L PENGHIWALAHAN IN SASAK *LAKO' PENGANTEN* IN NORTH LOMBOK: *A SADD AL-DHARĪ'A* ANALYSIS

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Abstract
This study examines the *Lako' Penganten* tradition practiced by the Muslim Sasak community in Medana Village, North Lombok, with particular attention to the *penghiwalahan* stage, in which the prospective bride is brought to the prospective groom's residence before the marriage contract. This study aims to analyze the implementation of *Lako' Penganten* and its legal implications from the perspective of *Sadd al-Dharīʿa*. Using a descriptive qualitative method with an empirical sociological approach, data were collected through observation, semi-structured interviews, and documentation. The collected data were analyzed using the framework of *Sadd al-Dharīʿa* to evaluate customary practices and their potential legal consequences. The findings indicate that *Lako' Penganten* contains positive social values, including family deliberation, mutual consent, kinship strengthening, and harmonious relations between families. However, the *penghiwalahan* stage creates circumstances that may facilitate *khalwa* and inappropriate interaction between non-*maḥram* individuals because no valid marital bond has been established. From the perspective of *Sadd al-Dharīʿa*, this stage represents a permissible means that may potentially lead to mafsada and therefore requires contextual modification. This study concludes that *Lako' Penganten* should be preserved through selective customary reconstruction by maintaining its cultural values while postponing the *penghiwalahan* stage until after the marriage contract.
Keywords: *Lako' Penganten, Penghiwalahan, Sadd al-Dharī'a*, Sasak Customary law.

Abstrak
Penelitian ini mengkaji tradisi Lako' Penganten yang dipraktikkan oleh masyarakat Sasak Muslim di Desa Medana, Lombok Utara, dengan fokus khusus pada tahap penghiwalahan, yaitu saat calon pengantin wanita dibawa ke kediaman calon pengantin pria sebelum akad nikah. Penelitian ini bertujuan untuk menganalisis pelaksanaan Lako' Penganten dan implikasi hukumnya dari perspektif Sadd al-Dharīʿa. Dengan menggunakan metode kualitatif deskriptif dan pendekatan sosiologis empiris, data dikumpulkan melalui observasi, wawancara semi-terstruktur, dan dokumentasi. Data yang terkumpul dianalisis menggunakan kerangka Sadd al-Dharīʿa untuk mengevaluasi praktik adat dan konsekuensi hukum potensialnya. Temuan menunjukkan bahwa Lako' Penganten mengandung nilai-nilai sosial yang positif, termasuk musyawarah keluarga, persetujuan bersama, penguatan ikatan kekerabatan, serta hubungan yang harmonis antar keluarga. Namun, tahap penghiwalahan menciptakan situasi yang berpotensi memfasilitasi khalwa dan interaksi yang tidak pantas antara individu yang bukan

maḥram karena ikatan perkawinan yang sah belum terjalin. Dari perspektif Sadd al-Dharīʿa, tahap ini merupakan sarana yang diperbolehkan namun berpotensi menimbulkan mafsada, sehingga memerlukan modifikasi. Penelitian ini menyimpulkan bahwa Lako' Penganten harus dilestarikan melalui rekonstruksi adat selektif dengan mempertahankan nilai-nilai budayanya sekaligus menunda tahap penghiwalahan hingga setelah akad nikah.
Kata Kunci: *Lako' Penganten, Penghiwalahan, Sadd al-Dharīʿa, Hukum Adat Sasak.*

A. INTRODUCTION

The interaction between customary law and Islamic law represents an important issue in the development of Islamic family law in Indonesia. As a country with diverse cultural backgrounds, Indonesia has various customary practices that continue to influence social life, including practices related to marriage. These traditions reflect local values, collective identity, and social relationships maintained by communities across generations.[1] From the perspective of Islamic law, customary practices are recognized as 'urf, referring to traditions or social practices that are accepted and continuously practiced by a community.[2] However, the recognition of 'urf as a legal consideration is conditional because a custom must not contradict the principles of *Sharīʿa*.[3] Therefore, customary practices require evaluation to determine whether they remain consistent with Islamic legal objectives.[4]

Marriage traditions in Indonesian Muslim communities demonstrate various forms of interaction between cultural practices and Islamic legal principles. One example is the practice of marriage proposal (*khiṭbah*), which

[1] Debi Nadia Putri and I. Made Andi Arsana, "Kajian Terhadap Aspek Geospasial Kabupaten dan Kota yang Bercirikan Kepulauan di Indonesia," *Geoid* 18, no. 2 (February 2023): 253–264, https://doi.org/10.12962/j24423998.v18i2.12955.

[2] Gibbon Rangel, "Characteristics of Culture, Customs and Traditions," *Journal of Anthropology Reports* 5, no. 5 (September 2022): 1–2, https://doi.org/10.35248/2684-1304.22.5.136.

