

The Social Acculturation of The *Abhekallaghi* Tradition in Tempurejo from The Perspective of Islamic Law and Constitution No. 16 Of 2019

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Abstract:

The *Abhekallaghi* tradition in Tempurejo is a social acculturation of the people there as a tradition that has been carried out from generation to generation in matchmaking of their children and marrying them off, but in its current developments is this tradition still relevant in the perspective of Islamic law and Marriage Law No. 16 The year 2019 has provided a change in the implementation of marriage by providing a new norm in the form of limiting the age of marriage which makes this tradition still in accordance with the times and applicable legal provisions. then the question arises What is the background of the social acculturation of the *Abhekallaghi* tradition in carrying out marriages in the Tempurejo community, Jember. and how the implementation of this tradition is the perspective of Islamic law and Law No. 16 of 2019. The method used in this research is empirical juridical which is descriptive qualitative or field research using a sociology of law and legislation approach. Data was generated through direct interviews with the Tempurejo community for research sites. So, the results of research on the acculturation of the *Abhekallaghi* tradition in the Tempurejo community can be concluded, namely the background to this tradition is due to several factors such as economic factors, educational factors, local customs factors, parental factors, and social factors. Based on the view of Islamic law the *Abhekallaghi* tradition is not prohibited because the 'Urf in this custom is more directed to 'Urf Hasan which may be carried out in accordance with Islamic law that applies to that society. Then we review Law No. 16 of 2019



regarding changes to Law No. 1 of 1974 concerning marriage, so we can see that many early marriages are being implemented because they are not in accordance with these regulations, which has led to an increase in dispensation for marriage in this society.

Keywords: Social Acculturation, *Abhekallaghi* Tradition, Islamic Law, and Law No. 16 of 2019

Introduction

Human life is not exhausted in relationships or social bonds connected with marriage, so marriage becomes the primary to life; this marriage is compatible or vice versa for both partners to create peace. and to unite the two couples with happiness. When a person does not perform a marriage, the act violates the command of God. Marriage is an alliance with elements of rights and obligations between the two parties to fulfill spiritual and physical requirements.¹ Most people find their partners differently. However, the fact is that some people still find partners through deceitful "*abhekallaghi*," which is meant in "*abhekallaghi*" is a tradition in one of the areas landlord societies in Jember still pursue and preserve social acculturation by marrying their children in the way of "*abhekallaghi*" as a step they do to get a fiancé for the living partners of their children, even marriages carried out in this tradition still many children's marriage which can raise a debate either in Islamic law or according to positive law whether such a marriage is a legitimate and permissible marriage. At the same time, in the last few years, the government has established a form of regulation like law No. 16 of 2019.

In Law No. 16 of 2019, there is a change to Law No. 1 of 1974 on marriage regarding the age limit for marriage in Indonesian society. Some changes were previously regulated in Article 7, paragraph 1 of Law No. 01 of 1974: the initial age limit of marriage is now 19 years for a man and 16 years for a woman. To 19 years for men and women, the age limit of marriage permitted by the law, it becomes a legal problem if faced with the tradition "*Abhekallaghi*," of which still many can be found and implemented adequately by the parishioner society in Jember, precisely in Tempurejo society, who realized before they began to decrease their children in marriage through this tradition by marrying their children who are still children to carry out a marriage. While the marriage model of the tradition is seen as stipulated in Law No. 16 of 2019, it is not qualified, so it causes trouble for society by carrying out the registration of marriage dispensation, which many people feel is objectionable because they consider marriage consciously carried out not to contradict Islamic law.²

If we look into the social acculturation of the "*abhekallaghi*" tradition, it does not violate the norms of Islamic doctrine, because simply in the teaching of Islam there is no specific limitation on a certain age to perform a marriage; in Islamic education only regulates to carry out marriage can be done if a person has entered the phase of *baligh* or in adulthood according to Islam, but not only is the problem only *baligh* as a condition to marry but also must fulfill his reasons as described in Section 14 of the Islamic Law Compilation (KHI), which explains the causes of marriage there are 5 components namely: One must be a prospective husband or groom; two must have a prospective bride wife; the third must have a marriage guardian; the fourth must have at least two witnesses; and the fifth must have an *ijab* and *qobul*, or in the marriage, an affidavit or *tazwij* or translation in both.³ While the purpose of marriage is not merely to satisfy the needs of the natural desires of every human being, the aim of marriage, according to Law No. 1 of 1974, Section 1,

¹ Leyla Hana, *The Process of Islamic Sharia* (Jakarta: Ele Media Komputindo, 2012) 4-5

² Leilasadat Mirghaderi, "Social Media Users' Free Labor in Iran: Influencers, Ethical Conduct and Labor Exploitation," *Frontiers in Sociology* 7 (2022), <https://doi.org/10.3389/fsoc.2022.1006146>.

