

Customary Violations in the Walimah al-'Urs Tradition: A Study in the Perspective of Islamic Law

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Abstract: This research examines customary violations in the walimah al-'urs tradition that contradict Islamic law, focusing on practices in Indonesian society. The background of the research shows that many local wedding traditions contain elements that are not in accordance with the principles of sharia, such as extravagance, discrimination, and entertainment that violate Islamic norms. The research method uses a qualitative approach through library research by analysing classical turats books such as Al-Muhazzab, Fathul Wahab, and sahih traditions from Sahih Bukhari-Muslim. Comparative analyses were conducted on the views of the four schools of fiqh as well as contemporary literature related to Islamic law and marriage traditions. The results identified three main forms of violations: entertainment practices involving gender mixing and forbidden music, discrimination in the treatment of invited guests, and extravagance that contradicts the Islamic principle of modesty. These findings are supported by qath'i propositions from the Quran and Sunnah. The discussion emphasises that Islam recognises valid customs (urf sahih) as long as they do not contradict clear texts. The study offers concrete solutions in the form of: replacing un-Islamic entertainment with halal alternatives, implementing hospitality protocols that comply with the Islamic principle of equality, and community education programmes involving religious and traditional leaders. The research conclusions present a framework for harmonising cultural traditions with sharia compliance in wedding celebrations, emphasising the supremacy of Islamic legal principles while valuing positive cultural elements. This research makes an important contribution in guiding Muslim communities to conduct sharia-compliant walimahs without losing good cultural values.

Keywords: *Islamic law, marriage traditions, urf, cultural reform, sharia adherence*

INTRODUCTION

Customs are a reflection of the soul and personality of a society that serves as a guide in social life.¹ In general, in the Indonesian legal system there are unwritten laws and laws that are not codified in a book of laws, this unwritten law is called 'Customary Law' which is a synonym for the notion of customary law, unwritten customary law becomes an integral part of the traditional legal system, which when we encounter things that are written, this is recorded Customary Law (Beschietegen Adat Recht) and documented Customary Law (Documentereerd Adat Recht).² Customs can reflect the soul of a society or nation and is a personality of a society or nation.

¹ Sigit Sapto Nugroho, *Pengantar Hukum Adat Indonesia, Pustaka Itizam* (Bandung, 2016).

² Nugroho.

Islam as a perfect religion has regulated all aspects of human life, explicitly and implicitly in the Qur'an and as-Sunnah. Both provide guidance on various matters. One of the aspects of Islamic law relating to humans in their relationships with others is marriage, in which there is a form of ceremony called walimah Al-'urs (wedding party) which is often influenced by local traditions. In this context, there is an interesting dialectic between the universal values of Islam and the peculiarities of local culture that needs to be studied in depth.³

Marriage in Islam is not just an agreement between two people, but also a sunnah of the Prophet that contains worship values. The rules in the implementation of walimah 'Urs in Islam should be held as simple as possible as in a hadith of the Prophet Muhammad as follows :

عن انس بن مالك ان النبي صلى الله عليه وسلم راي على عبد الرحمن بن عوف اثراصفرة فقال ماهذا اومه فقال
يارسول الله اني تزوجت امرأة على وزن نواة من ذهب فقال بارك الله لك اولم ولو بشاة

Meaning: From Anas bin Malik, that the Prophet saw a yellowish sheen of perfume on abdurrahman bin "auf so he said 'what is this?'" abdurrahman said o rasulullah I have married a woman with a dowry to give you blessings, make a walimah (banquet) even if only with a goat (Sahih: Adab az-Zafaf 65-68 al Irwa 1923 Muttafaq 'alaih).

The hadith above explains that the form of walimah in Islam recommends that people who carry out their marriages hold a walimah, but does not provide a minimum or maximum form of walimah, in accordance with the words of the Prophet above and this indicates that the walimah is held according to the ability of someone who carries out his marriage, keeping in mind that in the implementation of the walimah there is no extravagance, waste more accompanied by arrogance and pride.⁴

The purpose of the walimah Al-'urs above is among others:

1. There is a need to fulfil certain interests on the basis of activities carried out together;
2. The existence of ideal goals that need to be achieved without always depending on natural individuals individually..⁵

In relation to that Allah SWT says in Q.S al-Luqman verse 6 :

وَمِنَ النَّاسِ مَنْ يَشْتَرِي لَهْوَ الْحَدِيثِ لِيُضِلَّ عَنْ سَبِيلِ اللَّهِ بِغَيْرِ عِلْمٍ وَيَتَّخِذَهَا هُزُوًا أُولَٰئِكَ لَهُمْ عَذَابٌ مُّهِينٌ

Meaning: And among men (there are) those who use useless Words to mislead (people) from the way of Allah without knowledge, and make a mockery of the way of Allah.⁶

³ Hasan Aedy, *Kubangun Rumah Tanggaku Dengan Modal Akhlak Mulia* (Bandung: CV Alfabeta, Bandung, 2008).