[3] Darsul S. Puyu et al., "Mansai in the Marriage Tradition of the Banggai Ethnic in Central Sulawesi, Indonesia: A Living Sunnah Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (July 2023): 1352–1372, https://doi.org/10.22373/sjhk.v7i3.16510.

[4] Ahmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Mażhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (March 2025): 273–298, https://doi.org/10.22373/sjhk.v9i1.25355.

functions as a preliminary stage before marriage. In Islamic law, *khiṭbah* represents an expression of intention and commitment to establish a marital relationship but does not create the legal status of husband and wife. Therefore, prospective spouses remain subject to Islamic legal limitations before the marriage contract (*ʿaqd al-nikāḥ*) is concluded.[5]

One customary marriage proposal tradition that requires further examination is *Lako' Penganten*, practiced by the Muslim Sasak community in Medana Village, North Lombok. Based on preliminary field observations, this tradition involves a customary process in which the prospective bride and groom, along with their families and community representatives, participate in a series of customary procedures before marriage. One distinctive stage within this tradition is *penghiwalahan*, namely the transfer of responsibility for the prospective bride from her family to the prospective groom's family before the marriage contract is performed. At this stage, the prospective bride stays at the prospective groom's residence until customary obligations and marriage preparations are completed.[6]

The existence of the *penghiwalahan* stage raises legal questions from the perspective of Islamic law. Although the practice is understood by the Sasak community as a symbol of commitment and family agreement, the prospective bride and groom have not yet established a valid marital relationship. Before the marriage contract, both parties remain non-maḥram, and therefore the legal consequences of marriage have not yet emerged.[7] This condition creates a need to examine whether the practice may function as a means leading to potential violations of Islamic legal principles, particularly concerning interaction between non-maḥram individuals.

The principle of *Sadd al-Dharīʿa* provides an appropriate analytical framework for examining this issue. In Islamic jurisprudence, *Sadd al-Dharīʿa*

[5] Andi Darussalam, "Peminangan Dalam Islam (Perspektif Hadis Nabi Saw)," *Tahdis: Jurnal Kajian Ilmu Al-Hadis* 9, no. 2 (2018): 160–179, https://doi.org/10.24252/tahdis.v9i2.7537.

[6] Haji Umar Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana," (Medana Village), November 18, 2025.

[7] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."

refers to preventing permissible actions that may become a means toward prohibited consequences or harm (*mafsada*).[8] This principle emphasizes that legal evaluation should consider not only the original status of an action but also its potential consequences (*maʾālāt al-afʿāl*).[9] Therefore, a customary practice cannot be assessed solely based on its intention or social function but must also be examined based on the consequences generated by its implementation.

Previous studies on Sasak marriage traditions have demonstrated that customary marriage practices among the Sasak community represent a complex interaction between cultural identity, social institutions, and Islamic legal values. Research on the Merariq tradition shows that Sasak marriage practices cannot be understood solely as cultural ceremonies but also as social mechanisms that regulate family relationships, community recognition, and customary obligations. Hariati, Jamin, and Sulistiyono explain that the implementation of Merariq reflects the interaction between Sasak customary norms and state legal frameworks, particularly regarding the legal status of customary marriage practices.[10] Similarly, studies examining Merariq from the perspective of Islamic law highlight that the tradition contains social values that may be maintained while certain practices require evaluation based on Islamic legal principles.[11] Recent studies have also explored the relationship between Sasak customary marriage traditions and Islamic legal maxims. Research on the Merariq tradition in Kalijaga Village demonstrates that customary practices continue to receive community recognition because they contain social values related to family relationships and cultural identity, although their implementation requires

[8] Muhammad Ibnu Husain al-Jazani, *I'māl Qā'idat Sadd al-Dharā'i' Fī Bāb al-Bid'a*, 1st ed. (Riyāḍ: Dar al-Manhaj, 1428), p. 9.

[9] Ibnu Husain al-Jazani, *I'māl Qā'idat Sadd al-Dharā'i' Fī Bāb al-Bid'a*, p. 9.

[10] Sri Hariati, Moh Jamin, and Adi Sulistiyono, "The Legal Status of Marriage (Merariq) Implementation Within the Indigenous People of Sasak Lombok," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (August 2024): 406–422, https://doi.org/10.29303/ius.v12i2.1475.