³ Badrut Tamam and Risna Ismawati, Traditional Prohibition of Marriage by Ngalor Ngulon in the Purwoharjo Banyuwangi District Perspective of Jasser Auda System Theory, MAHAKIM: Journal of Islamic Family Law, Vol 6 No 2 (Desember 2022) 101-125

explains "Marriage is the inner birth bond between a man and a woman as a husband and wife to form an eternal family (house of stairs) based on the Almighty God".⁴ A marriage is a bond between a man and a woman, which aims to make it an eternal family according to the values of charity that they understand as an actual value from the one and only God, Allah The Almighty.

The tradition of "*abbekallaghi*" is a tradition of seducing a child to make a spouse and wife, which has been performed in the custom of the Tempurejo community. Earlier, decreasing its performance, the seduction performed by the parents usually involved little coercion and sometimes did not follow the wishes of the child in choosing a mate to live with, while Islam itself forbids the believer not to be forced to carry out a marriage according to the description in the Qur'an An-Nisa' verse 19:

Meaning: "O believers! It is not permissible for you to inherit women against their will¹ or mistreat them to make them return some of the dowry as a ransom for divorce²—unless they are found guilty of adultery. Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing". (QS. An-Nisa; 19)⁵

This is according to the statement that Allah has guided his people to find married couples for every believer. Therefore, as a human being, we are determined to find teams, although in different ways. Judaism is a phenomenon that exists in a society. It is essential to understand the dynamics of a community so that many organizations apply Judaism at an early age due to the presence of educational factors, economics, and the traditions of the community in Tempurejo. This is where the purpose of the judo is to form family bonds and harmony.⁶

This adultery is often associated with religious issues and certain customary beliefs and traditions. Therefore, early sex is sex that is under the age of suffering because there is an incentive for forced sex.⁷ This is a complex problem because forced sex is a problematic thing that happens in the life of society to this day, either socially or culturally. In this case, when it comes to forced marriage, a problem arises within a family that is not harmonious; there are no elements of mutual love until divorce occurs.

In the execution of *abbekallaghi* in Tempurejo, which ends with the implementation of early marriage, on the other hand, some do not cease the wedding due to the existence of factors that cause the occurrence of such early marriages.⁸ Of course, with this *abbekallaghi*, some go smoothly and successfully and, otherwise, some fail in its implementation, as it depends on the parents. So, in this matter, it is essential to re-examine the connection with the *abbekallaghi* problem in Tempurejo.

The above can be seen if this research has a high novelty in significant research that is carried out. It requires a relevant problem formula to find a maximum result in a study.⁹ From this

⁴ Law No. 1 of 1974 on Marriage.

⁵ Department of Religion of the Republic of Indonesia, Al-Qur'an translation and Tajwid (Bandung, sygma creative media corp : 2014) 80

⁶ Tatiana Reidel, Laís Duarte Corrêa, and Maria Luiza Mendo, "Serviço Social Na Espanha," *Libertas* 22, no. 1 (2022): 36–59, <https://doi.org/10.34019/1980-8518.2022.v22.37315>.

⁷ Meryem ÖZDEMİR, "Kutlay Yağmur, Intergenerational Language Use and Acculturation of Turkish Speakers in Four Immigration Contexts, Frankfurt Am Main; New York: Peter Lang, 2016, Language, Multilingualism and Social Change, Volume 27, 340 Pp., ISBN 9783631663707," *Turkish Journal of Diaspora Studies* 2, no. 1 (2022): 73–76, <https://doi.org/10.52241/tjds.2022.0036>.

⁸ Davide Costa et al., "Racism as a Social Determinant of Health for Newcomers towards Disrupting the Acculturation Process," *Societies* 11, no. 4 (December 1, 2022): 317–21, <https://doi.org/10.1177/02560909221145764>.

⁹ Hamzeh Al Amosh and Saleh F.A. Khatib, "Ownership Structure and Environmental, Social and Governance Performance Disclosure: The Moderating Role of the Board Independence," *Journal of Business and Socio-Economic Development* 2, no. 1 (2022): 49–66, <https://doi.org/10.1108/jbsed-07-2021-0094>.

research, there are some problem formulas used, namely: 1. What are the implications of the social acculturation of *abhekalaghi* traditions for the implementation of marriage in Tempurejo, Jember. and 2. How is such a tradition realized from the perspective of Islamic law and Law No. 16 of 2019? But more is needed to get a good novelty rating, so you should also look at the previous research carried out by previous researchers.

This research is carried out not apart from some of the previous research results, as has been the case, and is the basis of the brochure as well as the material of the study. Then, some earlier research results are compared on the topic of the research, "Acculturation of the social tradition of *abhekalaghi* in the Tempurejo perspective of Islamic law and Act No. 16 of 2019".¹⁰ As in the study that discusses the tradition of *abhekallaghi*, or what is often called bidding at a very early age, especially what happens in Madura, the process of *abekallaaghi* further into the marriage process carried out at the age of children is very early. Then, it is also the same as in the Tempurejo area, which still applies the tradition of *abhekallaghi*. Of course, it is not uncommon for temper society to do *abhekalaghi* with their children at an early age, but what distinguishes it is the focus of its research methodology. Fatimatuz Zahro uses a type of qualitative research called descriptive research, while this research uses empirical juridic research.

