

THE EXISTENCE OF THE TRADITION OF THE PROHIBITION OF NGIDUL-NGETAN MARRIAGE: AN ANALYSIS OF LIVING LAW AND 'URF IN ISLAMIC LAW

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Abstract

This study aims to analyze the acceptance, response, and practice of the Ngidul Ngetan marriage prohibition in Bangunrejo Village and examine its position from the perspectives of Eugen Ehrlich's Living Law theory and the Islamic legal concept of 'Urf. The Ngidul Ngetan tradition prohibits marriage between residents of Bangunrejo and Sekaralas villages based on the belief that the south-east directional alignment resembles a sickle shape, symbolizing misfortune. This research employs a qualitative approach with a juridical-empirical design. Data were collected through in-depth interviews with four categories of informants: customary leaders, religious figures, marriageable-age residents, and couples who violated the tradition. Data were analyzed using descriptive-analytical methods through data reduction, categorization, theoretical interpretation, and source triangulation. The findings reveal that the normative strength of the Ngidul Ngetan tradition has significantly weakened, shifting from a sacred norm to a symbolic social norm maintained through respect for ancestors and social harmony rather than fear of supernatural consequences. From the Living Law perspective, this tradition represents living law as it operates without formal enforcement and adapts dynamically. From the 'Urf perspective, this tradition is categorized as 'urf ṣaḥīḥ (valid custom) as it does not contradict Islamic principles and promotes social welfare. This research contributes to understanding the harmonious synergy between customary law and Islamic law in shaping legal consciousness in Indonesian society.

Keywords: Marriage prohibition; Squirrels; 'Urf; Living Law

Abstrak

Penelitian ini bertujuan untuk menganalisis penerimaan, respon, dan praktik larangan nikah Ngidul Ngetan di Desa Bangunrejo serta mengkaji kedudukannya dalam perspektif teori Living Law Eugen Ehrlich dan konsep 'Urf dalam hukum Islam. Tradisi Ngidul Ngetan melarang pernikahan antara warga Desa Bangunrejo dengan Desa Sekaralas berdasarkan keyakinan bahwa arah geografis selatan-timur menyerupai bentuk celurit yang melambangkan kesialan. Penelitian ini menggunakan pendekatan kualitatif dengan desain yuridis-empiris. Data dikumpulkan melalui wawancara mendalam dengan empat kategori informan: tokoh adat, tokoh agama, warga usia menikah, dan pasangan yang melanggar tradisi. Data dianalisis menggunakan metode deskriptif-analitis melalui reduksi data, kategorisasi, interpretasi teoretis, dan triangulasi sumber. Hasil penelitian menunjukkan bahwa kekuatan normatif tradisi Ngidul Ngetan mengalami pelemahan signifikan, dengan pergeseran dari norma sakral menjadi norma sosial simbolik yang dipertahankan karena penghormatan terhadap leluhur dan harmoni sosial. Dalam perspektif Living Law, tradisi ini merupakan hukum yang hidup (living law) karena beroperasi tanpa penegakan formal dan beradaptasi secara dinamis. Ditinjau dari konsep 'Urf, tradisi ini termasuk 'urf ṣaḥīḥ (kebiasaan yang sah) karena tidak bertentangan dengan prinsip syariat dan membawa kemaslahatan sosial. Penelitian ini berkontribusi dalam memahami sinergi harmonis antara hukum adat dan hukum Islam dalam membentuk kesadaran hukum masyarakat Indonesia.

Kata Kunci: Larangan Pernikahan; Ngidul-Ngetan; 'Urf; Living Law

INTRODUCTION

Customary law is one of the important pillars in the Indonesian legal system that reflects the personality and identity of the nation. As an unwritten law, customary law grows and develops in people's lives based on values, norms, and habits that are upheld from generation to generation. Customary law has a flexible and dynamic nature, able to adapt to social changes without losing the essence of the noble values contained in it (Arliman, 2018) and (Warjiyati, 2020). In Indonesia, customary law not only regulates aspects of land ownership or inheritance, but also touches the realm of personal life such as marriage, which is still firmly held by rural communities.

Marriage from the perspective of customary law is often influenced by various local traditions and beliefs that function to maintain social and spiritual harmony. One of the unique traditions that still survives to this day is the prohibition of inter-village marriage known as *Ngidul Ngetan* in Bangunrejo Village, Widodaren District, Ngawi Regency, East Java. This tradition prohibits the residents of Bangunrejo Village from marrying the residents of Sekaralas Village because the geographical location of the two villages facing each other to the south (*ngidul*) and east (*ngetan*) is believed to form a pattern resembling a *celurit*—a sharp weapon that in Javanese symbolism is considered a bad omen and a wreak of havoc for domestic life (Interview with Resource Person I, September 28, 2025).