[11] Rasmin Rasmin and Samsuddin Samsuddin, "Review of Islamic Law on the Tradition of Sasak Traditions in Panda Jaya Village, Pamona Selatan District, Poso District," *TAKLIFI : Jurnal Hukum Islam* 1, no. 1 (March 2024): 35–52, https://journal.unisad.ac.id/index.php/taklifi/article/view/106.

assessment through Islamic legal principles such as *al-'ādah muḥakkamah*.[12] Other studies have examined the reformulation of Merariq by considering socio-cultural values, Islamic law, and the potential consequences of certain customary mechanisms. These studies indicate that customary practices within Sasak society are not static traditions but dynamic institutions that continuously adapt to religious and legal considerations.[13]

Furthermore, research on other Sasak marriage practices, including Merariq Kodeq, illustrates that customary mechanisms may create legal issues when they intersect with contemporary legal standards. The study demonstrates the importance of evaluating customary practices through an empirical legal approach by considering community perspectives, religious authorities, and formal legal regulations.[14]And, research on the Sorong Serah tradition in East Lombok highlights the role of customary rituals in strengthening family resilience and preserving cultural values.[15] Another study concerning the Mopopene'e tradition among the Lauje ethnic community examines the compatibility between customary marriage practices and Islamic law.[16] In addition, research on customary marriage proposals in Jepara demonstrates how local engagement practices may be analyzed through the perspective of Islamic legal principles.[17]

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[12] Wardah Wardah and Ahyat Habibi, "The Merariq Tradition in Sasak Weddings in Kalijaga Village a Perspective Based on the Principle of Al-'Adah Muhakkamah," *Taushiah: Jurnal Hukum, Pendidikan Dan Kemasyarakatan* 16, no. 1 (June 2026): 98–114, https://doi.org/10.30743/taushiah.v16i1.13596.

[13] Sri Rejeki Sri et al., "Begawe Merariq as a Cultural–Religious Institution: Gender Roles and the Integration of Islamic Values in Sasak Wedding Traditions," *IBDA` : Jurnal Kajian Islam Dan Budaya* 23, no. 2 (December 2025): 269–288, https://doi.org/10.24090/ibda.v23i2.15030.

[14] Pahmi Adrian, Anies Prima Dewi, and Imawanto Imawanto, "Juridical Review of the Implementation of Early Marriage (Merariq Kodeq) in Sasak Customs in Review of the Marriage Law (Study in Lepak Village, Sakra Timur Sub-District, East Lombok District)," *Media Keadilan: Jurnal Ilmu Hukum* 15, no. 1 (July 2024): 15–29, https://doi.org/10.31764/jmk.v15i1.23631.

[15] Zaenuddin Nazri and Ita Rahmania Kusumawati, "The Role of Sorong Serah Traditional Wedding Ritual of Resilience in East Lombok," *Familia: Jurnal Hukum Keluarga* 6, no. 2 (2025): 242–263, https://doi.org/10.24239/familia.v6i2.350.

[16] Nuratika, Muhammad Syarif Hasyim, and Hamiyuddin, "Pandangan Hukum Islam Terhadap Adatmopopene'e Dalam Perkawinan Suku Lauje Didesa Lombok Kecamatan Tinombokabupaten Parigi Moutong," *Familia: Jurnal Hukum Keluarga* 1, no. 1 (2020): 39–59, https://doi.org/10.24239/6aqazz96.

[17] Ardi Iksan, "Tinjauan Kompilasi Hukum Islam Terhadap Praktik Peminangan Secara Hukum Adat Di Desa Surodadi Kec. Kedung Kab. Jepara," *Isti`dal : Jurnal Studi Hukum Islam* 5, no. 2 (2018): 153–164, https://doi.org/10.34001/istidal.v5i2.1317.

Although previous studies have contributed significantly to understanding Sasak customary marriage traditions, they have primarily focused on cultural values, social functions, customary obligations, and the general legal validity of these practices from the perspectives of customary and Islamic law. However, previous studies have not sufficiently examined the specific mechanism of *Lako' Penganten* in which the prospective bride is taken to and stays at the prospective groom's residence before the marriage contract, particularly with regard to the circumstances surrounding her stay and the potential consequences of this practice. More specifically, previous research has not adequately explained whether such a mechanism constitutes an actual *mafsada*, merely creates a potential risk of *mafsada*, or may remain permissible as a customary practice subject to appropriate safeguards. Nor has this specific mechanism been sufficiently examined through the analytical framework of *Sadd al-Dharīʿa*, which considers the relationship between a means (*wasīla*), the circumstances of its implementation, and the potential consequences to which it may lead.

Therefore, this study seeks to address this empirical and analytical gap by examining the *penghiwalahan* stage of *Lako' Penganten* among the Sasak Muslim community in Medana Village, North Lombok, and by analyzing whether, and under what circumstances, this customary mechanism may require modification or reconstruction based on Islamic legal principles. Primary data were obtained through semi-structured interviews with customary leaders, village officials, community leaders, and other relevant informants involved in the implementation of the tradition. Secondary data were obtained from relevant books, scientific articles, and Islamic legal literature related to customary law and *Sadd al-Dharīʿa*. Data collection is conducted through observation techniques (descriptive, focused, and selected observation), semi-structured interviews, and

documentation.[1819] The collected data were analyzed through the framework of *Sadd al-Dharīʿa* to examine the relationship between the customary mechanism, the circumstances of its implementation, and its potential consequences. The analysis distinguishes between harms actually identified in the field and potential *mafsada* inferred from the circumstances of the practice. This approach enables the study to determine which elements of *Lako' Penganten* may be preserved and which specific mechanisms may require modification or reconstruction based on Islamic legal principles.[20] Through this approach, this research aims to demonstrate that harmonizing customary practices with Islamic legal principles does not require eliminating cultural traditions but rather reconstructing specific mechanisms that may may potentially conflict with the objectives of Sharīʿa.