R. Ahmad Fathoni (2020) raised a study that discussed the "tradition of the child's devotion in the contents of the speculative *Maqasid of Shariah*."¹¹ This study explains the adultery that has been carried out since the womb. As it is also a custom that has been believed by the region there, as well as not different from what has happened in Tempurejo, the difference with the research carried out by the author lies in the type and approach of the study. R. Ahmad Fatoni uses the analysis method with a descriptive and qualitative technique, while this research uses empirical jurisprudence research and the sociological process of law and legislation.

Hesty Kusumawati and Moh. Hafid Efendy (2020) presented a study on "Maturity in the Millennial Madura Society."¹² In this study, it was found that there are still people who have been engaged in engraving in this millennial era, especially in the areas of Madura, who are not freed from the tradition or habit of engaging since in the womb, and also those who are still of sufficient age. Therefore, this tradition of engravings also occurred in the Tempurejo area and has been carried out downward by the community there. It is also a custom that the ancestors have applied to this day. The research uses a kind of qualitative research with a phenomenological approach, which is different from this research that uses empirical jurisprudence and the practice of sociology of law and legislation.¹³

Looking at the description above, we can see its difference, so this research is high in novelty or value of renewal, so it is essential to carry out research as a comprehensive and coherent discussion in a science to find a sure answer to some form of social acculturation tradition, *abhekallagi* in Tempurejo Perspective of Islamic Law and Law N0.16 Year 2019, as knowledge and can be in action advanced by subsequent researchers studied through other fields of science.

¹⁰ Fatimatuz Zahrah, The Transformation of the Tradition of Childhood Marriage in the Madura Society (Moral and Citizenship Studies, Vol. 8, No. 2, 2020), 352–357

¹¹ Ahmad Fathoni Rahman, Tradition of the child in the content of the maqashid perspective of the Syrian community of Kombong Village, Kec Talango, script (Jember: Islamic University of the state kiai haji achmad siddiq jember, 2022)

¹² Hesty Kusumawati and Moh. Hafid effendy, Traditions of worship among Maudra in the millennial era, International conference on morality (InCoMora)2020; Dignity and Mercy Li al-alam.

¹³ Sujoy Chakravarty, "How WEIRD Are We? How the Adoption of Certain Social Norms Altered Both Our Biology and Social Behaviour and, Ultimately, the Wealth of Nations," *Vikalpa* 47, no. 4 (December 1, 2022): 317–21, <https://doi.org/10.1177/02560909221145764>.

Method

The method of research used in this research uses empirical Juridic research, which is qualitative descriptive research or field research. Qualitative research is a study that has the purpose of describing a phenomenon that is being studied until it is easy to learn and then easy to understand others.¹⁴ The approaches used are the sociology of law and the statute approach. The sociological approach to regulation is an approach that analyzes how legal reactions and interactions occur when the system of norms operates in society.¹⁵ The statute approach is the approach of a rule of law that is applicable as the basis of its law. The primary data source is data obtained from the primary source through field interviews. In contrast, the secondary data sources are data from the library and other documents, such as the principal legislative regulations of Act No. 16 of 2019 on amendments to Law No. 1 of 1974 on marriage and some research journals as reinforcements of other primary information. Research data collection techniques use primary data gathering techniques such as interviews and secondary data collection techniques such as the collection and documentation of books, journals, and others.¹⁶ As for data validation, use validity and reliability to measure a symptom that arises in the field against law enforcement, analysis of data processing through data inspection, data marking, classification, and compilation/systematization of data, then conclude to see to what extent the results of the research are carried out.

Results and Discussion

1. Background, Acculturation, and Social *Abhekalaghi* tradition in marriage implementation in Tempejo society, Jember.

Social acculturation is a new social acceptance of a good change in social implementation resulting from the transformation of a new form of rule, so there is a need for an attitude adapting to that change. (The process of learning and internalizing the culture and values of indigenous peoples).¹⁷ The social acculturation that occurs in the *Abhekalaghi* tradition in Tempurejo society is a social interaction in adapting a change over a tradition and new legal provisions to the implementation of a marriage that is a precursor to an *Abhekalagi* tradition or as an induction that such a society carries out to marry their children.¹⁸

In Tempurejo society, a marriage often begins with the process of *abhekallaghi*, or engagement, and then continues with the execution of engagement.¹⁹ *Abhekalaghi*, in the term *madura*, is the occurrence of adultery, which a parent does to his son where the female side adulterates the male side. After the engagement until the marriage, it's called the *abhekalagan* time.

¹⁴ Arikunto Suharsimi, *Research Procedures: A Practical Approach*, IV (Rineka Cipta, 2011). 12

¹⁵ Muhaimin, *Metode Penelitian Hukum*, (Mataram University Press, 2020), 87.

¹⁶ Jessica Naidu, Elizabeth O Paolucci, and Tanvir C Turin, "Racism as a Social Determinant of Health for Newcomers towards Disrupting the Acculturation Process," *Societies*, 2023, <https://doi.org/10.3390/soc13010002>.

