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Philosophical Foundations and Human Rights in the Bajapuik Tradition: Bridging Local Wisdom and Islamic Law in Minangkabau Marriage Practices

Wahyu Abdul Jafar

IAIN Metro, Indonesia

wahyujafar@metrouniv.ac.id

Musda Asmara

IAIN Curup, Indonesia

Mu'adil Faizin

IAIN Metro, Indonesia

Helena Octavianne

Kejaksanaan Agung Republik Indonesia

Budi Kisworo

IAIN Curup, Indonesia

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Abstract:

This study explores the philosophical values and human rights implications within the Bajapuik tradition, a distinct matrimonial practice of the Padang Pariaman tribe in Sumatra. Explores the philosophical values of the unique amalgamation of local wisdom and Islamic law as an example of integrating cultural heritage with religious principles in marriage. As qualitative descriptive field research, data were gathered from interviews and documentation from a diverse group of informants, including religious leaders, traditional leaders, community leaders, and the people of Padang Pariaman. By utilising a sociological approach, the study examines the social realities of the Bajapuik tradition, mainly focusing on its dowry practice, particularly the *masalah* (general welfare) concept. Contrary to typical dowry practices, in the Bajapuik tradition, the bride's family provides the dowry to the groom, symbolising respect and equality rather than economic burdens. This study highlights that the Bajapuik tradition is not merely a transactional stage in the marriage process but a more profound expression of community bonds and shared values. The findings emphasise the strong philosophical values of mutual respect and companionship inherent in the Bajapuik tradition, demonstrating its alignment with Islamic law and human rights values. This research reveals how the Minangkabau's adherence to religious and local wisdom significantly

reinforces human rights within traditional practices. Furthermore, the study examines the extent to which the Bajapuik tradition achieves the objectives of *maslahah* in marriage. The results show that the Bajapuik tradition supports general welfare (*maslahah*) by strengthening social bonds, upholding the dignity of women, and ensuring justice and equality in marital relationships, offering a new perspective rarely explored in previous studies.

Keywords: *bajapuik* tradition; human rights; local wisdom; marriage.

Introduction

The Padang Pariaman tribe has its characteristics in its marriage. Commonly, the dowry is provided by the prospective groom, but not in the Padang tribe, where the bride-to-be provides the marriage dowry.¹ In the Padang pariaman community, this tradition is known as the '*Bajapuik*' tradition or invitation money. *Bajapuik* is the obligation of the woman's family to give a certain amount of money or objects to the man (prospective husband) before the marriage contract takes place. *Japuik* money is a gift from the woman's family to the male party given by the woman at the time of *manjapuik marapulai*. It will be returned when visiting the in-laws for the first time (*manjalang* event). So, the invitation money (*uang japuik*) can also be given in the form of objects of economic value given by the family of the bride (*anak daro*) to the bridegroom (*marapulai*) at the time of the pick-up ceremony of the groom (*manjapuik kamarapulai*).

The Minangkabau Customary Philosophy regards the husband as a "coming person." In its matrilineal system, customary law sees the husband as a guest in his wife's home. This is encapsulated in the saying *karano dipanggia, tibo karano dijapuik* (coming because being called, arriving because being picked up). During the wedding procession, the man is always escorted to his wife's house, signifying sincere acceptance, and is then customarily welcomed by the wife's family. Conversely, male relatives accompany the groom to his new home to show sincerity in releasing their nieces and nephews. Hence, men are also referred to as "invited people."² This tradition aims to strengthen family ties and respect each other between the bride and groom's family. So, this *Bajapuik* tradition is not a place to trade men for women. In addition, the *Bajapuik* Tradition in Pariaman is included in the *Adat Nan Diadatkan*, a custom that can change at any time according to the agreement of the local community. In this *Bajapuik* tradition, there is not the slightest element to degrade one's dignity, and there is no intention to carry out human trafficking transactions.³

¹ Restia Gustiana, "The Husband Position In Bajapuik Marriage Dynamics In Pariaman," *Jurnal Ilmiah Al-Syir'ah* 18, no. 1 (June 30, 2020): 13–27, <https://doi.org/10.30984/jis.v18i1.953>.

² Zike Martha, "Persepsi Dan Makna Tradisi Perkawinan Bajapuik Pada Masyarakat Sungai Garingging Kabupaten Padang Pariaman," *Biokultur* 9, no. 1 (May 19, 2020): 15–31, <https://doi.org/10.20473/bk.v9i1.21725>.

³ Andriyansyah and Yulfira Riza, "TRADISI BAJAPUIK MASYARAKAT MINANGKABAU DI PARIAMAN," *Jurnal Budaya Nusantara* 5, no. 3 (September 22, 2022): 137–43, <https://doi.org/10.36456/b.nusantara.vol5.no3.a5707>; Chuzaimatus Saadah, Az Zahra Aulya Salsabila, and Dwi Khalimah, "PRODUCTIVE ZAKAT AND WOMEN'S EMPOWERMENT FOR INCLUSIVE ECONOMY: SHARIA ECONOMIC LAW AND SOCIAL FIQH IN INDONESIA," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 3, no. 1 (June 7, 2024): 77–92, <https://doi.org/10.32332/muamalah.v3i1.9248>.



This condition is slightly different from that understood by the wider community. Many people think the *Bajapuik* Tradition is a tradition of giving dowry to prospective grooms. The results of interviews reinforce this data, “*Bajapuik* is indeed a tradition of giving money from prospective wives to prospective husbands, so naturally many incorrectly assume the tradition of *Bajapuik* as giving dowry from prospective wives to prospective husbands.”⁴ “In the past, the *jemputan* money was determined by the title of the *marapulainya*, such as Sidi, Sutan or Bagindo, but now the benchmark for the amount of *jemputan* money is the social status of the *marapulainya*, such as education level, occupation and position.”⁵ After all the preparations are complete, the mother, father, and brother of *Anak Daro* pick up *Marapulai* at her home and bring her to the wedding ceremony on the day of the marriage. *Anak Daro* picks up *Marapulai* at her house and brings bridal clothes and requirements, including pick-up money, which will be given directly to *Marapulai*'s mother, after which *Marapulai* is taken to the place of the marriage contract, and the event continues with the *Baralek* or Marriage Party.⁶

The *Bajapuik* tradition in Minangkabau, where the woman provides a certain amount of money to the man for marriage, has become a unique cultural practice. However, this practice raises various questions related to human rights, philosophical foundations, and the objectives of Islamic law. Several previous studies have examined different aspects of the *Bajapuik* tradition. Wardah Nuroniyah and colleagues highlighted that the *Bajapuik* tradition portrays women as having a higher position than men, and the cancellation of engagement in this tradition is considered a disgrace and has customary legal consequences.⁷ Busyro and colleagues emphasised the importance of the tradition of ‘dowry for men’ Pariaman is considered to have values that reflect the Muslim personality, such as obedience to religious orders in marrying off children women, the spirit of helping each other, protecting the *ninik mamak* institution, and strengthening the position of women as true “kings” in Minangkabau.⁸ Anisa argued that the impact of modernisation could harm society; therefore, maintaining local wisdom like the *Bajapuik* tradition is essential to mitigate negative consequences.⁹

Aria Zurnetti discussed how customary law and local wisdom can prevent domestic violence in West Sumatra, showing that a restorative approach based on deliberation and consensus in Minangkabau customary law effectively resolves conflicts.¹⁰ Susi Fitria Dewi and colleagues studied the role of culture in cross-cultural

⁴ Muhammad Andrian, Personal Interview, 2023.