B. RESULTS AND DISCUSSIONS

1. The Social and Customary Construction of *Lako' Penganten* Tradition

The *Lako' Penganten* tradition represents a customary institution maintained by the Muslim Sasak community in Medana Village, North Lombok. Based on field findings, this tradition is not merely a private agreement between prospective spouses but a communal process involving families, customary leaders, religious figures, and community representatives. The continuation of *Lako' Penganten* demonstrates that customary practices remain an important social mechanism in regulating interpersonal relationships and maintaining social order within the community.[21]

From the perspective of legal sociology, the existence of *Lako' Penganten* reflects the characteristics of living law, in which legal norms develop and

[18] John W. Creswell and Cheryl N. Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Thousand Oaks, CA: SAGE Publications, 2023), p. 149.

[19] David R. Thomas, "A General Inductive Approach for Analyzing Qualitative Evaluation Data," *American Journal of Evaluation* 27, no. 2 (June 2006): 237–246, https://doi.org/10.1177/1098214005283748.

[20] Habib Ahmed, "Islamic Normative Legal Theory: Framework and Applications," *Journal of Law and Religion* 40, no. 1 (January 2025): 28–58, https://doi.org/10.1017/jlr.2025.10056.

[21] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."

operate within society through continuous acceptance and practice.[22] A customary practice gains social legitimacy not only because it has been inherited from previous generations but also because the community recognizes its function in maintaining social relationships.[23] Therefore, the authority of *Lako' Penganten* does not solely originate from formal state recognition but from collective acceptance among members of the Sasak community.

The empirical findings indicate that the implementation of *Lako' Penganten* begins with mutual agreement between the prospective bride and groom and the approval of both families. According to H. Umar Kholid, Head of Medana Village, the process starts with a family visit (silaturahmi) from the prospective groom's family to the prospective bride's family to confirm the intention of marriage. After both parties agree, the families determine the customary schedule and prepare the requirements needed for the ceremony.[24] This process demonstrates that *Lako' Penganten* is constructed upon principles of deliberation (*musyawarah*), consent, and family involvement.

The involvement of various social actors further confirms the communal character of this tradition. Customary leaders (*tokoh adat*) are responsible for maintaining customary procedures, while hamlet heads (*kepala dusun*) function as intermediaries between the two families.[25] Religious leaders, community representatives, and family members participate as witnesses who provide social legitimacy to the customary agreement.[26] Such involvement indicates that marriage within the Sasak community is understood not only as an individual relationship between two persons but also as a social institution involving broader community relations.

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[22] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (1975; New York: Russell Sage Foundation, 1975), p. 2–5.

[23] Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (1936; Cambridge: Harvard University Press, 1936), p. 493.

[24] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."

[25] Muhammad Sayuri, "Penerapan Lako' Penganten Menurut Ketua RT Dusun Golongan," (Medana Village), November 25, 2025.

[26] Lalu Sumedi, "Praktek Adat Lako' Penganten Menurut Kepala Adat," (Medana Village), November 19, 2025.

This social function corresponds with the concept of 'urf in Islamic legal theory, where customs may become a consideration in legal reasoning when they reflect accepted social practices and do not contradict Islamic legal principles.[27] The positive elements contained in *Lako' Penganten*, including family consultation, mutual consent, and strengthening kinship relations, represent aspects of customary practice that are compatible with the objectives of Islamic family law. In this context, the existence of *Lako' Penganten* cannot be viewed solely from its legal limitations but must also be understood through its social contribution to maintaining harmony among families.

The community's continued acceptance of *Lako' Penganten* is closely related to its function as a mechanism for preventing social conflict. Field findings show that community leaders consider this tradition as a more structured and socially accepted alternative to practices such as memaling, which historically involved taking a prospective bride without prior family consultation. According to Muhammad Sayuri, the customary process provides transparency because all stages are conducted openly through agreement between families and community representatives.[28] Therefore, the tradition functions as a social institution that regulates marriage relationships while preserving communal values.

Nevertheless, the social legitimacy of a customary practice does not automatically mean that every mechanism within that practice is free from legal evaluation. Islamic legal theory recognizes customs as valid considerations only when they remain consistent with *Sharīʿa* objectives.[29] Therefore, although *Lako' Penganten* contains significant social values, certain stages within its implementation require further analysis, particularly the *penghiwalahan* stage, which becomes the central issue examined through the perspective of *Sadd al-Dharīʿa* in the following discussion.