⁴ Kamal Mukhtar, *Asas-Asas Hukum Islam Tentang Perkawinan*. Asas-Asas Hukum Islam Tentang Perkawinan (PT Bulan Bintang 2004, 1993).

⁵ Zul Ikromi and tasnim Rahman Fitra, "Maqashid Syaria'h Dalam Hadis Walimah Urs," *Syaksia : Jurnal Hukum Keluarga Islam* 24, no. 1 (2023): 39–63, <http://jurnal.uinbanten.ac.id/index.php/syaksia>.

⁶ Kementerian Agama, *Republik Indonesia, Al-Qur''ân Al-Karîm Dan Terjemahannya* (Surabaya: Halim, 2014).

The word *lahwa* is something that distracts, which results in leaving out the important or more important. The verse above although using the word *lahwa al-hadith* (distracting speech), but the scholars did not limit it to speech or reading alone. They include any activity that distracts.

Marriage in Islam is not just a contract between two people, but also a *sunnah* of the Prophet that contains worship values. *Walimah al-'urs* as part of the marriage procession has a strong social dimension in building *ukhuwah islamiyah* and friendship. However, in practice, there are often various deviations that are contrary to *Maqashid Sharia*, especially in terms of protecting religion (*hifzh ad-din*), soul (*hifzh an-nafs*), intellect (*hifzh al-'aql*), offspring (*hifzh an-nasl*), and property (*hifzh al-mal*).

The implementation of *walimah al-'urs* in various regions, including in the Mandailing-Angkola community (South Tapanuli), shows how customs and *sharia* interact dynamically. The people in this region have a wealth of traditions that are very thick in every wedding procession, starting from *mangarisika* (proposal), *mangupa-upa* (pre-marriage), to the *unjuk party* (main *walimah*). This interaction between Islamic values and local traditions creates unique forms of acculturation that need to be criticised so as not to deviate from the basic principles of *sharia*.⁷

Islam recognises the existence of custom (*urf*) as one of the sources of law as long as it meets several key conditions. The *fiqh* rule '*al-'adah muhakkamah*' (customs can be used as law) is the basis for this recognition, provided that the custom does not conflict with the *Qath'i Nash*, is general and constant in society, and does not contain elements of harm.⁸ In the context of *walimah*, this principle becomes very important to filter out the various traditions that develop in the community.

However, in practice, there are many violations of customs that conflict with the principles of Islamic law. Some of the problems that often arise include the culture of extravagance in organising *walimah* which contradicts the principle of *iffah* (simplicity), discrimination in treating invited guests which contradicts the principle of *al-musawah* (equality), as well as various forms of entertainment that violate *shar'i* restrictions such as *Ikbtilath* (mixing between men and women who are not *mahrams*) and music that distracts the guests.

The Prophet Muhammad SAW has provided clear guidance in the implementation of *walimah* by advocating simplicity and blessings. His words narrated by Anas bin Malik about the

⁷ Asrul Hamid, Syaipuddin Ritonga, and Andri Muda Nst, "Kearifan Lokal Dalihan Na Tolu Sebagai Pilar Toleransi Beragama Pada Masyarakat Tapanuli Selatan," *Jurnal Ilmu Sosial Dan Humaniora* 13, no. 1 (2024): 132–43, <https://doi.org/10.23887/jish.v13i1.74809>.

⁸ Darnela Putri, "Konsep 'Urf Sebagai Sumber Hukum Dalam Islam," *El-Maslahah* 10, no. 2 (2020): 14–25, <https://doi.org/10.23971/maslahah.v10i2.1911>.

walimah of Abdurrahman bin Auf are a clear example of how Islam teaches simplicity in every aspect of life, including in organising walimah. This hadith is also a criticism of the culture of ostentation in walimah that often occurs in today's society.

Social reality shows that walimah in many regions has turned into a showcase of social status and wealth. This phenomenon not only contradicts Islamic values, but also causes various social problems such as economic disparity, excessive financial burden for underprivileged families, and moral deviations in the form of un-Islamic entertainment. This condition requires a comprehensive solution with a wise approach.

Serious efforts are needed to harmonise the values of Sharia and local traditions through several strategic approaches. Firstly, an educative approach by providing a comprehensive understanding of the concept of walimah in Islam. Secondly, a cultural approach by making creative modifications to various traditional elements that conflict with the Shari'ah. Third, a collaborative approach by involving all stakeholders, ranging from ulama, traditional leaders, to local government.