¹⁷ Deddy Mulyana and Jalaluddin Rakhmat (ed.), *Intercultural Communication*, (Bandung: PT. The Teenage Rosdakarya, 2001), 139.

¹⁸ Davide Costa et al., "Social Aspects of Diabetic Foot: A Scoping Review," *Social Sciences*, 2022, <https://doi.org/10.3390/socsci11040149>.

¹⁹ Masyithah Mardhatillah, a mature woman as a symbol of prestige and a perpetrator of the tradition of judo, (perempuan Madura sebagai symbol prestise dan pelaku tradisi perjodohan;2019). 10

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Abhekallaghi, in terms of Islamic law, is called "*kebitbah*," the purpose of which is to establish a more serious relationship between men and women to bind one another.²⁰ This kind of behavior is still being applied and preserved in the line of good inheritance between generations aimed at protecting their wealth and descendants following the Islamic sharia (Al-Quran al-Hujurat verses 13:

Meaning; "O humanity! Indeed, We created you from a male and a female and made you into peoples and tribes so that you may get to know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware." (QS. by Al-Hujurat; 13).²¹

As far as the *abhekallaghi* tradition is concerned, there are a number of factors that are driving the occurrence of *abhekallaaghi* in the Tempurejo area, including :

a. Economic Factor

At an early age, a parent performs *abhekallaghi* with his child to meet the economic needs of the family and help relieve the parents' burdens. With this, a child is *abhekallaghi* with a child whose financial conditions are more prosperous. Therefore, often, parents encourage their children to marry soon so that the burden of the family may be reduced a little so that when a woman is married, the responsibility will be transferred to her husband.²² According to Mrs. Sina:

*"I am from a middle-aged family down to my son, and while I have four young daughters, all of whom are the first child, I will abhekallaghi with the son of my friend, whose economic condition is more prosperous, aimed at lightening our burden."*²³

It can be concluded from Mrs. Sina's statement that he is still in an inadequate economic condition. Hence, he thinks of pursuing the *abhekallaghi* tradition as well as helping ease the burden on his family.

b. Educational Factor

The occurrence of a child in *abhekallaghi* is an educational factor, and feeling unable to proceed to a higher level is one of the economic factors and circumstances that compel them to do the *abhekallaaghi*. As has been done by Mrs. Siti :

*"I did abhekallaghi at the age of my son, who was 11 years old, but it's still not old enough, but this is already a request from my son, who doesn't want to continue his school and wants to do that,"*²⁴ From Mrs. Siti's statement, it can be understood that his daughter wants to do *abhekallaghi* even at a very young age and no longer wants to continue her education.

In this case, some do *abhekallaghi* by force, as has been expressed by Nur Arifah as follows:

²⁰ Sayyid Sabiq, Fikih Sunnah (Bandung:al-Ma'rif, 1978), 38

²¹ Revelation of the Qur'an and Tajwid, 517

²² Hasbi, Case Study in the Village of Deportation, Kec.Nipah Long, Kab. Factors Causing Early Age Weddings 2018, Skripsi (Jambi:Universitas Islam Negeri Sultan Thaha Saifuddin Jambi, 2018).50-56

²³ Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

²⁴ Siti, Interview with the author, (Jember: Rumah masyarakat ,2022)

"I don't want to be in *Abbekallaghi* at my age, which is only 12 years old, sister. I still want to continue my school like the rest of my friends. But since this is an order from the parents, then I'm forced to accept this *abbekallaghi* sister, and maybe this is the best for me".²⁵

From an interview with Nur Arifah, it can be concluded that he accepted this *abbekallaghi* forcibly, just as he still wanted to continue his schooling.

c. Elderly Factor

Parents *abbekallaghi* their children at an early age to unite family bonds, and besides, parents also *abbekallaaghi* their children to maintain their affinity, either with siblings or with their subjects. The results of the interview with Mrs. Susiati are as follows:

"I did my son's *abbekallaghi* because there was a promise with my friend to fool our son, and right at his fifteen-year-old, we agreed to *abbekallaaghi* our son and also to maintain fellowship."²⁶

It is from this that the father himself desires *abekalaghi*, as well as to keep the bonds of brotherhood with his friend or with his brother.

d. Relationship Factor

Often it happens in early childhood in a marriage that even causes unwanted things, such as the marriage of a friend who is less educated, then the parents of the way *abbekalaghi* his child at an early age to avoid the mark of free marriage. The results of the interview with Mrs. Sina are as follows:

"I do *abbekallaghi* because of my son so as to avoid unwelcome relationships because I am every day busy working so that I can't monitor my son's activities. From that, I do *abbekalaghi* to avoid unwanted things, such as free sex and teen acquaintances."²⁷

From the results of the interview, it is understandable that by doing so, the *abbekallaghi* aimed for his daughter not to mismatch and, of course, to avoid adultery.

e. Adat Law Factor

At a young age, there was a tradition of *abbekalaghi* by his parents because his son was afraid to be said to be an old virgin, so the parents initiatively deceived their son from an early age in order to tie the bond of brotherhood between the female and male sides, so with the presence of this *abbekalaghi*, their relationship did not break. as has been expressed by Mrs Siti, as follows:

"I have a neighbor who's been 20 years old. Because he's still unmarried, so many people say she's an old virgin, because it's adat law in our neighborhood to have a son who is fairly married. From there, I *abbekallaghi* my son to avoid such a nickname".²⁸

It can be concluded from the above statement that the parent who performed the *abbekallaghi* did so to avoid giving his daughter the nickname of the old virgin and to further strengthen the bond of brotherhood between women and men.