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[27] Anshori and Abdurrahman, "History of the Development of Mażhab, Fiqh and Uṣūl Al-Fiqh," p. 273–298.

[28] Sayuri, "Penerapan Lako' Penganten Menurut Ketua RT Dusun Golongan."

[29] Wahbah al-Zuḥaylī, *Uṣūl al-Fiqh al-Islāmī*, (Damascus: Dār al-Fikr, 1986), vol. 2, p. 828–829.

2. The Implementation Process of *Lako' Penganten* in Medana Village

The implementation of *Lako' Penganten* in Medana Village consists of several customary stages that reflect the collective nature of Sasak marriage practices. The process does not begin with the transfer of the prospective bride but starts through communication, agreement, and preparation between the two families. These stages demonstrate that marriage within the Sasak community is understood as a social relationship involving family participation and customary recognition.

a) Pre-Implementation Stage: Family Deliberation and Customary Preparation

Before the customary ceremony takes place, the prospective groom's family communicates its intention to the prospective bride's family through customary representatives. This initial communication aims to confirm the willingness of both prospective spouses and ensure that the marriage plan has received approval from both families. The involvement of family representatives shows that *Lako' Penganten* emphasizes collective agreement rather than merely individual decisions between prospective spouses.[30]

Based on field findings, the pre-implementation stage also involves coordination with customary leaders and hamlet representatives. These figures play an important role in ensuring that the customary procedures are carried out according to local norms. According to Hayadi, S.Pd., the hamlet head of Medana Village, customary representatives function as intermediaries who communicate the intentions of both families, facilitate discussions, and ensure that agreements are reached before the ceremony proceeds.[31]

From the perspective of customary law, this stage reflects the function of adat as a mechanism for maintaining social order. The involvement of customary authorities demonstrates that *Lako' Penganten* operates as a community-based institution where legitimacy is obtained through collective recognition. This characteristic corresponds with the concept of living law, where legal norms

[30] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."
[31] Hayadi, "Tahapan Lako' Penganten Menurut Kepala Dusun Golongan," (Medana Village), November 20, 2025.

emerge from social practices that are continuously accepted and implemented by society.[32] [33]

b) Implementation Stage: Public Confirmation and Customary Agreement

The main implementation stage begins with a customary gathering attended by the prospective bride and groom, their families, customary leaders, hamlet representatives, religious figures, and community representatives. During this gathering, the intention of marriage is formally conveyed and the prospective bride is asked directly regarding her willingness to continue the marriage process.[34] This mechanism demonstrates the importance of consent (*riḍā*) and prevents marriage arrangements based on coercion.[35]

After mutual consent is confirmed, the process continues with customary negotiations concerning obligations between the two families. These obligations include *pesuke*, which represents a symbolic expression of gratitude from the groom's family to the bride's parents, and *adat kerama*, which refers to customary contributions determined according to local regulations.[36]

The negotiation process reflects the social function of customary law in facilitating agreement between parties. Rather than representing a commercial transaction, these customary obligations function as symbolic expressions of respect, responsibility, and social recognition between families. In this context, the practice remains connected with the values of *silaturahmi* and mutual assistance that characterize Sasak communal relations.

The completion of customary agreements provides social legitimacy for the continuation of the marriage process. However, these agreements do not yet create a marital relationship because the legal bond of marriage is only established after the completion of the marriage contract (*ʿaqd al-nikāḥ*).[37] This

[32] Ehrlich, *Fundamental Principles of the Sociology of Law*, p. 493.
[33] M. Friedman, *The Legal System: A Social Science Perspective*, p. 2–5.
[34] Hayadi, "Tahapan Lako' Penganten Menurut Kepala Dusun Golongan."
[35] Darussalam, "Peminangan Dalam Islam (Perspektif Hadis Nabi Saw)," p. 167.
[36] Ali Asgar, "Proses Lako' Penganten dan Adat Kerama," (Medana Village), November 20, 2025.
[37] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."

distinction is important because customary recognition and Islamic legal status operate within different normative frameworks.

c) *Penghiwalahan* Stage: Transfer of Responsibility Before Marriage Contract

The distinctive characteristic of *Lako' Penganten* appears in the stage of *penghiwalahan*. At this stage, the prospective bride is transferred from the responsibility of her family to the prospective groom's family and stays at the groom's residence before the marriage contract is performed. According to field findings, this process represents a customary symbol indicating that both families have agreed to continue the marriage process.[38]