The uniqueness of *the Ngidul Ngetan tradition* lies in the aspect of geographical symbolism associated with the fate and harmony of the household. The Bangunrejo people believe that violations of this custom can have negative impacts such as disharmony in marriage, and even economic difficulties (Interview with Resource Person III, September 27, 2025). However, along with the development of the times and changes in the mindset of the community, belief in the mystical aspects of this tradition began to weaken. The younger generation now views this tradition more as a form of respect for ancestors and an effort to maintain social harmony, not as an absolute prohibition that must be obeyed for fear of curses or catastrophes (Interview with Resource Person IV, October 4, 2025).

This phenomenon is interesting to study because it shows the dynamics of customary law in dealing with modernity. On the one hand, the tradition *Lead Generation* is still recognized and respected as part of the cultural identity of the Bangunrejo community. On the other hand, its normative meaning and power have undergone a transformation from a sacred prohibition to a more symbolic social norm. Previous research on customary law and marriage has generally focused on aspects of formal law and conflicts with state law (Waluyo, 2020), but not many have studied in depth how

local traditions survive and adapt in the context of social change using the perspective of the sociology of law and Islamic law in an integrative manner.

Several previous studies have discussed the prohibition of marriage from the perspective of customary law and Islamic law. (Kartikasar, 2018) examines the relationship between Islamic law and customary law on the prohibition of marriage in Karangasari Village, Kulon Progo Regency, but the focus of the study is more on normative-juridical aspects. (Prayitno, M. H., & Ishaq, 2022) analyzes the prohibition of marriage in the month of Suro from the perspective of Javanese customary law and Islamic law, which discusses the temporal dimension in the prohibition of marriage. Meanwhile, (Ja'far, A. K., 2021) researching the bed-off tradition from an interdisciplinary perspective in the communities of West Java and Lampung. However, there have been no studies that have specifically analysed the tradition of prohibiting geographically based marriage (such as *Lead Generation*) by using theoretical integration *Living Law* Eugen Ehrlich and the concept '*Urf* in Islamic law.

To understand the existence of tradition *Lead Generation* Comprehensively, this study uses two complementary theoretical frameworks. First, the theory *Living Law* of Eugen Ehrlich who emphasized that true law does not lie in written rules, but in the norms that live and are carried out in the daily life of society (Eugen Ehrlich, 1936). Second, the concept '*Urf* in Islamic law which affirms that the habits of the community can be a source of law as long as they do not contradict the principles of sharia and bring benefits (Amalia, 2020) (Fauzi, 2024). The integration of these two perspectives allows for a holistic analysis of tradition *Lead Generation*, both from the sociological and normative-religious dimensions.

Based on this background, this study aims to answer two problem formulations: First, the extent of acceptance/response and practice of the prohibition of *marriage of Ngidul Ngetan* in Bangunrejo Village (normative force)? Second, what is the position of the tradition of prohibiting *Ngidul Ngetan* marriage from the perspective of *Eugen Ehrlich's* theory of *Living Law* and the concept of '*Urf* in Islamic law? Through this research, it is hoped that it can contribute to thinking about how customary law and Islamic law can synergize in shaping the legal awareness of the Indonesian people, as well as provide a deeper understanding of the dynamics of local traditions in the modern era.

RESEARCH METHODS

This study uses a qualitative approach with a juridical-empirical design that combines normative analysis of the concepts of *Living Law* and '*Urf* with empirical data on the practice of the *Ngidul Ngetan* tradition in the field (Marzuki, 2021). The research

was carried out in Bangunrejo Village, Widodaren District, Ngawi Regency, East Java, from April to October 2025. The selection of this location was based on the consideration that Bangunrejo Village is one of the areas that still maintains the tradition of prohibiting *Ngidul Ngetan* marriage for generations.

Participants are selected by *purposive sampling* with the criteria of having knowledge of the *Ngidul Ngetan* tradition, willing to provide information openly, and representing various perspectives of the community. Participants consisted of traditional leaders (Mr. WL, a village elder who understood the history and practices of traditions), religious leaders (Mr. S, who provided an Islamic perspective on local traditions), citizens of married age (UA, 21 years old, representing the younger generation), and couples who violated the customs (Mr. T and Mrs. W, who got married despite being hindered by tradition).

Primary data were collected through semi-structured in-depth interviews in Javanese and Indonesian, lasting 30-60 minutes, recorded and transcribed in a systematic manner. *verbatim* in the place chosen by the informant. Secondary data obtained from literature studies include Islamic law books, customary law, legal sociology, scientific journals, and official documents that were selectively selected to ensure quality and relevance to the research topic.

RESULTS AND DISCUSSION

The *Ngidul Ngetan tradition* is one of the cultural heritage that is still maintained by the people of Bangunrejo Village, although its meaning and practice have undergone transformation with the changing times. Based on the results of an interview with Mr. WL as a traditional leader, this tradition has existed since the time of our ancestors and has been passed down orally from generation to generation. The term "*Ngidul Ngetan*" comes from the Javanese language which means south (*ngidul*) and east (*ngetan*), referring to the geographical position of Bangunrejo Village and Sekaralas Village which face each other to form a pattern that is believed to resemble the shape of a *celurit*—a one-edged sharp weapon that in Javanese symbolism is considered a bad omen and a bringer of bad luck.