²⁵ Nur arifah, Interview with the author, (Jember: Rumah masyarakat ,2022)

²⁶ Susiati, Interview with the author, (Jember: Rumah masyarakat ,2022)

²⁷ Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

²⁸ Siti, Interview with the author, (Jember: Rumah masyarakat ,2022)

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The tradition of abhekallaghi occurs in children at an early age. As explained by Mr. Sutikno, a public figure in the village of Tempurejo;

"For it is a tradition from old that a child is adulterated, even in the womb, because he is with his relatives or with the friends of his parents".²⁹

Then the consequences of such a tradition have an impact on the child, such as the termination of education, emotional instability, and psychological disturbance, and this can lead to a divorce caused by a lack of emotional maturity. The result of an interview with Mrs. Sina concerning the *abhekallaghi* tradition was:

"I think this tradition of adultery is a natural thing, because in order to avoid adulteries, and also, of course, this adulterer is also a custom that has been done by the ancestors before the son, so I also continue this tradition."³⁰

From Sina's statement that he believed that this Abhekallaghi tradition was a custom of the ancestors, of course, it was also a form of belief of the Madurans related to the tradition. The result of an interview with Mrs Susiati as a parent who has deceived his son is:

"I think the tradition of this deceit has become an old-fashioned habit in the Tempurejo area because the majority of the former parents deceive their son to avoid adultery and unwanted events."³¹

From Susiati's view, the *abhekallaghi* tradition is one of the customs that have been carried out by the predecessors, which is linked to this tradition. A parent also sees this in the behavior of his children, and it turns out the son of Susiati does not want to continue his education. Therefore, parents take the initiative to deceive their children, as well as to avoid adultery and other things.

In this case, there are some reasons why a parent cheats on his child. As has been quoted from Sina:

"I have loved one another, and as a parent, I have followed my son's desire, and I have agreed with him that he may be avoided from adultery and from unwillingness."³²

From the statement of Sina, it can be understood that the reason he fooled his son was because of the wishes of his own son and also because of the tradition in the Tempurejo that was implemented the tradition, and of course, because of that, it is also so encouraging that *abhekallaghi* often happens in the area of the Tempurejo. The result of an interview with Susiati, who had a different reason for Sina, is as follows;

"Because of the lack of economy, to deceive his son into being already satisfied, and of course, it is also aimed at reducing the burden of need in adequate daily."³³

It can be understood in connection with the reason why Susiati deceived her son because his son already loved each other, and of course, in deceiving his son from the parents looking for a potential husband who is considered to have been able to meet the needs of his child and is

²⁹ Sutikno, Interview with the author, (Jember: Rumah masyarakat ,2022)

³⁰ Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

³¹ Susiati, Interview with the author, (Jember: Rumah masyarakat ,2022)

³² Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

³³ Susiati, Interview with the author, (Jember: Rumah masyarakat ,2022)

immediately deceased is because of the burden of his parents. This is where it also follows the *abbekallaghi* tradition in the Tempurejo area that has fooled its children at an early age.

Of course, in applying the *abbekallaghi* tradition, there are also some factors that influence the occurrence of the tradition, as described by Sina:

*"I'm doing this trick because the economy is under control, so I can't afford my daughter's life, so I think I'll fool my son with a man who's already satisfied."*³⁴

The factors experienced by Sina in carrying out the *Abbekallaghi* tradition are due to the least economic factors, so this is what forces her to carry out *Abbekallaaghi* with the prospective husband, who is already more satisfied and, of course, can be responsible. Sina also applies the *abbekallaghi* tradition that exists in the Temperejo area, which continues the customs of the former people. The results of the interview with Susiati related to the factors that she experienced in deceiving her son, which are:

*"I have deceived my son to keep his brother's bonds, to make his friends' bonds, and to keep the bonds of his brothers so that they may not perish."*³⁵

Of course, this is different from the previous one. Related to the underlying factor in the implementation of the *abbekallaghi* that Susiati carried out is the desire to keep his friendship either with his brother or his best friend and in this relationship, two families have made an agreement or agreement to deceive the children, as well as the tradition caused by the existence of relatives often occurring in the Tempurejo area; even some have even agreed to deceive their children in the womb. Of course, this act has become a custom applied by the people before.