⁵ Bisri Samsuri, Personal Interview, 2023.

⁶ Bastian Tito, Personal Interview, 2023.

⁷ Wardah Nuroniyah and Bani Syarif Maula, “Muslim Women Adhering to Minangkabau’s Bajapuik Tradition in Cirebon, West Java: Compromizing a Gendered Culture in Islamic Law,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (November 30, 2022): 135–54, <https://doi.org/10.18326/ijtihad.v22i2.135-154>.

⁸ Busyro Busyro et al., “The Reinforcement of the ‘Dowry for Groom’ Tradition in Customary Marriages of West Sumatra’s Pariaman Society,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 555, <https://doi.org/10.22373/sjhk.v7i1.15872>.

⁹ Hafizatul Anisa, Aman Aman, and Dyah Kumalasari, “Bajapuik Tradition the Traditional Marriage in Minangkabau,” *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal* 4, no. 2 (April 21, 2021): 814–21, <https://doi.org/10.33258/birle.v4i2.1854>.

¹⁰ Aria Zurnetti, “Preventing Domestic Violence in West Sumatra through Adat Criminal Law and Local Wisdoms,” *Journal of Legal, Ethical and Regulatory Issues* 24, no. 5 (June 1, 2021),



marriage among Minangkabau women, finding that the *Malakok* tradition is still practised and provides significant roles for women in the household.¹¹ Bahri examined the role of culture in cross-cultural marriage among Minangkabau women, highlighting how traditional values still influence the modern context.¹² Warman et al. outlined cultural adaptation in the Bajapuik tradition through socio-legal analysis, emphasising the importance of understanding cultural contexts in applying customary law.¹³ Fakhyadi and Samsudin investigated the impact of customary law on women's rights in Minangkabau society, showing that while customary law has protective elements, there is a need for harmonisation with broader women's rights.¹⁴

This research differs from previous studies by focusing on the philosophical aspects of Islamic law, specifically how the Bajapuik tradition in Minangkabau can achieve the objectives of *maslahah* in marriage, which has rarely been explored. This study will also examine how customary law and local values coexist with human rights principles. Given the unique interplay of Islamic values and local wisdom¹⁵ within the *Bajapuik* tradition of the Padang Pariaman community, this study is encouraged to investigate how the Bajapuik tradition is connected to the philosophical principles of Islamic law, particularly the concept of *maslahah* (general welfare). To what extent this tradition meets the objectives of Islamic law and human rights principles becomes the main issue that needs to be answered. This study explores the philosophical foundations of the Bajapuik tradition in Minangkabau in the context of Islamic law. Additionally, it seeks to analyse the *Bajapuik* tradition alongside human rights principles and the extent to which *maslahah* is achieved through this tradition.

This research is essential due to the increasing awareness of human rights and the need to evaluate cultural practices that might conflict with these principles. Additionally, understanding how local traditions like Bajapuik can be aligned with Islamic law's philosophical tenets, particularly the *maslahah*, can help strengthen cultural values while ensuring they do not conflict with laws and human rights. This study can also contribute to broader discussions on how local traditions can be integrated with international norms and the philosophical principles of Islam, resulting in a more inclusive and fair approach to cultural practices.

<https://www.abacademies.org/abstract/preventing-domestic-violence-in-west-sumatra-through-adat-criminal-law-and-local-wisdoms-11089.html>

¹¹ Susi Fitria Dewi et al., "The Role of Culture in Cross-Cultural Marriage among Minangkabau Women," *Journal of International Women's Studies* 20, no. 9 (December 20, 2019): 68–82.

¹² S Bahri, A Abbas, and N N Bakar, "The Determination of the Tribe of Family Members in Luhak Limopuluh Koto, West Sumatera Indonesia," *Journal of Physics: Conference Series* 948 (January 2018): 012073, <https://doi.org/10.1088/1742-6596/948/1/012073>.

¹³ Arifki Budia Warman et al., "Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (May 24, 2023): 253, <https://doi.org/10.29240/jhi.v8i1.6971>.

¹⁴ Defel Fakhyadi and Muhammad Adib Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar," *El-Mashlahah* 14, no. 1 (March 23, 2024): 1–20, <https://doi.org/10.23971/el-mashlahah.v14i1.7364>.

¹⁵ Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 1–21, <https://doi.org/10.32332/milrev.v3i1.8907>.



Methods

This study is a qualitative descriptive field research. The data collection techniques used in this study were interviews and documentation. Religious leaders, traditional leaders, community leaders, and the Padang Pariaman People were involved as informants. There were ten informants: two religious leaders, two traditional leaders, two community leaders and four people from the Padang pariaman community. The sociological approach was employed to observe social reality¹⁶ and to know and describe the facts in the field of acculturation between Islam and the *Bajapuik* tradition. Data analysis techniques were performed in stages: data reduction, data presentation, and conclusions.¹⁷ The data validity technique refers to source triangulation.¹⁸

Result and Discussion

Traditional Marriage of the Padang Pariaman Tribe: Bajapuik Tradition Review

West Sumatra is an area rich in traditions and culture; although people in West Sumatra are generally Minangkabau, they have different cultural customs in each district/city. One of the most prominent is marriage, a sacred tradition that binds the relationship between two families by fulfilling the provisions of religion, law, and custom. Each region has strong characteristics in holding its wedding, an ancestral heritage that has been applied for generations. One is in Padang Pariaman, where there is a tradition of *Bajapuik*, which is still held today with the gift of *japuik money*.¹⁹

Bajapuik marriage only applies if married to a man from Pariaman. *Bajapuik* marriage is seen as an obligation of the woman's family to give a certain amount of money or valuables to the male family before the marriage contract takes place.²⁰ The determination of *japuik* money and other marriage requirements is carried out during the *maresek* event.²¹ The gift of *japuik* money is given when picking up the bridegroom to carry out the wedding at the woman's family home. In marriage customs in Pariaman, the terms *japuik* money and lost money differ. According to Amelia Rizka, this lost money will not return to the bride, while the *japuik money* will return to the bride, called *paragiah jalang*. *Lost money* is meaningful as a form of appreciation in the form of achievements owned by the bridegroom or future husband. Usually, the nominal amount of *japuik* money will be higher than the lost money. The meaning

¹⁶ Muhammad Chairul Huda, *METODE PENELITIAN HUKUM (Pendekatan Yuridis Sosiologis)* (Semarang: The Mahfud Ridwan Institute, 2022), 45, <http://e-repository.perpus.iainsalatiga.ac.id/14262/>.