In the view of the traditional Bangunrejo community, marriage between residents of these two villages is believed to have a negative impact on the domestic life of the couple who violate it. The impact can be in the form of disharmony in marriage, economic difficulties, and so on. This belief is not without empirical basis according to the local community. Mr. WL recounted his experience: "*Jane nek digagas ki hek e, bapak e T*** kui meninggal let pirang 3 sasi rabine anak e... jane pas diitung kae titik benik e ora apik, pedot pindo, itungan e wong jowo lo, weton e.*" (Actually, if you pay attention, the father

of T*** died after three months of his son's marriage... Actually, the time of calculation is not good, pedot pindo, Javanese count lo, weton) (Interview with Resource Person I, September 28, 2025).

Narratives like this reinforce the collective belief that the *Ngidul Ngetan* tradition is not just a myth, but has real consequences. However, it is important to note that interpretations of such events are subjective and influenced by societal belief frameworks.

In addition to the prohibition of *Ngidul Ngetan*, some of the people of Bangunrejo are also aware of several other marriage taboos that are still practiced today, including: first, the prohibition of marriage for couples with *weton "geyeng" (Wage Pahing)*; Second, the prohibition of marriage between the number one child and the third child (known as "*Jilu*"); third, the prohibition of marriage if the name of the father of the bride and groom is the same; and fourth, the prohibition if the family land or garden is directly opposite (*adu pucukan*). All of these prohibitions are based on the Javanese calculation system (*calculation*) which is believed to be able to predict the compatibility and fate of married couples.

What is interesting about the *Ngidul Ngetan tradition* is the flexibility in practice. Although in principle marriage between the residents of Bangunrejo and Sekaralas is prohibited, the community has developed an alternative mechanism for couples who still want to get married. The alternative is in the form of "flexing the road" in the process of *ijab kabul*, where the groom does not depart directly from Bangunrejo Village to Sekaralas Village in the direction of the wedding, but goes through other villages first such as Bulak Asem or Bedali Villages so that the direction of the journey is no longer dull. Mr. WL explained:

"*Yo nek pomo kene ra apik yo di enggokne to dalan e, dadi mlakune soko kono ora soko kene, aman yoan. Dadi budal e ora sko mbulak asem ben ampreh e ora Ngidul Ngetan.*" (Yes, for example, if it is not good here, the road will be deflected, so the road is from there not from here, it is safe too. So his departure from Bulak Asem so as not to be swayed) (Interview with Resource Person I, September 28, 2025).

This alternative mechanism shows that the *Ngidul Ngetan* tradition is not absolute and rigid, but has room for negotiation. This indicates a shift from rigid sacred prohibitions to social norms that are more flexible and adaptive to the needs of modern society.

From the perspective of social sanctions, violations of the *Ngidul Ngetan* tradition do not result in formal punishments such as exclusion or fines, but social sanctions in the form of gossip and negative judgments from some residents. However, this social sanction is not massive. Mr. WL stated that the public generally only "thinks" without

conducting an open confrontation with the offending spouse. UA, a citizen of married age, confirmed this:

"Yes, it's usually talked about but mostly it's just internal, but not everything is like that, some don't really question the problem." (Interview with Resource Person III, September 27, 2025).

This statement shows that although the tradition is still recognized, the intensity of its enforcement has weakened. The community no longer sees customary violations as a serious threat to the social order, but rather as a personal choice that must be respected.

Table of Field Data Findings

Table 1. Field data findings of the Traditional Leadership Field

No.	Informants	Social Role	Field Findings	Analysis
1.	Mr. WL (Resource Person I)	Traditional Leaders	Traditions are inherited orally since the time of our ancestors; the celurite symbol is considered a bad omen; offenders can use the alternative of "flexing the road"; Social sanctions in the form of light gossip.	Adat functions to maintain social harmony and respect for ancestors; Have flexibility in practice.
2.	Mr. S (Resource Person II)	Religious Figures	Considering that this custom is no longer valid in the modern era; not contrary to Islam as long as it is not believed to have supernatural powers; The main guideline is the Qur'an, not custom.	Customs as a form of cultural respect, not religious beliefs; Shift of authority from customary to sharia.
3.	UA (Resource Person III)	Citizen of Married Age (21 years old)	Knowing the traditions from grandfathers; still believe because they see empirical examples of couples who have problems; considers that traditions need to be revised so as not to hinder marriage; Violations only provoke gossip.	Customs are sarally weakened but socially strong; The younger generation is more pragmatic in responding to traditions.
4.	Mr. T & Mrs. W (Resource Person IV)	Couple Breaking Customs	Not fully believing in customs; follow alternative conditions (flexing the road) to respect the parents; do not experience adverse effects; do not receive severe social sanctions.	Customs change their function into a flexible cultural symbol; Obedience is more due to social

factors than mystical beliefs.