In this case, what is happening in the Tempurejo area about this *abbekallaghi* tradition has a great many different kinds of influence on him, ranging from the foolish parents and also his children who have been fooled by candidates he considers to meet the criteria. Therefore, there are some quotations of the child who has suffered such an affliction, as has been experienced by Ida's sister, who was eleven years old:

*"I don't know in detail about the abbekallaghi tradition of this deck, but what I know in the Tempurejo area here is that there are many children who are fooled at an early age, just as I am fooled by people I do not know. Even I didn't know when it came to the deck, nor did I go to school because I had three younger sisters, and of course, I needed a lot of money to meet his needs."*³⁶

From the explanation of Ida's sister, who has also suffered from adultery at a young age and does not know the candidate who will be adulterated with her, This is because the prospective husband is chosen directly by his parents without his consent from the child, due to the economic factors that his family has experienced in meeting daily needs. In the tradition of *abbekallaghi*, there is also that which has been experienced by the sister Siti, who, at her age, is thirteen years old :

"I didn't know about this abbekallaghi tradition before, but there was a friend of mine who was deceived by a man of the choice of his parents, from whom I learned about the abbekallaaghi traditions, which are

³⁴ Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

³⁵ Susiati, Interview with the author, (Jember: Rumah masyarakat ,2022)

³⁶ Ida, Interview with the author, (Jember: Rumah masyarakat ,2022)

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applied by the Tempurejo community, who deceive their children at an early age, and I followed all the orders given by the parents even though I did not know the man.”³⁷

The statement related to the *abekah* tradition that is done in the Tempurejo area has been done in ancient times by the people there, and this is also aimed at avoiding adultery or anything else. And then there's an explanation from Amina about the conspiracy :

“I've actually learned about this tradition, which my brother-in-law used to do. They followed the ways of their forefathers. In this case, in the Temperejo area, a lot of people also apply that tradition, so from that, I know it.”³⁸

Sister Siti's statement is the same as the previous statement that she knew about the tradition in which the family had performed a ceremony. Of course, this also includes the customs that have been made by this family, as well as implementing this tradition that has begun with the former ancestors, and here my family continued or continued the habits that had been done by the former people.

The results of an interview with Ida related to the reason for accepting or not accepting the invitation ;

"I was surprised when I heard that I wanted to be fooled, that I was at my early age, and at that time I didn't go to school because the economy was under control, and I went with my brother out of the house. Although at an early age I tried to work to help ease the burden of parents, with the passage of time I got the news that I was going to be deceived, and here I accepted the Perjudohan even though I didn't even know my future partner. And here I follow all the orders given by my parents; maybe it's the best way for me." ³⁹

It was from the answer that Ida accepted or did not accept it, that she accepted it, as well as to lessen the burden of her parents and to follow all the orders given by her parents, which she did not continue her school, so she decided to accept it. And next is from Amina :

“When I was going to be fooled by my parents I was really shocked and didn't expect to be Fooled at my early age, therefore I refused to. But as time went by, I saw my family's lowest financial situation and difficulty in meeting everyday needs, so because there was no other choice, I accepted this Perjudohan. And of course to reduce the burden on my parents and here so that I can also help the parents financially in funding my sisters.”⁴⁰

From the statement of Amina, he was first fooled to answer the rejection related to the *abhekallaghi*, in which they did not know each other nor even know his person because this *abhekallaaghi* was directly chosen by his parents, but with the passage of time, Solihah changed his mind to accept the Perjudohan, which aimed to help relieve the burden of his parents. The results of an interview with Siti, a child who has been deceived at an early age :

“When I was going abhekallaghi with a real businessman, I was surprised because, at my age, he was still not old enough. And here I accept the abhekallaghi as it is to maintain the affinity in the friendship of my

³⁷ Siti, Interview with the author, (Jember: Rumah masyarakat ,2022)

³⁸ Amina , Interview with the author, (Jember: Rumah masyarakat ,2022)

³⁹ Ida , Interview with the author, (Jember: Rumah masyarakat ,2022)

⁴⁰ Amina, Interview with the author, (Jember: Rumah masyarakat ,2022)

parents with the parents of my prospective spouse. Therefore, with this abbekallaghi, I am only following all the commandments of my parents, and it has become a tradition or custom that has been done by this Tempurejo region.”⁴¹

From the above statement, Siti directly accepted the *abbekallaghi* even at an underage age, and it was because of keeping the parents close to the subject, which is also part of the custom that is common in the Tempuryo area. In this case, it relates to the *abbekallaghi* tradition that occurred in the Turyo region, which became a custom or tradition brought by the earlier ancestors. Therefore, here is what often happens: *abbekallaghi*, like the impact that happens to Ida, who receives the admonition:

“When I accept this difference, the impact I get is that everything is positive, with no factors or negative consequences. In this case, I can practice or learn to be a woman with even higher responsibilities than before. As well as this hypocrisy, my family life became more harmonious and I avoided difficult problems.”⁴²

He said, "Behold, I am the one who has the power to do the things I have done, and I am not the one with whom you have done the things that I am doing." And then the impact obtained by Sofia :