¹⁷ Matthew B Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

¹⁸ Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT. Remaja Rosdakarya, 2018).

¹⁹ Roza Witri Sulistiani and Idris Idris, "Pengaruh Status Sosial Ekonomi Terhadap Uang Japuik Di Kabupaten Padang Pariaman," *Jurnal Kajian Ekonomi Dan Pembangunan* 3, no. 1 (March 1, 2021): 87–96, <https://doi.org/10.24036/jkep.v3i1.13526>.

²⁰ H. Abdul Malik, Personal Interview, 2023.

²¹ Amrizal Salayan, Personal Interview, 2023.



of *Bajapuik* marriage is a form of appreciation from the woman's family to someone who will be her son-in-law.²²

History of *Bajapuik* Padang Pariaman Tradition

The story of the marriage of the Prophet Muhammad and Siti Khotijah inspired the history of the *Bajapuik* tradition. Where Siti Khotijah was the one who was interested and proposed to Prophet Muhammad; from this story, it is said that the Prophet Muhammad SAW when he married Khadija was paid (picked up) by Khadija with a hundred sheep. As a wealthy woman, Khadija intended to respect the Prophet Muhammad SAW by giving some of her assets to lift the honour of Prophet Muhammad, who had nothing then.²³ The values possessed in the history of the Prophet were then applied by the Pariaman community, especially in the *Bajapuik* tradition. *Bajapuik* is a Minangkabau tradition where the traditional procession at the wedding adheres to the matrilineal system where the prospective husband is considered a migrant (*urang sumando*)²⁴, so it is famous for the saying "*datang karano dipangsia-tibo karano dianta*" which means his arrival because he is called while arriving because he is ushered in, then in the Pariaman custom in the form of a *Bajapuik* procession where the marriage involves valuable goods such as gold and money.²⁵

In the *Bajapuik* tradition, the woman must provide a certain amount of money to the man before the contract is made; this money is called *Bajapuik* money. *Bajapuik* (*japuik*; pick-up) is a marriage tradition characteristic of the Pariaman area.²⁶ *Bajapuik* is the obligation of the woman's family to give a certain amount of money or objects to the man (prospective husband) before the marriage contract takes place. As is known, Minangkabau society has a matrilineal kinship system, and the custom after marriage is matrilineal (living around his mother's relatives). A husband will become an *urang sumando* (migrant person) in his wife's house. Therefore, according to some views among the public, it is appropriate for a prospective husband to get a dowry (invitation money) from his wife before they get married. Understanding the invitation money is a particular value that will be returned later to the bride's family after the wedding. The groom will return in the form of gold given as a gift, the value of which is equivalent to the value given. Usually, this gift is given by the groom's family (*marapulai*) when the bride (*Anak daro*) visits (*batandang*) to *rumah mintuo*" (in-law's house) of the bride's party. The gift exceeds the value received by the previous *marapulai* because it concerns the prestige of the *marapulai* family itself.²⁷

²² Salsabila Salsabila et al., "Studi Perubahan Persepsi Masyarakat Tentang Uang Japuik," *Journal of Education, Cultural and Politics* 3, no. 1 (March 8, 2023): 172–78, <https://doi.org/10.24036/jecco.v3i1.110>.

²³ Hafizatul Anisa, Aman Aman, and Dyah Kumalasari, "Bajapuik Tradition the Traditional Marriage in Minangkabau," *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal* 4, no. 2 (April 21, 2021): 814–21, <https://doi.org/10.33258/birle.v4i2.1854>.

²⁴ Samsuri, Personal Interview.

²⁵ Nadia Asmelinda, Erlina B, and Okta Ainita, "Hukum Adat Dari Tradisi Perkawinan (Uang Japuik Dan Uang Hilang) Yang Berasal Dari Daerah Padang Pariaman Sumatera Barat," *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 1 (May 19, 2023), <https://doi.org/10.29300/qys.v8i1.10325>.

²⁶ Imam Putra Piliang, Personal Interview, 2023.

²⁷ Ari Yoga Putra, "Tradisi Uang Jemput Dalam Perkawinan Di Minangkabau," *Minangkabaunews.com*, June 1, 2021, <https://minangkabaunews.com/tradisi-uang-jemput-dalam-perkawinan-di-minangkabau/>.



Stages of the *Bajapuik* Tradition

A person who marries his partner in the Pariaman marriage tradition will know several processes that must be passed, from the introduction to the bride and groom during the implementation of the marriage until after the marriage is completed. The flow that must be passed by the Pariaman people who will build a household in the tradition before the marriage consists of *maratak tango*, *mashortkan hetongan*, *batimbang tando* (*maminang*) and set the invitation money, then the marriage custom consists of *bakampuang-kampungan*, *alek randam*, *malam bainai*, *badantam*, *bainduak baki*, *manjapuik marapulai*, *marriage contract*, *basandiang at the daro children's house*, and *manjalang mintuo*.²⁸ After the wedding, the bride must carry that out to the groom's party, namely escorting limes, fitrah, escorting the conversation, and *lamang* (glutinous rice cake). However, in the process of implementing the *Bajapuik* tradition, it only arrives at the end of the wedding party.²⁹

The process of *Bajapuik* culture in Pariaman consists of the process before, on the wedding day, and after the wedding day. Before the wedding day, the bride and groom do *maratok tanggo/ marambah jalan*. During the process of *maratok tanggo*, *mamak* from the woman's side looks for her niece's mate or future husband. If you have found a candidate to suppress it, you will find out the male candidate's origin, economic conditions, social status, and personality. Next, the woman will visit the man's family home. *Maratok tanggo* is the initial process where a woman's family goes through to get to know her future husband. If there is a match between the two parties, then both families will carry out negotiations or deliberations called *mashortkan hetongan*, which means that the woman's family will revisit the man's house and deliberate. Shortening *Hetongan*. In shortening this *hetongan*, the woman's family will revisit the man's house to conduct deliberations for the following process. At this stage, the mother will ask the *daro* child or the woman whether she is ready to carry out the wedding because all the costs of the party or *baralek* will be borne by the *daro* child or the woman. If the woman's family is a family that lives a simple life, then the family will sell the inheritance to pay for the marriage of her child. At this stage of shortening the *hetongan*, the amount of *japuik* money is usually determined. Balance *tando/ Exchange marks*. *Batimbang tando* is the same as the bidding process. At this stage, *mamak*, father, and some relatives will come to the prospective male party's house with the requirements set in the previous *hetongan* shortening process, such as *areca nut*, *betel*, *singgang* chicken, and pastries. At this stage, the bridegroom and bride-to-be will receive a sign that they will soon be married. In Minangkabau custom, there is an engagement agreement that reads "*batali lah buliah diriik, batampuak lah buliah dijinjiang*," meaning that once both parties have exchanged signs, the agreement extends beyond the couple to include both families, and neither party can unilaterally break the agreement.