Based on field data, the *Ngidul Ngetan* tradition has undergone a significant transformation from a sacred prohibition to a symbolic social norm. This tradition is still alive and running because it is rooted in a collective consciousness to honor ancestors and maintain social harmony, not out of fear of catastrophe. Flexibility in practice (the existence of alternative mechanisms) shows that society has adapted traditions to modern needs without abandoning its cultural essence.

Acceptance, Response, and Practice of Marriage Prohibition *Ngidul Ngetan*: An Analysis of Normative Power

This study analyzes the normative strength of the *Ngidul Ngetan* tradition from three dimensions: community acceptance, compliance practices, and enforcement mechanisms. The level of acceptance of this tradition varies between generations. The older generation such as traditional leader Mr. WL still views it as a valuable heritage, but acknowledges the change in people's attitudes with the term "*kebo nusu gudel*" to describe the situation of parents who now follow the wishes of their children in choosing a partner (Interview with Resource Person I, September 28, 2025). This phenomenon is in line with the findings (Ihwan, M., 2024) about the shift in traditional Javanese marriage practices influenced by modern values.

The young generation represented by UA shows an ambivalent attitude—acknowledging traditions but wanting revisions so as not to hinder the right to choose a partner because "*there are also many victims in my village who are unmarried, have difficult marriages, are hindered by blessings, are hindered by customs*" (Interview with Resource Person III, September 27, 2025). Meanwhile, religious leader Mr. S emphasized that traditions such as *Ngidul Ngetan* have no Islamic theological basis and that "*such ancient relics no longer need to be used*" (Interview with Resource Person II, September 28, 2025), reflecting the tension between religious and customary authorities as found (Mohamad, 2023).

In terms of compliance practices, people show a variety of attitudes—some are fully compliant, use alternative "flex the way" mechanism, or do not comply at all. Couple T and W exemplify symbolic obedience by carrying out the alternative requirement of meeting halfway to respect parents even though they do not fully believe (Interview with Resource Person IV, October 4, 2025). This pattern suggests that tradition has changed from a feared norm to a norm that is symbolically respected, driven by the desire to maintain good relations with the family. Similar phenomena were found (Ja'far, A. K., 2021) in the research on the tradition of bedding in West Java and Lampung.

The mechanism for enforcing the *Ngidul Ngetan* tradition is informal in the form of social pressure such as gossip and restrictions on wedding parties, where reckless couples are only allowed to hold a big party on one side (Interview with Resource Person I, September 28, 2025). However, these sanctions are being applied less frequently, indicating a weakening of the normative power of tradition.

Based on this analysis, the normative strength of the *Ngidul Ngetan* tradition has experienced a significant weakening, especially among the younger generation. Tradition transforms from sacred binding norms to symbolic social norms, with obedience driven more by socio-cultural factors than religious-magical beliefs. Weak enforcement mechanisms and flexibility of practice indicate this tradition is in a transitional phase—its existence is still recognized but its authority is increasingly limited. These findings confirm the thesis (Fadli, 2018) and (Warjiyati, 2020) that customary law is dynamic and follows the development of society.

The Position of the *Ngidul-Ngetan* Tradition in the Perspective of Living Law Eugen Ehrlich

This section analyzes the position of the *Ngidul Ngetan* tradition through the perspective of Eugen Ehrlich's theory of Living Law, where true law is a law that lives in the social practice of society, not a written law in formal regulations (Eugen Ehrlich, 1936). The *Ngidul Ngetan* tradition fulfills the characteristics of living law in several aspects: born from the needs and awareness of the community itself, effective in regulating behavior without formal sanctions, and being dynamic and adaptive to social change as seen from the emergence of alternative mechanisms of "flexing the road".

Ehrlich emphasized that the center of gravity for legal development lies in society itself (Eugen Ehrlich, 1936). In the context of Bangunrejo Village, the community creates its own norms based on collective experience which then becomes a living law with social legitimacy. (Tongat, T., Prasetyo, S. N., Aunuh, N. M., & Fajrin, 2020) emphasizing that the law that lives in society has a binding power that is no less powerful than formal law because it is rooted in genuine legal awareness.

The important findings of this study show that the *Ngidul Ngetan* tradition has undergone a transformation in meaning from a religious-magical sacred norm to a cultural-symbolic social norm. Younger generations like UA still believe in tradition not because they fear curses, but because they see empirical examples of couples experiencing domestic problems, showing a shift from supernatural beliefs to more rational causal explanations. This shift is in accordance with Ehrlich's concept that living law is always adapting to changing social conditions (Hertogh, 2008) and (Nelken, 2008). The function of tradition shifted from protection against supernatural calamities to an

instrument to strengthen social solidarity, respect ancestors, and maintain the cultural identity of the community, in line with the findings (Prayitno, M. H., & Ishaq, 2022) about the transformation of the meaning of the prohibition of marriage in the month of *Suro*.