“If I had it, I never got a negative impact during receiving this abbekallaghi. Although the time I received it was still not enough, even at that time I didn't know my partner so much and never loved him. But after I accepted, it turned out my partner was responsible and could guide me into being a good wife. Therefore, here I never regret it. Even though I am grateful for the presence of this tradition, I can get a husband considered to meet my same criteria, and this includes the choice of my parents directly.”⁴³

From Sofia's explanation above, it can be understood that she never regretted, even though she was grateful for the tradition of finding her partner, even though at that time she was still underage and she never got a negative impact, and of course, she was always happy and harmonious with her partner. And lastly, the impact that Amina received as a child, whom her parents forcibly deceived :

“I had previously accepted it forcibly because of my family's poor financial condition. I had three sisters who were still in school, so it required a lot of cost. From there, I accepted the Perjodohan, even though it was forced. But after I accepted it, it turned out that it was not in my mind that my partner could be responsible and could guide me on the right path and meet my daily needs, and here I have never regretted even my first because of the presence of the element of compulsion, but with the passage of time, I and the partner can love and love each other.”

The result of the testimony above is that Amina accepted the bullshit because of the element of compulsion, but with the progress of time, she can also accept the bullying so that, according to her, there is no negative impact, but everything that happens in her life has a positive impact, can improve her life even better, and can help her parents' finances. Therefore, the results of the interviews that took place in the Tempurejo area, of course, also continue the traditions or

⁴¹ Siti, Interview with the author, (Jember: Rumah masyarakat ,2022)

⁴² Ida, Interview with the author, (Jember: Rumah masyarakat ,2022)

⁴³ Sofia, Interview with the author, (Jember: Rumah masyarakat ,2022)

customs that have been done by the people before. And it's also aimed at the welfare of the community there, as has been described by the social figures in the societies that have implemented the tradition.⁴⁴ Although there is also a part of society behind this tradition that contains elements of compulsion for their children to be able to accept it, the fact behind the compulsions is that parents aim to create gifts for their children in order to have good offspring.

It is not all that goes well or according to the will of the parents or the wish of their own children, because everyone is deceived and destiny is in the hands of all, even if we are forced to deceive it in order to be acceptable, but it returns again to the Creator, in which some walk smoothly or accept the marriage level, and also there is the opposite that does not reach the marital level. It's because about a man's bride, no one knows in different forms or ways of finding a bride. The same thing with the tradition of a fool is that not all the brides of a person are in this tradition, but there are also brides using the way of dating, or *taaruf*. But what's happening in the Tempurejo area is that the people who apply this hypocrisy can get old or die to separate them.

2. Implementation Implementation of the Abhekallaghi tradition in acculturating the perspective of Islamic law and the regulations of Law No. 16 of 2019

Based on the above statement, in the aculturation of Islamic law as abhekallaghi in the tempurejo area, in the teaching of Islam, abhekallaaghi is a process of the occurrence of such marriage at the time of *abekallaghe* that is different from the process of *ta'aruf* (reciprocal recognition), as the tradition of *abhekallaaghi* is due to the existence of an agreement between the two sides.⁴⁵

Abhekallaghi in Islamic law is permitted only if it is not contrary to the teachings of Islam, as is the case in Tempurejo areas that apply customs or customs often referred to as *abhekallaaghi*. This is what is known to mankind, which is a custom that they do in their activities so that it is not contrary to the law of Islam. As is the custom of the Tempurejo people, the deeds that contain *muamalah* are not the ones that contain the elements of worship.⁴⁶

Al-Urf also has the meaning that something in the form of words or actions applied continuously by some Tempurejo people based on reason can be accepted by Tempurjo people and does not contradict Islamic *Syariah*. Abhekallaghi carried out in the area of Tempurejo included the acts permitted by *Al-Urf* because it does not violate the rules listed in the law of Islam, although in the custom of *abhekallaaghi* it is performed at a young age. However, it is not a problem because

⁴⁴ ÖZDEMİR, "Kutlay Yağmur, Intergenerational Language Use and Acculturation of Turkish Speakers in Four Immigration Contexts, Frankfurt Am Main; New York: Peter Lang, 2016, Language, Multilingualism and Social Change, Volume 27, 340 Pp., ISBN 9783631663707."

⁴⁵ Wibowo, Safrudin Edi, Aminullah Elhady, Badrut Tamam, dan Fathiyaturrahmah Fathiyaturrahmah. "Education of Marginalized Groups: A Study on the Religiosity of Street Children in the Regency of Jember." *Ulumuna* 26, no. 2 (31 Desember 2022): 392–416. <https://doi.org/10.20414/ujs.v26i2.547>.

⁴⁶ Isabelle Risner, David Gauntlett, and Mary Kay Culpepper, "The Elements of Making: A Social Practice Perspective for Everyday Creators," *Creativity Studies* 15, no. 2 (2022): 590–605, <https://doi.org/10.3846/cs.2022.14489>.

it did not conflict with the laws of Islam, and such acts have also become a custom of the people of Tempurejo itself. This *abbekallaghi* that occurs in the region of Tempurjo belongs to the category of al-'urf sahih, which includes acts performed continuously by the community of the region, and these acts are not contrary to the *Shara'*. Also from the explanation of Sutikno as the head of the village of Sanenrejo, as follows:

"It is known from the statement that the abbekallaghi is not an act contrary to the doctrine of Islam, so the law of the abbekalaghi shall be valid in Islam as long as it does not violate the rules of Islam".⁴⁷

According to the Quran, it is not in Islam that the righteousness of the wicked is the rule, but in Islam, that is, that it is in the law.