After that, the family monitoring *Japuik Money/ Determining Japuik Money*. The next event is to determine the amount of *japuik* money. If the bridegroom has noble descent or has a noble title, then the value of the *japuik* money will be high.

²⁸ Ratu Sikumbang, Personal Interview, 2023.

²⁹ Laila Istiqamah and Yusmar Yusuf, "TRADISI BAJAPUIK PADA PERKAWINAN MASYARAKAT PARIAMAN DI KELURAHAN TUAH KARYA KECAMATAN TAMPAN KOTA PEKANBARU," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Sosial Dan Ilmu Politik* 5, no. 2 (July 20, 2018): 5.



However, with the times, the nobility is no longer a benchmark value for the *japuik* money women must prepare. Now, the value of *japuik* money is determined by education, position, and occupation. The higher the title or social status of the male side, the greater the *japuik* money requested. *Bakampuang-kampuangan* (Deliberation before Wedding Day). At this stage of *bakampuangan*, the *ninik mamak*, *alim ulama*, *brother-in-law*, and *besan* (in-laws) discuss what preparations are needed before the wedding, such as the equipment that must be brought on the wedding party day. On the Wedding Day. *Manjapuik Marapulai* / Picking up the groom-to-be. *Manjapuik marapulai* is a process where the woman will pick up the man to hold a wedding at the woman's house. In the process of *manjapuik marapulai*, the woman brings three mandatory luggage, namely the groom's complete outfit from head to toe, betel, and yellow rice with chicken cassava side dishes, various kinds of cakes, and the last is the *japuik* money that has been set before.

If the process of *batimbang* tando or exchanging signs has been carried out and is considered the official relationship between the two parties, then the marriage contract is an agreement between a man and a woman to live together following the teachings of Islam. The marriage contract is usually carried out at the woman's home or in the nearest mosque from home. *Basandiang* at *Anak Daro's* house. If the bridegroom arrives at the woman's house, the *marapulai* will be on the aisle with the *daro* or bride. The aisle has been installed at this stage, and a yellow umbrella is outside the house as a sign of the wedding party. During the *basandiang* event, all relatives will be invited to *selamatan* (communal feast) and usually will be performed traditional Minangkabau dances accompanied by traditional music.³⁰ *Bainai* Night. *Bainai* means pairing a smooth collision of red henna, which in the *Minangkabau* language is called *inai* leaves, which will later be worn to the fingers of the bride-to-be; the process of *bainai* night is usually carried out at night before the wedding ceremony takes place. At this stage, the family and closest people encourage and show affection to the bride and groom so they are not nervous on the wedding day.

The *badantam* or *badoncek* process is carried out on the night of *bainai*, where the *mamak* collects funds or donations to help the child's family carry out the wedding party. *Badantam* or *badoncek* is an activity that collects money from relatives who are holding a wedding. This tradition can be used to build hometowns for people in the region who live in the *Pariaman* area. During this *bandoncek* process, all their family will donate up to millions for his nephew's wedding expenses. *Bainduak Bako/Babako Babaki*. During the *bainduak* bako event, the paternal family will come to the house of the prospective *daro* or bride together and bring souvenirs in the form of money, equipment, gold, clothes, cooked side dishes, kitchen utensils, and various kinds of cakes. Upon arrival, the father's family group will be accompanied by traditional music. *Manjalang Mintuo/* Visiting In-Laws. *Manjalang mintuo* is the same as downloading *mantu* that applies in Java. The *manjalang mintuo* event is carried out by the bridegroom or *marapulai*, aiming to complete the traditional procession after marriage, which means that the bride or child *daro* gets to know each other with her husband's family. The family of children who come will usually bring a gift containing various kinds of food, including *rendang*, chicken cassava, and different

³⁰ Muhammad Taufiq and Busyro Busyro, "Marriage System in Minangkabau: Interpreting the Concept of Culture Promoted in the Quran," *Islam Transformatif: Journal of Islamic Studies* 6, no. 2 (February 23, 2023): 173–87, <https://doi.org/10.30983/it.v6i2.6114>.



kinds of sponge cakes. When the bride's family group arrives at the groom's house, it will be greeted with a wave or *pasambahan* dance.

Manduo is usually held on the first or second day after the *manjalang* mintuo event. The purpose of this *manduo* or praying together is to ensure that the bride and groom are always given ease in running a married life and that the families of both parties are familiar with and know each other. Go Home at Night. Going home at night means the first night the groom returns to his wife's house and brings his tools and clothes. The groom will be accompanied by 3 to 5 people who will enter the bride's house at midnight and later sleep in the living room of the *daru* child's house. They usually get off the child's house from 4 to 5 in the morning. "During the process of returning home tonight, usually the accompaniment group from the male side will bring a gift for the bride called *panibo* or congenial when coming to the house of the *daru* child. There are usually three to five groomsmen who will go home at 4 or 5 in the morning. The number of escorts daily will decrease within one week until only the groom himself is left."³¹ The interview results indicate that returning home at night means that the male party comes to the woman's house with his equipment and clothes accompanied by three to five people and will return home at 4 to 5 o'clock. The number of entourages accompanying the male party will decrease daily until only the groom is left.³²

Acculturation of Islam and Local Wisdom of *Bajapuik* Tradition

In Minangkabau customary marriage law, the term *Bajapuik* marriage is known. The tradition of picking up men is only found in the Minangkabau traditional area of Pariaman and its surroundings. This *Bajapuik* marriage is also customised in the Minangkabau customary environment, namely local regulations that have been taken with the word consensus or generally accepted customs in a Nagari. The level of Minangkabau custom that classifies *Bajapuik* marriage as customary reflects that this *Bajapuik* marriage only applies to the customary law community of Pariaman and the area around Pariaman, in the Minang proverb, namely other fields, other grasshoppers, other *lubuk lain ikannyo, cupak sapanjang batuang, Adat salingka nagari*. The invitation money is decided jointly by consensus between the two parties. The invitation money is not a buyer for the groom, but the money is seen as a form of glorification for men, and in balance, men who are married using invitation money will also give a balanced return to the family who gave it. The money is not a "blank check" but a prologue for the man to give his wife something, representing Minangkabau customary justice.³³

It should be emphasised that *Bajapuik* is different from dowry money. The dowry will still be given to the bride by the bridegroom following religious law. *Bajapuik* is only a stage in the marriage process that will be carried out; it does not mean that women will pay for all the needs of their husbands in the future³⁴. Minang-

³¹ Hasril Chaniago, Personal Interview, 2023.

³² Nurul Anita and Nugroho Trisnu Brata, "Makna Budaya Bajapuik dalam Pernikahan Etnis Minangkabau di Kota Pariaman Sumatra Barat," *Aceh Anthropological Journal* 7, no. 2 (October 31, 2023): 255–73, <https://doi.org/10.29103/aaj.v7i2.12718>.