The existence of an alternative mechanism of "flexing the road" is proof of the vitality of living law. In Ehrlich's view, living law is responsive to the concrete needs of society (Hadi, 2017). When faced with the dilemma between maintaining tradition and meeting individual aspirations, societies create creative solutions that accommodate both interests. This mechanism shows that the community understands tradition in a substantive-symbolic, rather than literal-formalistic way—what is important is a symbol of respect by avoiding direct trips that form a pattern of reverence. (Susilowati, 2000) explains that this kind of flexibility is a strength of Ehrlich's sociological jurisprudence which views law as a social instrument responsive to the needs of society.

Although Ehrlich's theory of Living Law is relevant to explain the existence of the *Ngidul Ngetan* tradition, there are some limitations in the context of modern society. First, Ehrlich assumes the unity of values in society, but field data shows that the Bangunrejo community is no longer homogeneous with significant differences between the old and young generations as well as between the perspectives of traditional and religious leaders. Second, in an era of modernity with high social mobility and the influence of globalization, the authority of local traditions is eroded by universal values such as human rights and freedom of choice of mates, as revealed in the UA statement on the "victims" of overly restrictive customs. Third, in modern society, state law has stronger authority and can conflict with local living law. Although in the case of *Ngidul Ngetan* there has been no significant conflict because it does not contradict the national marriage law (Republik Indonesia. (1974). Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan., n.d.), the dominance of state law can erode the existence of local living law (Sofyan, 2017).

The *Ngidul Ngetan* tradition is a real manifestation of living law in Indonesian society, proving that law is not always synonymous with state products but can be born from the awareness and needs of the local community. Despite undergoing a transformation from sacred norms to social norms, this tradition still has the power to regulate behavior because it is rooted in cultural identity and social solidarity. Flexibility in practice shows that living law has high adaptability to social change. However, in the context of modernity, the existence of living law such as the *Ngidul Ngetan* tradition faces challenges from value fragmentation, the influence of globalization, and the dominance of state law which requires a more creative and inclusive preservation strategy.

The Position of the *Ngidul-Ngetan Tradition* in the Perspective of 'Urf in Islamic Law

Tradition analysis *Lead Generation* From a conceptual perspective 'Urf Islamic law requires a deep understanding of how Islam views local customs and the extent to which those customs can be legitimized as a source of law. As explained in the theoretical study, 'Urf is a habit that prevails in society and is generally accepted, which can be used as a legal basis as long as certain conditions are met. (Amalia, 2020)&(Rizal, 2019).

In terms of its form, the tradition *Lead Generation* Included in the category 'urf 'amalī (habits in deeds), because it relates to social practices in the context of marriage, not just the use of certain terms or terminology. This practice includes the prohibition of marrying certain villagers and alternative mechanisms if they still want to have the marriage (Wandi, 2018).

In terms of scope, this tradition includes 'urf *khāṣ* (special custom) because it only applies in certain areas, namely Bangunrejo Village and its surroundings, not a general custom that applies throughout the Muslim community of Indonesia or the world. This specificity is important to note because in Islamic law, 'urf *khāṣ* only binds to a specific community and cannot be generalized to other communities (Az-Zuhaili, 2001)&(Fauzi, 2024).

The scholars of ushul fiqh set several conditions for a custom to be accepted as a 'Urf Legal: first, the custom must be common or majority among certain communities; second, the custom already exists and takes effect when it will be established as a law; third, there are no agreements or provisions that contradict the custom; fourth, the habit does not contradict the nash (Qur'an and Hadith) which is *Qath'i* (definitely) (Khallaf, 2002)&(Sucipto, 2015). Apply these conditions to the *Ngidul Ngetan* tradition.

Among some of the conditions is that the *Ngidul Ngetan tradition* has been practiced for generations in Bangunrejo Village and is recognized by the majority of the local community. Although the level of compliance varies between generations, acknowledgment of the existence of this tradition is common. Even the younger generation who are critical of tradition still recognize its existence as part of the cultural identity of the community. Thus, the first condition is met. This tradition has existed since the time of our ancestors and continues to be passed down to this day. Mr. WL stated that this tradition has existed since the "*jaman mbah-mbah biyen*" (the time of the ancestors) without being sure when exactly it began. The existence of this long-standing tradition shows that it is not a temporary or momentary phenomenon, but an integral part of the value system of society. The second condition is met.

Third, in the context of Bangunrejo Village, there is no formal agreement or legal provision that explicitly contradicts tradition *Lead the way*. National marriage law

(Republik Indonesia. (1974). Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan., n.d.) does not regulate marriage prohibitions based on geographical factors or cardinal direction. Similarly, in the Compilation of Islamic Law (Directorate of Development of the Religious Justice Agency, 2000), the prohibition of marriage is only limited to categories that have been determined by shari'i, such as mahram nasab, mushaharah, and radha'ah. Thus, there is no normative conflict between the *Ngidul Ngetan* tradition and Indonesian positive law or formal Islamic law. The third condition is met.