In this case, *abbekallaghi* related acculturation of Act No. 16 Year 2019 chap. 1 para. 1 on marriage with the amendment of Law No. 1 Year 1974 is a conditional marriage between both parties. Marriage is permitted only when a man and a woman have reached the age of 19 (nine) years.⁴⁸

But what's happening in the Tempurejo area is that the people there don't know about the rules, even about the age limit for getting married to be 19 years of age or older. Of course, *abbekalaghi* in this Tempurejo area has become a tradition from the past, so it is very difficult to get rid of the *abbekallaghi* custom, as described by Sina:

"In Tempurejo, before I didn't know about this rule, I abbekallaghi my son at the age of 12 because he has followed his tradition and also because of the economic factors that are still very minimal."⁴⁹

In what possibilities about the age limit of marriage that has been changed through the Law 16 the Year 2019 regarding change from 17 years to 19 years, Tempurejo society does not have any understanding of the change but everything is entrusted to marriage officers like Mudin (a village that is assigned for marriage service), as in the case of what is told by the site:

"We do not know that there are such rules; we only accept anything that is said Mudin; if Mudin says minor age, then it is necessary to go to court; but this tradition is still carried out because in marriage before, we only took care of the judiciary".⁵⁰

According to the village chief, Sutikno, "The people here do not understand the new rule about the age limitation of marriage; as long as they accept that the tree can be married to their daughters, they are already happy because they fear that if not soon at marriage will occur adultery, about the rule of accepting feelings of appreciation only, provided they do not so burden them."⁵¹

From some point of view, if the Tempurejo society continues to implement this tradition by accepting a change prescribed by the law as the acceptance of a rule that changes the social order, the implementation of this tradition due to the change of the rule must make a court permit if it is not enough age to marry its sons because this is a tradition that must be kept but also must obey the law.

⁴⁷ Sutikno, Interview with the author, (Jember: Rumah masyarakat ,2022)

⁴⁸ Wasma and Wardah Muroniyah, Marriage Law in Indonesia Comparison Fiqih and Positive Law (Medan:Zahir Trading, 1975). 248

⁴⁹ Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

⁵⁰ Siti, Interview with the author, (Jember: Rumah masyarakat ,2022)

⁵¹ Sutikno, Interview with the author, (Jember: Rumah masyarakat ,2022)

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As she said, "If it is a matter of state rules, we always obey; if it is told to follow, yes, we follow; but we keep this tradition because of many considerations, mainly religious considerations. We see, if religion permits, then it is not a problem if it remains implemented; but indeed, we accept the change of the age limit of marriage in the law. Yeah, how else do we only know it? Find food and follow the commandments of religion, so that this life prospers and according to the will of God", this is what has become a tradition of Tempurejo society for Abhekallaghi because of some beliefs and reasons that have become the basis of the customary law in Tempurejo, such as the basis of affinity, the basis of belief in a happy life, and the foundation of love...⁵²

It can be seen that if people keep the *abekhallaghi* tradition despite following changes through new rules by the state, where these rules make an impact on social change for Tempurejo people in carrying out these traditions because they have to follow the rules of the new rules, and have to do those traditions first they register to the Court for the establishment of marriage dispensation, all societies do not matter if there are new rules they will remain obedient but they still do this tradition with the new acceptance that they do.

Thus, according to the above statement, integration in customary tradition is a parameter of the doctrine aimed at convenience, where there is an understanding of the existence of Islamic law as a complexity of the national law and customary traditions with the aim of the law being progressive for the tempurejo society, then this government will provide understanding by socializing education about the early doctrines with the adaptation of local customary tradition so that parents and children have a view and understanding so that there is no loss in the future between the parents and the child so to get a harmonious relationship.

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Conclusion

The results of the above research can be concluded that the abhekallaghi tradition that exists in the tempurejo area has become a custom or culture that is applied by the people there, as in deceiving it at an early age even a lot of children who do not continue their school. And, of course, there are some factors behind the *abhekallaghi* tradition, but it's also a belief in the practice of the *abekallaghi* traditions.

Therefore, in the implementation of the *abhekallaghi* tradition, there is a gap between Law No. 16 of 2019 Section 1 Paragraph 1 on Marriage with the amendment of Act No. 1 of 1974. As stated by the law, the marriage must be 19 years old. And what's happening in the Tempurejo area is that a lot of people who do it at an underage age are worried that there will be so many divorces or other things. Then for the Tempurejo region, in order to balance the *abhekallaghi* traditions and

⁵² Sina, Interview with the author, (Jember: Rumah masyarakat ,2022)

the rules that have been in force in this country, which aim to avoid the numerous cases of divorce and the number of births.

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