The purpose of this study is to critically analyse various forms of customary violations in the walimah al-'urs tradition that are contrary to Islamic law, especially in the context of a society with strong traditions. In addition, this research also aims to formulate practical solutions based on the perspective of sharia that can be implemented in society. Thus, this research is expected to be a guide in carrying out walimah that combines positive cultural values with the provisions of Islamic law in a proportional manner.

METHOD

This research is a qualitative study with a library research approach that focuses on analysing classical and contemporary Islamic texts related to the walimah tradition. The research data were collected from two main types of sources: primary sources in the form of turats books such as Al-Muhazzab by Ash-Shirazi, Fathul Wahab by Al-Anshari, Tafsir Al-Qurthubi, and sahih traditions from Sahih Bukhari-Muslim; and secondary sources in the form of contemporary literature on Islamic law and wedding customs, including related scientific journals. The data collection process was conducted systematically by tracing key references relevant to the research theme.

Data analysis was conducted through three integrated approaches. Firstly, content analysis to extract fiqh concepts on walimah from classical texts. Second, comparative analysis to compare the views of the four main madhhabs (Hanafi, Maliki, Shafi'i, Hanbali) on various aspects of walimah. Third, critical analysis to criticise the customary practices of walimah that develop in the

community. The validity of the data is tested through source triangulation by comparing information from various books of turats, critical analysis of the hadith sanad, as well as the discourse of contemporary scholars as a comparison.

This research uses a comprehensive theoretical framework by combining the maqashid sharia approach (Imam Al-Ghazali), urf theory in ushul fiqh (Wahbah Az-Zuhaili), and the concept of al-'adah muhakkamah. This approach allows the research to not only understand the text literally, but also capture the spirit of Islamic law in the current context. The advantages of this method lie in the depth of analysis through extracting authoritative sources, breadth of perspective with comparisons between madhhabs, and contemporary relevance through critical analysis. However, this research has limitations because it does not involve direct fieldwork and relies heavily on the availability of turats references, thus requiring extra caution in interpreting classical texts.

RESULTS AND DISCUSSION

1. Customary Offences in Islamic Law

Islamic teachings or Islamic law are the result of deductive activities (istinbathiy) of scholars of the Qur'an and Hadith. However, in reality this is not always the case. The scientists also consider the realities and values that live in the midst of society (al-'urf). These realities and values are valued as sources and arguments after justification from the Qur'an.⁹

Islamic law prohibits acts that are inherently destructive to human life, even if they are favoured by humans and do no harm to others. For example, drinking intoxicating liquor (khamr). In the Islamic view, this is still prohibited, because it can damage the mind that should be nurtured, even if he buys the drink with his own money and drinks it in his house without disturbing others.

This is also the case with sexual intercourse outside marriage (zina). It is forbidden even if it is consensual, without coercion and does not harm anyone else. The same applies to suicide, burning one's possessions, eating carrion, throwing away a watch. Even if it does not harm others, it is still prohibited in Islam because the person who commits the act will still be held accountable in the hereafter, even though in the world it is not punished.¹⁰

According to Al-Suyuthi as quoted by Saikh Yasin bin Isa al-Fadani, the word al-'urf in the verse above can be interpreted as a habit or custom. It is also emphasized that the custom

⁹ M. Yasir Nasution, , *Hukum Islam Dan Signifikansinya Dalam Kehidupan Masyarakat Modern, Pidato Pengukuhan Guru Besar LAIN-SU Tanggal 7 Januari 1995, Hlm. 11.*, 1995.

¹⁰ Suparman Usman, *Hukum Islam: Asas-Asas Dan Pengantar Hukum Islam Dalam Tata Hukum Indonesia* (Jakarta: Gaya Media Pratama, 2001, 2001).

referred to here is a custom that does not contradict the Sharia. However, this opinion is considered weak by another community of scholars. Because if al-'urf is interpreted as customs, it is very inconsistent with its asbab al-nuzul. Where this verse was revealed in the context of da'wah that had been carried out by the Prophet SAW to the Arabs who were hard and rude characters, as well as to people who were still weak in faith.¹¹

While Abdullah bin Sulaiman Al-Jarhazi stated, it is very possible that the rule of Al-'Adah Muhakkamah is formulated in accordance with the content of the message contained in al-Qur'an Surah Al-Nisa" verse 115 :

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۚ وَسَاءَتْ مَصِيرًا ۚ

Meaning: And whoever opposes the Apostle after the truth has become clear to him, and follows a way other than that of the believers, We leave him free in the error which he has mastered and We admit him to Jahannam, and Jahannam is the worst of places to return to.¹²