³³ Taufiq and Busyro, "Marriage System in Minangkabau."

³⁴ Abdul Rahim Hakimi et al., "Legal Policy for Women Workers in Indonesia: A Review of Contemporary Islamic Law," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 66–94, <https://doi.org/10.32332/milrev.v3i1.9023>.



kabau highly upholds the values of religion. In religion, it is strongly emphasised that the husband will always provide for his wife and family. Many outsiders think that *Bajapuik* means that the woman will give dowry to the man, even though *Bajapuik* is only a step process before carrying out the marriage contract. When the marriage contract takes place, the bridegroom will still give dowry to the bride following the Sharia and Islamic religious provisions that apply.³⁵ From this, it can be seen that the *Bajapuik* tradition is a culture that Islamic teachings have influenced. This factor is causing the Minangkabau people to accept Islam, among others, quickly. First, it is closely related to Islam itself. At that time, what was brought was not exoteric Islam based on teachings related to law or rational sharia, but it was more esoteric Sufi and even more *tariqat* that paid less attention to physical practices but preferred the spiritual aspect (the practice of the heart). Second, Sufi Islam does not contradict people's belief systems (Hinduism and Buddhism with a spiritual dimension). Such persuasive, motivational, and tolerant actions of Islamic scholars further accelerate the pace of the process of Islamisation. However, these actions have also led to tolerance of practices not entirely aligned with Islamic teachings. A tolerant attitude provides an opportunity to strengthen the creed of society, and at certain times, impure Islamic teachings can be straightened out; even beliefs that are not from Islam are removed.³⁶

In the *Bajapuik* tradition, the prospective bride's family provides a certain amount of money or objects to the prospective groom's family before the marriage contract takes place. This money symbolises respect and agreement between the two families. This tradition is not intended to trade men but to show respect and strengthen the relationship between the two families.³⁷ The *Bajapuik* tradition also includes respect for the authority of the *ninik mamak* institutions in Minangkabau, and maintaining local wisdom like the *Bajapuik* tradition is essential to mitigate negative consequences.³⁸ Furthermore, the acculturation of the *Bajapuik* tradition demonstrates that a restorative approach based on deliberation and consensus in Minangkabau customary law effectively resolves conflicts.³⁹ It also shows that

³⁵ Istiqamah and Yusuf, "TRADISI BAJAPUIK PADA PERKAWINAN MASYARAKAT PARIAMAN DI KELURAHAN TUAH KARYA KECAMATAN TAMPAN KOTA PEKANBARU"; Nurwahidin Nurwahidin et al., "PRODUCTIVE ZAKAT AND ECONOMIC EMPOWERMENT: IMPACT ON MUSTAHIQ INCOME AT DARUL ILMU ISLAMIC SCHOOL," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 3, no. 1 (June 7, 2024): 115–28, <https://doi.org/10.32332/muamalah.v3i1.8848>.

³⁶ Bukhari Bukhari, "AKULTURASI ADAT DAN AGAMA ISLAM DI MINANGKABAU Tinjauan Antropologi Dakwah," *AL MUNIR: Jurnal Komunikasi Dan Penyiaran Islam*, no. 0 (April 1, 2009): 49–63, <https://doi.org/10.15548/amj-kpi.v0i0.658>.

³⁷ Nuroniyah and Maula, "Muslim Women Adhering to Minangkabau's Bajapuik Tradition in Cirebon, West Java"; Muh Anwar Nurhasan Rumaf, "SOCIETAL BEHAVIOR TOWARDS ISLAMIC INSURANCE: A SOCIOLOGICAL AND ANTHROPOLOGICAL PERSPECTIVE ON SHARIA ECONOMIC LAW," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 3, no. 1 (June 7, 2024): 129–40, <https://doi.org/10.32332/muamalah.v3i1.8606>.

³⁸ Busyro Busyro et al., "The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 555–78, <https://doi.org/10.22373/sjhk.v7i1.15872>.

³⁹ Zurnetti, "Preventing Domestic Violence in West Sumatra through Adat Criminal Law and Local Wisdoms."



traditional values still influence the modern context, especially in cross-cultural marriages among Minangkabau women.⁴⁰

We can understand that it is essential to comprehend the cultural context when applying customary law through socio-legal analysis. Although customary law has protective elements, harmonising with broader women's rights is necessary.⁴¹ Additionally, examining the role of customary law and local wisdom in preventing domestic violence in West Sumatra shows that a restorative approach based on deliberation and consensus in Minangkabau customary law effectively resolves conflicts.⁴² This understanding also underscores the influence of traditional values in the modern context, particularly in cross-cultural marriages among Minangkabau women.⁴³ It highlights the importance of understanding cultural contexts in applying customary law through socio-legal analysis, recognising the need for harmonisation with broader women's rights despite the protective elements of customary law.⁴⁴

Minangkabau Customary Philosophy views that the husband is a coming person. With its matrilineal system, customary law positions the husband as a guest in his wife's home. As guests or coming people, the moral value of coming "*karano dipanggil, tibo karano dijapuik*" (coming because called, arriving because being picked up). In the wedding procession, the man is escorted to his wife's house as a sincere acceptance, then customarily picked up by the wife's family. On the other hand, as a form of sincerity in releasing nieces and nephews, male relatives deliver men customarily. Therefore, men are also referred to as "invited people." Every tradition carried out by a community certainly has values contained in it, including the tradition of *japuik* money. Several values are contained in the *Bajapuik* tradition: social, cultural, and religious. The social value that exists in the traditional tradition of *japuik* money is to appreciate the male who will be the immigrant in the woman's family so that the authority of a man who will become her husband is considered to exist and to raise the dignity and dignity of the men so that they are picked up customarily. The cultural value of this tradition is a unique tradition owned by the Pariaman area, while outside Pariaman, especially in West Sumatra, there is no *Bajapuik* tradition using invitation money. The religious value in this tradition of *japuik* money is that the entry of Islam into Pariaman influenced this tradition in the past. Islam entered and developed in an area; then, the *Bajapuik* tradition became a tradition followed by the spread of religious values. Islam in the view of the Minangkabau people is as a refinement of custom, "*adat basandi syarak, syarak basandi kitabullah, syarak mangato adat mamakai*".⁴⁵ Cooperation, *ta'awûn*, and togetherness are proven in the Minang *gadang* baralek event. In principle, *baralek* (feast) is a forum

⁴⁰ Dewi et al., "The Role of Culture in Cross-Cultural Marriage among Minangkabau Women."

⁴¹ Nofiardi Nofiardi, "Adat Rantau as a Solution for Multi-Ethnic Marriage in Pasaman, West Sumatera," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 2 (December 28, 2020): 243–56, <https://doi.org/10.30631/al-risalah.v20i2.544>.

⁴² Zumetti, "Preventing Domestic Violence in West Sumatra through Adat Criminal Law and Local Wisdoms."

