man-side also must giving the *pisuke* which is commonly defined based on the education background or the social level which the woman has. With the fullfill of *pisuke* so the marriage is assume valid based on the custom law.

Pisuke is some money or the good, which is given by the man to the woman outside of the dowry after doing the *merarik* (Prima, 2024). There are some reason which become a background the existency of the tradition *pisuke* in the customary in Sasakness society as follows; (1) *pisuke* is him to help the free up implementation of the Mary H party (*begawe*) which is done by the woman party; (2) as the a medium of connecting relationship, because when the marriage party be held, all of the family from far away, will come and stay together with other family in this event usually become a way to meet with other family; (3) as the comforter for the parent because when their daughters married automatically, the woman will taken by his husband, and this case, will make the parents sad so the *pisuke* can converter and decrease the sadness; (4) as a change cost when raising the woman.

In the implementation sometime the guardian from the woman will determine the amount of *pisuke* that very high without consider about the ability of the man. This is cause face on the guardian from the woman, because that already given to raise their daughter is also high, therefore it is must be balanced with the amount of *pisuke*. Of course this is very hard for the man which is the process of the marriage become hampered, because there is a no dealing yet regarding to the amount of *pisuke*.

The determination standard amount of *pisuke* is important to determine in the form of village rules which called village *awiq-awiq* as the guidelines, which is followed by some community in the society toward the implementation tradition *pisuke* based on the ability of common people in some community as practice in the Sasaknes society in Siwi sub village central Lombok through the *awiq-awiq ajin gubuk*. With the determination of of the local wisdom value with the terms of written regulation, will be easier for the custom figure, and the policymakers in some community, to direct the custom society to do the rules which is has been that are mine (Haq et.al, 2022).

The head of Siwi sub village along with their society, take the initiative to give the facilitate regarding to the process of *pisuke* Payment. If the man and woman comes from the same sub village, so *pisuke* can we done in the form good like rice, with a mountain of fours quintile, or can be a money the same amount of the rice when the process happened. This *pisuke* fairy light if we compare the request of the parent or the womans guardian in the Sasakness society. This is aim to decrease their burden (especially men) who will get married. But the woman's parent can request the amount of *pisuke* more than *ajin gubuk* (the sub village rules) which is already determined it. However, the negotiation reaches done the outside of the vilage assistance. (head off. sub village) which commonly request of extra *pisuke* is there after the dealing based on the *awiq awiq ajin gubuk*, with the requirement of extra *pisuke* which is already deal, it's not talk to other people to keep the reputation both family, and also to avoid and fear arises among the people, except as the way to preserve the culture custom in Siwi sub village in central Lombok.

Based on the realities above, it can be assumed that the tradition of *pisuke* is the way to create the woman's parents willingness to work the condition of their daughter that

will get married, because the *pisuke* come from the word *pade suke* which means both of the family the man and woman family it's already deals. The word well happen in their kids future. This is to show that the custom law as a the law system that is apply to completely their cell through the other system elements, as *merarik* with all its uniqueness, and it's problem can be six with the existence see a tradition *pisuke* as the way to meet both of the family needs therefore the tradition of *merarik* then can we accept and assume that's good to do.

Conclusion

Merarik as a custom mediation system, which has its uniqueness, because it is done with taking the woman run from their parents and family authority, there is a tradition of *pisuke* which has a function as a way to meet both of the family needs after the event of *merarik* which is heroic. *Pisuke* then become the element that can rationalize the existency of the *merarik* tradition in the society.

The determination of the village rules about the custom marriage *merarik* in each community can minimize the negative impact which can be happen and implementation of the *merarik* tradition. It needs the way to strengthen the family as the first and main education institution for the children in order to make sure the implantation and the development of social and culture moral value that is run well, except to try the local subject institution in some education level in the society, in order to minimize the changing of value, which is influenced by the progressive era is the condition nowadays.

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