The last condition (not contrary to *Nash Qath'i*), *this condition* is the most crucial in determining whether the *Lead Generation* Includes *'urf ṣaḥīḥ* or *'urf fasid*. The Qur'an and Hadith never mention the prohibition of marriage based on geographical direction or specific symbolism. Islam only stipulates a prohibition on marriage based on relationships *Nasab*, *Mushaharah*, *Radha'ah*, and religious differences as previously explained (Nurani, S. M., Winanengsih, A., & Farida, 2021) and (Syarifuddin, 2020). Tradition *Lead Generation* It does not change or add to the category of marriage prohibition that has been set by the Shari'a, but only provides local socio-cultural restrictions.

However, it is necessary to examine more deeply whether the belief in the mystical aspect of this tradition (the bad impact if violated) contains elements of shirk or not. Shirk is associating Allah with something else, including believing that apart from Allah there is someone who has the power to benefit or harm. If people believe that the geographical direction of *Ngidul Ngetan* has its own supernatural power to bring havoc, then this belief can be categorized as *shirk khafi* (hidden shirk) which is contrary to Islamic monotheism.

From the field data, there are indications that belief in the mystical aspects of tradition has weakened. Religious leader Mr. S emphasized:

" *Mboten, ning kanggone hukum Islam adat-adat ngoten niku i gak jalan... Pedoman e sepenting neng Al-Qur'an i opo kui wes manut, sing barang kawak-kawak i wes gak dingge.*" (No, but for Islamic law such customs no longer work... What is the important guideline in the Qur'an, what is it, that such ancient relics no longer need to be used) (Interview with (Resource person II, September 28, 2025).

This statement shows that religious leaders do not view the *Ngidul Ngetan tradition* as part of Islamic teachings, but also do not expressly prohibit it as long as it is not believed to have supernatural powers. The younger generation also understands this tradition better as a form of cultural respect than religious beliefs. Umi Azizah stated:

"*If it's contrary to that, it's purely from the customs of the previous people. As long as you can still take responsibility, it's okay to get married.*" (Interview with Umi Azizah, September 27, 2025).

Based on the analysis of the four conditions, the *Ngidul Ngetan* tradition meets the criteria of 'urf *ṣaḥīḥ* with an important note: as long as this tradition is not believed to have supernatural powers and is not used as a reason to refuse a valid marriage according to the Shari'i. This tradition can be accepted as a form of local wisdom that brings social benefits in the form of prudence in choosing a partner and respect for ancestral values, without adding or decreasing the provisions of the sharia on marriage. This conclusion is in line with the view (Kartikasari, 2018) about the relationship between Islamic law and customary law that can synergize as long as it does not conflict with the principles of sharia.

From the perspective of maqashid sharia which aims to protect five main things: religion, soul, intellect, descendants, and property (Az-Zuhaili, 2001), the tradition of *Ngidul Ngetan* can be studied as follows. From the aspect of safeguarding offspring (*hifz al-nasl*), this tradition basically aims to protect household harmony which has an impact on the welfare of offspring. Although the method used does not have a sharia basis, the goal is in line with the spirit of Islam to keep the institution of marriage strong and lasting. From the aspect of protecting one's soul (*hifz al-nafs*) and property (*hifz al-mal*), this tradition can be understood as a form of prudence so that couples do not experience difficulties in life both physically and economically. However, it should be noted that if this tradition is used as an excuse to reject a valid marriage or give rise to social discrimination, it is contrary to the maqashid of sharia because it can prevent a person from carrying out the sunnah of the Prophet and potentially open the door to disobedience. In such a case, the mafsadah caused is greater than the expected benefit.

Field data shows that local religious leaders such as Mr. S view the *Ngidul Ngetan* tradition as a cultural heritage that can be respected but not obligated to be followed, emphasizing that the main guidelines in marriage are the Qur'an and Hadith. This view is in line with the Islamic principle of accepting the diversity of local cultures as long as it does not contradict the aqidah and sharia. Interestingly, society itself has developed a mechanism of "flexing the way" that shows an intuitive understanding of the concept of 'Urf, in an effort to respect tradition without violating the sharia principles that allow such marriage. This reflects local wisdom in balancing loyalty to cultural heritage and adherence to religious teachings.

Based on an in-depth analysis using the framework of the concept of 'Urf in Islamic law, it can be concluded that the *Ngidul Ngetan* tradition falls into the category of 'urf *ṣaḥīḥ* with several notes: this tradition is valid as long as it is understood as a local wisdom and a form of prudence in choosing a partner, not as a belief that has supernatural powers; should not be used as an excuse to reject a marriage that meets the conditions and principles of marriage according to Islamic law; flexibility in practice shows that this tradition is not dogmatic and can be adapted to the needs of society; From the perspective of the sharia maqashid, this tradition is acceptable as long as it brings benefits and does not cause greater mafsadah; and education and correct understanding of the position of customary in Islam must continue to be carried out so that people do not get trapped in practices that can lead to shirk or hinder the implementation of Islamic teachings.