⁴³ Warman et al., "Strengthening Family Resilience Through Local Wisdom."

⁴⁴ Bahri, Abbas, and Bakar, "The Determination of the Tribe of Family Members in Luhak Limopuluh Koto, West Sumatera Indonesia."

⁴⁵ Zike Martha, "Persepsi Dan Makna Tradisi Perkawinan Bajapuik Pada Masyarakat Sungai Garingging Kabupaten Padang Pariaman," *Biokultur* 9, no. 1 (May 19, 2020): 15–31, <https://doi.org/10.20473/bk.v9i1.21725>.



for family meetings between brother-in-law and *besan*, mamak and nephew, brother and sister. Usually, *baralek* takes a long time and is done together without involving other parties, let alone paying people to work on the *alek* (wedding party). However, this spirit is increasingly lost, so French, German, and other styles of *baralek* that are not based on togetherness have been found.

Philosophical and Human Rights Analysis of the Interaction between Islamic Law and Minangkabau Marriage Traditions

The *Bajapuiik* marriage tradition, prevalent in Pariaman, involves transferring money or valuables from the bride's family to the groom's family before the marriage contract is finalised. This tradition includes specific customs and terminologies, such as "*japuiik* money" and "lost money." The *maresek* event is crucial in determining these amounts and other marriage requirements. While *japuiik* money is returned to the bride, lost money is considered an appreciation of the groom's qualities and remains with his family. The obligation of the bride's family to provide money to the groom's family is based on the understanding that the groom is a guest.⁴⁶ It needs to be examined regarding human rights equality and economic security. On the other hand, it can be seen as a form of appreciation that the bride is equal in status and capability to the groom.⁴⁷ However, for a marriage to align with human rights standards, both parties must enter it voluntarily. The economic obligations imposed by the *Bajapuiik* tradition must be entirely voluntary.⁴⁸

It is crucial because marriage should be a concrete step in upholding human rights principles articulated in various human rights charters, including the Universal Declaration of Human Rights (UDHR). While cultural practices are essential for maintaining heritage and identity, they must be continually assessed to ensure they do not conflict with modern human rights principles.⁴⁹ In Islamic law, the groom typically gives a dowry to the bride, symbolising respect and commitment. The Quran states: "And give the women (upon marriage) their bridal gifts graciously" (Quran 4:4). This indicates that the dowry is a gift to the bride from the groom, emphasising respect and financial security. The *Bajapuiik* tradition has a unique aspect: it requires the bride's family to give a material gift to the groom's family before the marriage contract.⁵⁰ Scholars like Abdullah Saeed argue that Islamic jurisprudence supports the financial empowerment of women through the dowry, ensuring that women have financial security independent of their marital status.⁵¹

As noted in the Medina Charter and the Cairo Declaration on Human Rights in Islam, Islamic teachings stress mutual respect and dignity for all parties in a

⁴⁶ Muhammad Alan Juhri, "Revitalisasi Peran Keluarga Tumbuhkan Toleransi Sejak Dini: Teladan Kisah Luqman," *MODERATIO: Jurnal Moderasi Beragama* 4, no. 1 (May 30, 2024): 63–74, <https://doi.org/10.32332/moderatio.v4i1.9053>.

⁴⁷ Salamatul Lasmi, Zhang Wei, and Shanshan Xu, "Human Rights in Islamic Perspective," *International Journal of Educational Narratives* 1, no. 2 (July 11, 2023): 75–83, <https://doi.org/10.55849/ijen.v1i2.278>.

⁴⁸ Zulfi Imran, "The Human Rights In Islamic Perspective," *INTERNATIONAL CONFERENCE OF ISLAMIC EDUCATION*, November 6, 2019, 308–14.

⁴⁹ Lasmi, Wei, and Xu, "Human Rights in Islamic Perspective."

⁵⁰ Anisa, Aman, and Kumalasari, "Bajapuiik Tradition the Traditional Marriage in Minangkabau," April 21, 2021.

⁵¹ Abdullah Saeed, *Human Rights and Islam: An Introduction to Key Debates between Islamic Law and International Human Rights Law* (Edward Elgar Publishing, 2018).



marriage. The Prophet Muhammad (saw) said, “The best of you are those who are best to their wives” (Sunan al-Tirmidhi, 1162).⁵² The *Bajapuik* tradition, placing a financial obligation on the bride’s family, illustrates a mutual affection between the bride and groom through the giving process from the beginning of the marriage proceedings.⁵³ Islam promotes social justice and equity, as reflected in the works of scholars like Ziba Mir-Hosseini.⁵⁴ The Quran states: “O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives” (Quran 4:135). Although the *Bajapuik* tradition seems to place a significant financial burden on the bride’s family, it may intend to honour the groom, who is considered a guest, while affirming the woman’s equal status to the man. It reinforces the principle of gender equality, a cornerstone of human rights and Islamic jurisprudence. Islam advocates for equal respect and dignity for both spouses, as reflected in the teachings of Prophet Muhammad (saw).⁵⁵ Islamic law requires the groom to provide a dowry to the bride, ensuring her financial security and respect.⁵⁶ It aligns with the Islamic principle of standing firm in justice, as emphasised in the Quran (Quran 4:135).

In the *Bajapuik* tradition, the bride’s family gives a sum of money or valuable items to the groom’s family before the wedding ceremony. This practice is considered a form of respect and mutual agreement between the two families rather than a transaction of buying and selling humans.⁵⁷ Based on the concept of *maslahah* in Islamic law, this tradition aims to achieve general welfare and maintain honour and relationships between families. In this context, *maslahah* can be interpreted as anything that brings benefit and prevents harm.

In the Qur’an, Allah SWT says in Surah Al-Baqarah verse 233: “And mothers shall breastfeed their children for two whole years, for those who wish to complete the nursing period. Moreover, upon the father is their provision and clothing according to what is acceptable...” This verse emphasises the importance of mutual giving and caring for the family’s welfare, which aligns with the *Bajapuik* tradition’s purpose in maintaining both parties’ honour and welfare. It reflects the principle of *maslahah* in preserving and enhancing harmonious family relationships. The Hadith of the Prophet Muhammad SAW also emphasises the importance of maintaining good family relationships. In a hadith narrated by A-Tirmidhi, the Prophet SAW said: “The best of you are those who are best to their families, and I am the best among you to my family.” (HR. At-Tirmidhi).⁵⁸ This hadith highlights the importance of harmonious and respectful relationships among family members, which is also the goal of the *Bajapuik* tradition. In this tradition, inter-family relationships are maintained through symbolic giving, which strengthens social ties and demonstrates a commitment to mutual respect.

⁵² Muhammad Nashiruddin Al-Albani, *Shahih Sunan Tirmidzi* (Pustaka Azam, 2002).

⁵³ Zulfi Imran, “The Human Rights In Islamic Perspective,” 2019.