From the perspective of the local community, *penghiwalahan* reflects commitment, trust, and the establishment of a relationship between the two families. The practice is not understood as the beginning of marital life but as part of the customary process leading toward marriage. Therefore, within the social construction of the Sasak community, this stage carries significant symbolic meaning.[39] Nevertheless, the position of *penghiwalahan* requires further legal examination because the prospective bride and groom have not yet entered into a valid marriage contract. Although customary recognition has occurred, Islamic law still considers both individuals as non-maḥram until the marriage contract is completed. Therefore, this stage becomes the central point requiring analysis through the perspective of *Sadd al-Dharīʿa*, which will be discussed in the subsequent section.

d) Post-Implementation Stage: Completion of Customary and Marriage Requirements

Following the *penghiwalahan* process, the groom's family continues preparing the remaining customary and administrative requirements before the marriage contract. Based on field findings, the marriage contract is not always performed immediately after *penghiwalahan* because the families must complete

[38] Hayadi, "Tahapan Lako' Penganten Menurut Kepala Dusun Golongan."
[39] Asgar, "Proses Lako' Penganten dan Adat Kerama."

preparations related to customary obligations, wedding arrangements (gawae), and coordination between both parties.[40]

The duration between *penghiwalahan* and the marriage contract depends on the readiness of the families and the completion of agreed customary requirements. Once all preparations are completed, the groom's family formally invites the bride's guardian (wali) for the marriage contract ceremony.[41]

This stage demonstrates that *Lako' Penganten* functions as a transitional customary process between engagement and marriage. However, the existence of a transitional period before the marriage contract also creates a legal space that requires evaluation, particularly regarding the relationship status between prospective spouses during this period.

3. The Legal Position of *Lako' Penganten* under Islamic Law and *Sadd al-Dharīʿa* Analysis

The findings demonstrate that *Lako' Penganten* cannot be assessed solely as a customary practice that is either completely accepted or completely rejected. From the perspective of Islamic law, customary practices require a comprehensive evaluation by considering their objectives, social functions, and potential consequences. Therefore, the analysis of *Lako' Penganten* requires distinguishing between the customary elements that reflect legitimate social values and specific mechanisms that may create legal concerns.

a) *Lako' Penganten* as a Recognized Customary Practice (*'Urf*)

Islamic legal theory recognizes customs as a source of legal consideration when they fulfill certain requirements, including being commonly practiced, accepted by society, and not contradicting explicit Islamic legal principles. Such customs are generally categorized as *'urf ṣaḥīḥ*, meaning customs that provide social benefits and remain compatible with *Sharīʿa* objectives.[42]

[40] Kholid, "Praktek Adat Lako' Pengantin di Desa Medana Menurut Kepala Desa Medana."
[41] Sayuri, "Penerapan Lako' Penganten Menurut Ketua RT Dusun Golongan."
[42] Wahbah al-Zuḥaylī, *Uṣūl al-Fiqh al-Islāmī*, (Damascus: Dār al-Fikr, 1986), vol. 2, p. 828–829.

Based on the empirical findings, several elements of *Lako' Penganten* correspond with these characteristics. The process emphasizes family deliberation (*musyawarah*), mutual agreement between prospective spouses, involvement of guardians and community representatives, and the strengthening of kinship relations. These values are consistent with the objectives of Islamic family law, particularly the preservation of family relationships, prevention of disputes, and establishment of social harmony.

The recognition of these positive elements is important because Islamic law does not aim to eliminate local traditions merely because they originate from customary practices. Historically, Islamic legal scholars have acknowledged that customs may become a basis for legal consideration when they do not violate the objectives of *Sharīʿa*. Therefore, the existence of *Lako' Penganten* as a cultural institution cannot be rejected entirely simply because it is a local tradition.

This approach is also consistent with the concept of legal pluralism, where social norms and religious norms interact within a community.[43] [44] In Indonesian Muslim societies, customary law and Islamic law have historically developed through mutual adaptation rather than complete replacement of one system by another.[45]

b) The Distinction Between Social Legitimacy and Islamic Legal Status

Although *Lako' Penganten* receives strong social recognition from the Sasak community, Islamic legal evaluation requires a distinction between customary legitimacy and legal consequences under *Sharīʿa*. Social acceptance of a practice does not automatically establish its legal validity in every aspect.

This distinction becomes important because *Lako' Penganten* occurs during the period before the marriage contract. In Islamic law, *khiṭbah* or engagement does not create a marital relationship. The prospective bride and

[43] Soerjono Soekanto, *Hukum Adat Indonesia* (Depok: PT Raja Grafindo Persada, 2020), p. 26.

[44] Hilman Hadikusuma, *Hukum Perkawinan Adat*, 4th ed. (Bandung: Citra Aditya Bakti, 1995), p. 16.

[45] Retno Lukito, *Islamic Law and Adat Encounter: The Experience of Indonesia* (Jakarta: Logos, 2001), p. 43.

groom remain non-maḥram until the completion of *ʿaqd al-nikāḥ*. Therefore, the rights and obligations associated with marriage, including lawful marital interaction, have not yet been established.[46]

The field findings indicate that the main legal concern does not arise from the customary agreement, family deliberation, or symbolic commitment between families. These elements remain within the framework of a permissible customary process. The concern specifically emerges from the mechanism of *penghiwalahan*, where the prospective bride resides at the prospective groom's residence before the marriage contract.