Thus, the *Ngidul Ngetan* tradition can continue to be preserved as the cultural identity of the Bangunrejo people with a proportionate and not excessive understanding,

in line with the Islamic principle of *rahmatan lil 'alamin*. These findings confirm the view (Wandi, 2018) and (Fauzi, 2024) that 'Urf and customary customs can be the evidence of fiqh as long as they meet the conditions set by the scholars.

The Integration of Living Law and 'Urf in the Context of the *Ngidul Ngetan* Tradition

Analysis of tradition *Lead Generation* becomes more comprehensive when the theory *Living Law* Eugen Ehrlich and the concept 'Urf in Islamic law is integrated. These two perspectives, although derived from different scientific traditions of the West and Islam, have a significant common ground in viewing social norms as a legitimate source of law (Pradhani, 2021).

Good *Living Law* or 'Urf Both recognize that law comes not only from formal authority (the state or the text of Scripture), but also from the social practices that live in society. Ehrlich emphasized that an effective law is one that corresponds to the legal awareness of the community (*legal signal*), Not a law imposed from above (Hadi, 2017). Similarly, the concept of 'Urf in Islam recognizes that the habits of society can have normative force as long as they bring benefits and do not contradict the principles of sharia (Amalia, 2020)&(Rizal, 2019).

In the context of the *Ngidul Ngetan tradition*, the integration of these two perspectives results in a more holistic understanding:

1. Sociological Dimension (*Living Law*): The *Ngidul Ngetan* tradition is a *living law* because it is lived and carried out by the community based on collective consciousness without formal legal coercion. It effectively regulates community behavior in the aspect of marriage, even though it is not written in village regulations or state laws. The existence of alternative mechanisms shows that *living law* is dynamic and responsive to the needs of society.
2. Normative-Religious Dimension ('Urf): From the perspective of Islamic law, this tradition has legitimacy as 'urf *ṣaḥīḥ* because it does not contradict the sharia and brings social benefits in the form of strengthening solidarity, respect for ancestors, and prudence in building a household. As long as it is not believed to have supernatural powers and does not hinder the implementation of Islamic teachings, this tradition is acceptable as part of the cultural diversity in Islam.
3. Functional Synergy: These two perspectives reinforce each other in explaining the existence of the *Ngidul Ngetan tradition*. *Living Law* explains why this tradition persists despite having no formal sanction (because it is rooted in social consciousness), while 'Urf provides normative-religious legitimacy that strengthens the tradition's position in Muslim society (because it is in accordance with Islamic principles).

One of the important contributions of this research is to show that customary law and Islamic law are not always in an antagonistic position, but can synergize in shaping people's legal awareness. The *Ngidul Ngetan* tradition is a concrete example of how local values (custom) can coexist with universal values (Islam) in productive harmony.

The people of Bangunrejo do not view this tradition as part of the teachings of Islam, but also do not reject it as something haram or haram. *bid'ah*. They understand

intuitively that there is room for cultural diversity in Islam as long as it does not violate the basic principles of *aqidah* and *sharia*. This understanding is in line with the rules of *fiqhiyah*: "*Al-'ādah muḥakkamah*" (customary customs can be made into laws) which shows Islam's flexibility in dealing with cultural diversity (Khallaf, 2002)&(Suarni, 2023).

Local religious leaders such as Mr. S do not strictly prohibit this tradition, but rather provide an understanding that the main guidelines are the Qur'an and Hadith. This approach reflects the wisdom in preaching that does not damage social harmony while still maintaining the purity of the faith. In Islamic da'wah literature, this approach is known as "*tadarruj*" (gradual) and "*hikmah*" (wisdom), where social changes are made gradually taking into account the local context.

Theoretical and Practical Implications.

The integration of Living Law and 'Urf in analyzing the *Ngidul Ngetan* tradition has several important implications. From a theoretical point of view, this study shows that Western legal theory (Living Law) can be dialogized with the concept of Islamic law ('*Urf*) to produce a more comprehensive understanding of legal pluralism in Indonesia (Pradhani, 2021). These findings reinforce the argument that law cannot be understood in a monolithic manner, but rather should be seen as a multi-layered phenomenon involving state law, customary law, and religious law interacting with each other (Mahdi, 2010) and (Waluyo, 2020). This research also contributes to the development of the theory of the sociology of Islamic law that combines an empirical approach with a normative approach.

From a practical point of view, this research provides a foundation for the preservation of local traditions with a proportionate and not excessive understanding, so that traditions do not become a burden that hinders the development of society. These findings provide a framework for dialogue between indigenous and religious leaders in managing potential conflicts between traditional and religious values, and provide guidance for policymakers in formulating regulations that respect local cultural diversity while maintaining the principles of national law and Islamic law.

Although the *Ngidul Ngetan* tradition shows harmony between customary law and Islamic law, there are several challenges that need to be considered in the context of modernity. Generational challenges arise because the younger generation is increasingly critical of traditions that are considered irrational, so without a reinterpretation relevant to the modern context, these traditions risk being abandoned completely. The challenge of social mobility also stands in the way because with the increasing mobility of the population and inter-regional marriages, the effectiveness of local traditions such as *Ngidul Ngetan* will be increasingly limited. The influence of mass media and digital technology also brings global values that can shift local values.