⁵⁴ Ziba Mir-Hosseini et al., *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws* (Simon and Schuster, 2022).

⁵⁵ H.A Hellyer, *The Islamic Tradition and the Human Rights Discourse* (USA: Atlantic Council, 2018).

⁵⁶ Saeed, *Human Rights and Islam*.

⁵⁷ Nuroniyah and Maula, “Muslim Women Adhering to Minangkabau’s Bajapuik Tradition in Cirebon, West Java.”

⁵⁸ Al-Albani, *Shahih Sunan Tirmidzi*.



According to fiqh, the principle of *maslahah* is one of the main foundations of Islamic law. Imam Al-Ghazali defines *maslahah* as anything that brings benefit and prevents harm, both in this world and the hereafter.⁵⁹ In the context of *Bajapuik*, this tradition can be seen as an effort to bring about the benefit of harmonious and respectful family relationships. Considering the aspect of *maslahah*, this tradition ensures that every action taken has a positive purpose aligning with Islamic principles. Contemporary legal scholars also support the importance of maintaining local traditions that do not contradict Islamic principles. For instance, in his book “Fiqh al-Awlawiyyat,”⁶⁰ Yusuf Al-Qaradawi emphasises the importance of prioritising matters that benefit the ummah.⁶¹ The Bajapuik tradition, with all its positive values, can be regarded as a form of local wisdom that needs to be preserved. It shows how local values can adapt to universal principles in Islam, which emphasise the importance of welfare and justice.

Busyro et al. (2019) emphasise that the *Bajapuik* tradition also reflects respect for the authority of the ninik mamak institution in Minangkabau. The ninik mamak plays a crucial role in determining the amount of *bajapuik*, which is done through deliberation and mutual agreement.⁶² This practice shows the importance of deliberation and consensus, critical elements in achieving *maslahah*. The involvement of ninik mamak ensures that decisions are made with the welfare of all parties in mind, thus conducting the tradition fairly and wisely.

Similarly, Zurnetti indicates that the *Bajapuik* tradition contributes to social welfare by strengthening family relationships and reducing potential conflicts through a restorative approach based on deliberation and consensus.⁶³ This approach reflects the principle of *maslahah* in maintaining harmony and welfare in society.⁶⁴ For example, in the Minangkabau community, conflict resolution is often carried out through family deliberations involving ninik mamak. It aligns with the principle of shura in Islam, where every important decision must be based on mutual consultation (QS. Ash-Shura: 38). Dewi et al. found that traditional values still influence the modern context, especially in cross-cultural marriages among Minangkabau women. The *Bajapuik* tradition also shows how these values can adapt to changing times without losing their essence.⁶⁵ For instance, in some cases, the amount of *bajapuik* is adjusted to the family’s economic conditions, demonstrating this tradition’s flexibility and adaptability. Ensuring that the tradition remains relevant and beneficial under various social and that economic conditions are crucial.

⁵⁹ Imam Al-Ghazali, *Al-Mustashfa Jilid 1: Rujukan Utama Ushul Fikih* (Indonesia: Pustaka Al-Kautsar, n.d.).

⁶⁰ Yusuf Qaradhawi, *Fikih Prioritas: Urutan Amal Yang Terpenting Dari Yang Penting*, trans. Moh. Nurhakim, 1st ed. (Jakarta: Gema Insani Press, n.d.), <https://opac.perpusnas.go.id/DetailOpac.aspx?id=259012>.

⁶¹ Mu’adil Faizin, “Hak Asasi Manusia Dalam Pemikiran Yusuf Qaradhawi,” *Al-Mazahib* 5, no. 1 (June 1, 2017), <http://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1388>.

⁶² Busyro et al., “The Reinforcement of the ‘Dowry for Groom’ Tradition in Customary Marriages of West Sumatra’s Pariaman Society,” March 31, 2023.

⁶³ Zurnetti, “Preventing Domestic Violence in West Sumatra through Adat Criminal Law and Local Wisdoms.”

⁶⁴ I. Mustofa et al., “The Law of Bitcoin Transactions as a Digital Currency from the Maslahah Perspective,” *Manchester Journal of International Economic Law* 20, no. 1 (2023): 53–65.

⁶⁵ Dewi et al., “The Role of Culture in Cross-Cultural Marriage among Minangkabau Women.”



Through understanding the cultural context in applying customary law via socio-legal analysis,⁶⁶ it becomes clear that the *Bajapuik* tradition aims to uphold family honour and welfare rather than degrade or trade humans. Research also notes that although customary law has protective elements, harmonising with broader women's rights is necessary. For instance, in some cases, the *Bajapuik* tradition can become an economic burden for the bride's family, necessitating adjustments to avoid conflicting with the principle of justice in Islam. According to Martha, the role of *ninik mamak* in determining the amount of *bajapuik* demonstrates the importance of deliberation and consensus,⁶⁷ which are essential elements in achieving *maslahah*. The involvement of *Ninik Mamak* ensures that decisions are made, considering the welfare of all involved parties. In this context, the *Bajapuik* tradition can be seen as an application of the principle of *shura* in Islam, where every important decision must be based on mutual consultation (QS. Ash-Shura: 38). This shows how elements of custom and religion can work together to achieve more significant goals.⁶⁸

The *Bajapuik* tradition is not just about material giving but also about the values underlying inter-family relationships. The giving of *bajapuik* is a symbol of emotional bonds and commitment to mutual care and respect. It aligns with the purpose of marriage in Islam, which involves not only a physical relationship but also spiritual and emotional connections. Thus, the *Bajapuik* tradition reinforces the meaning of marriage in Islam, involving total commitment to the spouse and family.

Moreover, the *Bajapuik* tradition can potentially strengthen women's role in the family and society. By giving *bajapuik*, the bride's family shows that they have an active role in the marriage process, which can enhance women's confidence and bargaining position in society. It is essential in modern society, where women's societal roles are increasingly recognised and valued. In this context, the *Bajapuik* tradition can be seen as an application of the principle of *maslahah* in Islamic law. This tradition strengthens inter-family relationships, ensures the marriage process is conducted fairly, and respects all parties involved. Thus, the *Bajapuik* tradition reflects local wisdom and universal principles in Islam, emphasising the importance of justice, welfare, and respect for human rights.

In the *Bajapuik* tradition, legal analogy can be applied through the analogy of dowry payment in Islamic law. In the Qur'an, Allah SWT says: "And give to the women [whom you marry] their bridal gift graciously..." (QS. An-Nisa: 4).⁶⁹ In this verse, the dowry is given by the groom to the bride as a sign of respect and commitment. In the *Bajapuik* tradition, this analogy is applied in a reciprocal

⁶⁶ Akh Syamsul Muniri, Abdul Hadi, and Abdul Ghofur, "Child Marriage in Indonesia: Are Parents' Protection and Responsibilities Involved?," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 29, 2023): 301–13, <https://doi.org/10.18860/j-fsh.v15i2.24388>; Muhammad Miftahul Ikhsan, Neni Nuraeni, and Deffa Meiriyanti, "INTEGRATING ISLAMIC BUSINESS ETHICS IN LABOR PROTECTION AND MINIMUM WAGE DETERMINATION IN INDONESIA," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 3, no. 1 (June 7, 2024): 105–14, <https://doi.org/10.32332/muamalah.v3i1.8188>.