Thus, the legal assessment should not be directed toward the entire institution of *Lako' Penganten*, but toward whether this particular stage creates circumstances that may conflict with Islamic legal objectives.

c) The Application of *Sadd al-Dharīʿa* and Maqāṣid al-*Sharīʿa* in Evaluating Customary Practices

The application of *Sadd al-Dharīʿa* in Islamic legal analysis demonstrates that legal assessment should not be limited to examining the original status of an action but must also consider the consequences that may emerge from its implementation. In this framework, an action that is originally permissible (*mubāḥ*) may require restriction when it becomes a means that has a strong possibility of leading to prohibited consequences. Therefore, *Sadd al-Dharīʿa* functions as a preventive legal mechanism aimed at protecting Islamic legal objectives by preventing potential harm before it occurs.[47]

Contemporary studies on *Sadd al-Dharīʿa* emphasize that this principle remains relevant in addressing modern legal issues, including matters related to Islamic family law. The application of *Sadd al-Dharīʿa* in Indonesian Islamic family law demonstrates that legal regulations may incorporate preventive considerations by limiting practices that potentially generate greater harm.[48]

[46] Darussalam, "Peminangan Dalam Islam (Perspektif Hadis Nabi Saw)," p. 166.

[47] Mohd Ramizu bin Abdullah, "Sadd Al-Dhara'i: Konsep dan Autoriti," *Jurnal KIAS* 4, no. 1 (2008): 1–16, https://ejournals.kias.edu.my/index.php/jurnalkias/article/view/58.

[48] Fajar Rachmadhani, Mualimin Mochammad Sahid, and Muchammad Ichsan, "The Use of Sadd Al-Dhari'ah on Contemporary Islamic Family Law in Indonesia: Concept and Practice,"

This approach indicates that Islamic legal reasoning does not only focus on whether an act is permissible in its initial form but also evaluates its possible social and legal consequences.

In relation to *Lako' Penganten*, the principle of *Sadd al-Dharīʿa* provides a framework to distinguish between the social purpose of the tradition and the potential consequences of certain mechanisms within it. The purpose of *penghiwalahan*, such as strengthening family relations, maintaining commitment, and preserving customary identity, represents a legitimate social interest. However, the transition of the prospective bride to the prospective groom's residence before the marriage contract creates a different legal consideration because it occurs before the establishment of a valid marital relationship.

This analysis is consistent with the concept of *maqāṣid al-Sharīʿa*, which emphasizes that Islamic law aims to achieve human welfare (maṣlaḥah) and prevent harm (*mafsada*). Contemporary maqāṣid studies explain that the objectives of Islamic law are not limited to textual compliance but also involve protecting essential human interests, including religion, life, intellect, lineage, and property.[49] Therefore, the evaluation of customary practices requires a balanced consideration between maintaining beneficial social traditions and preventing circumstances that may undermine Islamic legal objectives.

From this perspective, the issue of *penghiwalahan* should not be understood as a rejection of Sasak customary values. Rather, it represents a situation where a customary mechanism requires adjustment to ensure that the practice remains aligned with the objectives of *Sharīʿa*. The approach of modifying rather than eliminating the tradition reflects the flexibility of Islamic legal methodology in responding to local customs. A similar perspective is found in contemporary discussions of maqāṣid al-*Sharīʿa*, which emphasize contextual

Malaysian Journal of Syariah and Law 12, no. 1 (April 2024): 206–215, https://doi.org/10.33102/mjsl.vol12no1.505.

[49] Abd Rauf Muhammad Amin, "Implementation of Maqasid Al-Syariah Contemporary Perspective," *Journal of Social Transformation and Regional Development* 2, no. 3 (2020): 189–200, https://journal.uthm.edu.my/index.php/jstard/article/view/8025.

interpretation and the ability of Islamic law to accommodate social change while maintaining its fundamental objectives.[50]

Furthermore, the relationship between *Sadd al-Dharīʿa* and maqāṣid al-*Sharīʿa* demonstrates that preventing potential harm is not intended to restrict cultural expression arbitrarily. Instead, it functions as a mechanism to ensure that social practices continue to provide benefits without creating consequences contrary to Islamic values.[51]

d) *Penghiwalahan* as a Subject of *Sadd al-Dharīʿa* Analysis

The principle of *Sadd al-Dharīʿa* provides a methodological approach for evaluating actions that are originally permissible but may become a means toward prohibited consequences. According to classical Islamic legal scholars, an action may be restricted when its implementation creates a strong possibility of leading to harm (*mafsada*), even though the original action itself is not prohibited.[52]