To face these challenges, a creative and inclusive conservation strategy is needed. First, the *Ngidul Ngetan* tradition needs to be reinterpreted from a mystical prohibition to a value of prudence and respect that is relevant to the modern context. Second, a space

for dialogue between generations and between traditional leaders and religious leaders is needed to find common ground in understanding traditions. Third, this tradition needs to be documented academically and critically studied so that it is not lost to the times but also does not curb individual freedom.

Integrations *Living Law* and *'Urf* in analyzing the traditions *Lead Generation* shows that this tradition has a dual legitimacy: sociological (as a norm that lives in society) and normative-religious (as a valid custom according to Islamic law). This tradition is not just *Relics* the past that will be extinct, but *Living Tradition* who continue to adapt to the changing times. The success of this tradition that has survived to this day is proof that customary law and Islamic law can synergize in forming a plural but harmonious legal awareness of Indonesian society. These findings reinforce the thesis that legal pluralism in Indonesia is not an obstacle, but a wealth that needs to be protected and managed wisely (Arliman, 2018)&(Hadjon, P. M., & Djatmiati, 2020).

CONCLUSION

Based on the results of the research and analysis that has been carried out, several important conclusions can be drawn regarding the existence of the tradition of prohibiting *Ngidul Ngetan* marriage in Bangunrejo Village:

First, regarding the acceptance, response, and practice of the prohibition *of Ngidul Ngetan marriage* in Bangunrejo Village, the results of the study show that this tradition still has an existence in the social life of the community, even though it has undergone a significant transformation from a sacred norm to a symbolic social norm. The normative power of this tradition is weakening, especially among the younger generation. The level of acceptance and adherence to tradition varies between generations: older generations still see it as an ancestral heritage that needs to be respected, while younger generations are more pragmatic by viewing it as a tradition that needs to be adapted to the modern context.

The practice of obedience is no longer driven by fear of supernatural catastrophes, but rather by the desire to respect parents and maintain social harmony. Sanctions against violators are informal in the form of relatively mild gossip and social pressure, not formal sanctions or exclusion. The existence of an alternative mechanism (flexing the road) shows the flexibility of tradition in accommodating the needs of modern society without losing its symbolic essence.

Second, viewed from the perspective of *Eugen Ehrlich's* theory of Living Law and the concept *of 'Urf* in Islamic law, the *Ngidul Ngetan* tradition has a legitimate position both sociologically and normatively-religious. From the perspective *of Living Law*, this tradition is a real manifestation of living *law* in society because it fulfills the characteristics: born from the collective consciousness of society, effectively regulates behavior without formal sanctions, and is dynamic and adaptive to social change. The

shift in meaning from sacred-mystical norms to socio-cultural norms shows that *living law* is always adapting to changing worldviews of society. Flexibility in practice (the mechanism of flexing the road) proves the vitality of *living law* that is responsive to the concrete needs of the community. From the perspective of 'Urf in Islamic law, this tradition can be categorized as *'urf ṣaḥīḥ* (lawful custom) because it meets the conditions: it is common in local society, has existed for a long time, does not contradict formal provisions, and does not contradict the *nash qath'i* of the Qur'an and Hadith. From the perspective of *maqashid sharia*, this tradition is in line with the purpose of safeguarding offspring (*hifz al-nasl*) and family welfare, as long as it is not believed to have supernatural powers and does not hinder the implementation of a valid marriage according to sharia.

Third, the integration of *Living Law* and 'Urf results in a holistic understanding that the *Ngidul Ngetan* tradition has dual legitimacy: sociological (as a norm that lives in society) and normative-religious (as a legal custom according to Islamic law). This research proves that customary law and Islamic law are not in an antagonistic position, but can synergize in forming a pluralistic legal awareness of the Indonesian people. This tradition serves as a bridge that connects local values with the universal values of Islam, showing that there is room for cultural diversity in Islam as long as it does not violate the basic principles of aqidah and sharia.

Fourth, this research contributes to the development of legal theory by showing that Western legal theory (*Living Law*) can be dialogized with the concept of Islamic law ('Urf) to produce a more comprehensive understanding of legal pluralism in Indonesia. This integrative approach paved the way for the development of a sociology of Islamic law that combines empirical approaches with normative approaches.

Based on the findings of this study, several suggestions can be proposed: First, education and dialogue between generations and between indigenous and religious leaders are needed to find a common understanding of traditions that do not hinder individual freedom but still respect cultural heritage. Second, the *Ngidul Ngetan* tradition needs to be documented academically and critically studied so that it becomes part of the treasure trove of local Indonesian wisdom that is valuable. Third, local governments and customary institutions need to formulate policies that respect local cultural diversity while maintaining the principles of human rights and national law. Fourth, further research needs to be conducted to examine similar traditions in other regions to enrich the understanding of legal pluralism in Indonesia.

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