⁶⁷ Martha, "Persepsi Dan Makna Tradisi Perkawinan Bajapuik Pada Masyarakat Sungai Garingging Kabupaten Padang Pariaman," May 19, 2020.

⁶⁸ Nurul Miqat et al., "The Development of Indonesian Marriage Law in Contemporary Era," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (July 4, 2023): 54–66, <https://doi.org/10.18860/j-fsh.v15i1.17461>.

⁶⁹ Ismail bin Umar bin Kasir, *Tafsir Ibnu Katsir* (Riyad: Dar al-Salam, 2001).



manner, where the bride’s family gives *bajapuik* to the groom’s family, while the groom gives dowry during the wedding ceremony.⁷⁰ Although technically different, the essence of both is the same as a form of respect and commitment in marriage. Furthermore, the *Bajapuik* tradition can also be analogised with the concept of mutual giving and receiving in Islam, known as “*tabadul*.” In Surah Al-Baqarah verse 286, Allah SWT says: “Allah does not burden a soul beyond that it can bear...”⁷¹ This verse teaches the importance of equality and justice in every transaction.⁷² The *Bajapuik* tradition, giving *bajapuik* according to the agreement and ability of the family, reflects this principle. Thus, this tradition shows how Islamic principles are applied locally to achieve welfare and justice.

Overall, the *Bajapuik* tradition has many positive values that align with the concept of *maslahah* in Islamic law. This tradition strengthens family relationships, maintains inter-family honour, and contributes to social welfare. Despite the challenges and misunderstandings related to this practice, a deep and contextual understanding can help us see its positive values. The *Bajapuik* tradition exemplifies how local wisdom and religious values can synergise to achieve societal welfare and justice.⁷³ Additionally, it is essential to note that the *Bajapuik* tradition also has elements of flexibility that allow adjustments according to the family’s economic conditions. For instance, the amount of *bajapuik* can be adjusted based on the family’s economic ability, ensuring this tradition does not become an excessive burden. It shows how local traditions can remain relevant and beneficial under various social and economic conditions.

Table 1. Comparison of Value in *Bajapuik* Tradition

Minangkabau <i>Bajapuik</i> Tradition	Human Rights Values	Philosophical Values
Respect and Agreement	Demonstrating respect and strengthening family relationships	Justice and General Welfare (<i>Maslahah</i>)
Respect for Ninik Mamak Authority	Demonstrating respect and maintaining local wisdom	Consultation and Consensus (<i>Syura</i>)
Restorative Approach to Conflict Resolution	Reducing potential conflicts and maintaining social harmony	Harmony and Social Welfare
Influence of Traditional Values in Modern Context	Adapting traditional values for modern relevance	Flexibility and Adaptability

⁷⁰ M. Quraish Shihab, *Tafsir Al-Misbah (Kesan, Pesan Dan Keserasian Al-Qur’an) Jilid 4, Lentera Hati*, vol. 4, 1, 2000, <https://www.ptonline.com/articles/how-to-get-better-mfi-results>.

⁷¹ Kasir, *Tafsir Ibnu Katsir*.

⁷² M. Quraish Shihab, *Tafsir Al-Misbah (Kesan, Pesan Dan Keserasian Al-Qur’an) Jilid 1, Lentera Hati*, 2000.

⁷³ H. Kamal Gucci, Personal Interview, 2023.



Minangkabau <i>Bajapuik</i> Tradition	Human Rights Values	Philosophical Values
Contextual Understanding in Customary Law Application	Ensuring justice and equality in customary law	Understanding and Contextualisation
Bajapuik Giving as a Symbol of Emotional Bond	Demonstrating commitment and respect in marriage	Emotional Bond and Commitment

The *Bajapuik* tradition is one of the cultural practices in Minangkabau that reflects respect and agreement between the families of the prospective bride and groom. This value demonstrates deep respect and strengthens family relationships, which is part of Islamic law's principle of justice and general welfare (*maslahah*). Respect for the authority of *ninik mamak* in determining the amount of *bajapuik* also underscores the importance of consultation and consensus (*syura*), reinforcing local wisdom and reflecting Islamic principles.⁷⁴ Based on consultation and consensus, the restorative approach in conflict resolution effectively reduces potential conflicts and maintains social harmony, demonstrating the values of harmony and social welfare.

Traditional values that remain influential in the modern context show the flexibility and adaptability of the *Bajapuik* tradition. It allows the tradition to adapt to changing times without losing its essence. Contextual understanding in the application of customary law ensures that the *Bajapuik* tradition remains fair and equal, reflecting the principle of justice in customary law. Giving *bajapuik* as a symbol of an emotional bond emphasises commitment and respect in marriage, consistent with Islamic principles and human rights values. In this tradition, women and their families play an active role in marriage, enhancing women's confidence and bargaining position in society. Thus, the *Bajapuik* tradition reflects local wisdom and the universal principles of Islam that emphasise the importance of justice, welfare, and respect for human rights.

Ultimately, the *Bajapuik* tradition in Minangkabau is a practice rich in positive values that aligns with the *maslahah* principle in Islamic law. This tradition strengthens family relationships, maintains honour, and ensures social welfare. With a flexible and adaptive approach, this tradition can remain relevant in the modern context while respecting religious values and local wisdom. The *Bajapuik* tradition exemplifies how integrating local values and universal principles can produce practices that benefit society.

Conclusion

The *Bajapuik* tradition in Minangkabau can achieve the goal of *maslahah* in marriage by strengthening family relationships and maintaining the honour and welfare of both parties. This practice is seen as a form of mutual respect and agreement between the bride and groom's families, reflecting the values of giving and mutual respect that are significant in Islam. Despite the financial burden on the bride's family, the tradition emphasises the importance of deliberation and consensus to ensure the welfare of all parties involved, thereby avoiding injustice and

⁷⁴ Sultan Tanjung, Personal Interview, 2023.



reinforcing family harmony. With flexible adjustments according to the family's economic conditions, this tradition remains relevant and beneficial, preventing conflicts and strengthening social bonds within the community. Customary law and local values can coexist with human rights principles by continually assessing and adapting cultural practices to align with modern human rights standards. The *Bajapuik* tradition, which imposes financial obligations on the bride's family, must be performed voluntarily to meet human rights standards and the principle of consent in marriage. This tradition can also be harmonised with the philosophical principles of Islamic law, particularly *maslahah*, by ensuring that every action brings benefit and prevents harm. In this context, the *Bajapuik* tradition can be seen as an effort to achieve general welfare, social justice, and respect for human rights while honouring local values and wisdom.

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