In the context of *Lako' Penganten*, the purpose of *penghiwalahan* is not inherently negative. The community understands it as a symbol of commitment, trust, and responsibility between families. However, Islamic legal analysis does not examine intention alone but also considers the consequences generated by a practice (iʿtibār al-maʾālāt). [53]

The empirical findings reveal that after *penghiwalahan*, the prospective bride may remain in the prospective groom's residence until the completion of customary obligations and wedding preparations. During this period, no marital contract has yet been established. Consequently, the situation creates a

[50] Mohamed El-Tahir El-Mesawi, "Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC-IIUM)," *Al-Shajarah Journal of the International Institute of Islamic Thought and Civilization (ISTAC)* 25, no. 2 (December 2020): 263–295, https://doi.org/10.31436/shajarah.v25i2.1141.

[51] Rukhul Amin, "Sadd Al-Dzari'ah: Korelasi Dan Penerapannya Dalam Hukum Ekonomi Syariah," *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 4, no. 2 (December 2020): 1–11, https://doi.org/10.30651/justeko.v4i2.6856.

[52] Ibnu Husain al-Jazani, *I'māl Qā'idat Sadd al-Dharā'i' Fī Bāb al-Bid'a*, p. 9.

[53] Abū Isḥāq al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharīʿah*, vol. 4 (Cairo: al-Maktabah al-Tijāriyyah al-Kubrā, 1920), 194, http://archive.org/details/almuwafaqatfiusu04shibuoft.

possibility of interaction between non-maḥram individuals that requires preventive consideration within Islamic legal reasoning.

Based on the framework of *Sadd al-Dharīʿa*, the issue is not whether *penghiwalahan* was created with an unlawful intention, but whether the mechanism itself has the potential to become a pathway toward consequences inconsistent with *Sharīʿa* objectives. In this regard, the principle of preventing potential harm becomes relevant because Islamic legal methodology considers the foreseeable consequences of human actions.

e) Balancing *Maṣlaḥah* and Potential *Mafsada* in Customary Reconstruction

The application of *Sadd al-Dharīʿa* does not necessarily require the abolition of *Lako' Penganten*. A complete rejection of the tradition would ignore the social values preserved through the practice, including family solidarity, collective responsibility, and cultural identity.

Instead, the more appropriate approach is selective customary reconstruction (*iṣlāḥ al-'urf*), namely preserving aspects of the tradition that are compatible with Islamic values while modifying mechanisms that may create legal concerns. This approach reflects the principle that Islamic law accommodates beneficial customs while preventing practices that may undermine the objectives of *Sharīʿa*.

In this case, the values of family deliberation, customary agreement, and community participation may continue to be maintained. However, the transfer of the prospective bride to the prospective groom's residence may be postponed until after the marriage contract has been completed. Such modification preserves the cultural meaning of *Lako' Penganten* while avoiding circumstances that may create potential *mafsada*.

Therefore, the legal conclusion based on *Sadd al-Dharīʿa* is not that *Lako' Penganten* is an invalid tradition as a whole. Rather, the analysis identifies that the *penghiwalahan* mechanism requires adjustment to achieve compatibility between Sasak customary values and Islamic legal principles.

C. CONCLUSION

This research demonstrates that *Lako' Penganten* is a customary marriage proposal tradition that continues to function as an important social institution among the Muslim Sasak community in Medana Village, North Lombok. The tradition contains positive social values, including family deliberation, mutual agreement, strengthening of kinship relations, and community involvement in the marriage process. These aspects indicate that *Lako' Penganten* has a significant social function and may be recognized as a customary practice (*'urf*) as long as it remains consistent with Islamic legal principles.

However, the research also identifies that the legal concern does not relate to the existence of *Lako' Penganten* as a whole, but specifically to the *penghiwalahan* stage, in which the prospective bride is brought to the prospective groom's residence before the marriage contract (*ʿaqd al-nikāḥ*) is performed. Although this practice is maintained by the community as a symbol of commitment and family responsibility, its implementation creates circumstances that may facilitate interaction between non-maḥram individuals before the establishment of a valid marital relationship.

Through the framework of *Sadd al-Dharīʿa*, this research concludes that *penghiwalahan* represents a permissible means that requires evaluation because it may become a pathway toward potential *mafsada*. Nevertheless, the application of *Sadd al-Dharīʿa* does not require the abolition of the *Lako' Penganten* tradition. Instead, it supports a selective customary reconstruction approach by preserving the cultural and social values of the tradition while modifying the mechanism that may conflict with Islamic legal objectives.

Therefore, this research recommends that customary leaders, religious authorities, and village institutions engage in constructive dialogue to develop customary adjustments that maintain Sasak cultural identity while ensuring conformity with Islamic legal principles. Future studies may further examine the adaptation of other Indonesian customary marriage traditions through the perspectives of Islamic legal theory and legal pluralism.

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