According to al-Jarhazi, author of the book Mawahib al-Saniyyah Sharh Nazm al-Qawa'id al-Fiqhiyyah, that the word 'sabil' is synonymous with the word 'tariq' which in Indonesian means road. Thus sabil al-Mu'minin in the verse above is meant by the path (ethics or norms) that are considered good by the believers, and have become their daily culture.¹³ Not all customs can be used as a basis for determining or applying a legal provision (al-'Adah Muhakkamah), but there are conditions that must be fulfilled, namely :

1. Custom does not contradict the Shar'i text in the Qur'an or al-Hadith.
2. The custom is constant (muttarid) and applies to the majority, such as the delivery of dowry in marriage in cash or instalments is considered constant.
3. The custom was formed before the time when it was used as a legal basis.
4. There are no words or actions that contradict the substance or that deviate from the custom. For example, the culture of throwing payment money (al-dhaman) is an agreement of the transaction as long as there is no action that shows otherwise.¹⁴

If the practice of urf does not result in the cancellation of Nash, even justified by Nash Shari or can be compromised between the two, then the Urf can be used. With these

¹¹ Abdul Haq, *Formulasi Nalar Fiqh (Telaah Kaidah Fiqh Konseptual)*, Jld. I, Cet. IV. Khalista: Surabaya (Surabaya: Khalista, 2017).

¹² Haq.

¹³ Haq.

¹⁴ Wahbah Az-Zuhaili, *Ushul Fikih Al-Islam* (Lebanon: Dar al-Fikr, 1986).

requirements, the scholars allow the use of al-Urf as a source of Islamic law. Of course, these requirements arise not without reason, but theological and socio-historical anthropological issues, become the main considerations.

However, if there is a conflict between al-Urf and the text of the Qur'an it is difficult to determine who is the most authorised scholar in determining the validity of al-Urf as a source of law. Especially if the Nash texts are only understood by a group of people without involving other aspects of meaning. So, it opens the occurrence of authoritarianism among Muslims. However, the belief that the Qur'an is eternal, as a source of Islamic Law will be seen if there is no process of accommodation rather than transformation.¹⁵

However, it is permissible to do something that violates Islamic law if it is a compulsion or dharurat. If it is not done, it will be harmful to oneself or will not change over time. For example, if a person is allowed to do riba or actions that are contrary to the teachings of Islam, if not in such a way (not willing to do riba) it will be impossible or unlikely to obtain a very important position or position. However, if he has obtained the position or position, he must have a strong intention to change all the wrong actions or actions that are contrary to Islamic teachings that have been carried out by the community so far.

2. Violation of custom in Walimah al-Urs according to Islamic Law

Marriage as one of the contracts has legal consequences for the lawfulness of relations between men and women that were previously forbidden. Therefore, the implementation of the marriage contract should not be hidden from the community, at least the surrounding community. However, lately there have been many events in walimatul al-'urs that violate Islamic Law. Among them :

a. Music or entertainment to liven up the party

To show happiness in the walimatul al-'urs event, Islam allows the event of excitement including holding entertainment and singing which is permissible in marriage. What is meant by singing here is polite and honourable singing that is completely sterile from dirty words and immoral actions.

Among the entertainments that can refresh the soul, excite the heart and give pleasure to the ears is singing. Islam permits it so long as it does not contain vile and filthy words or lead the listener to sin. There is nothing wrong if the singing is accompanied by music as long as it

¹⁵ Sucipto, *Urf Sebagai Metode Dan Sumber Penemuan Hukum Islam* (Jakarta: Rajawali Press, 2014).

does not become lulling. It is recommended during moments of happiness in order to spread feelings of joy and refresh the soul.¹⁶

But the reality is that in the community, entertainment is used by using keyboards and singers in the event. This is clearly against the law, because the Prophet recommends that the temple experts enliven it with drums. Like the hadith :

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : فَضْلُ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ ضَرْبُ الدُّفِّ وَالصَّوْتُ فِي النِّكَاحِ (رواه ابن ماجه)

Meaning: The Messenger of Allah (SAW) said: the boundary between the lawful and the unlawful is the sounding of drums (tambourines) and the sound of voices (songs) in marriage. (HR Ibn Majah)¹⁷

Although in marriage is allowed to hold entertainment, but should not be excessive. At the time of the Prophet Muhammad SAW many forms of walimah that can be used as a model, even though in their day they were able to carry out walimatul al-'urs with all the luxuries. But they did not carry out such a thing. They consider, better the wealth they have is used for the benefit of the community.¹⁸

b. Discriminating against invited guests

Basically, attending the invitation to walimatul al-'urs is obligatory, even if organising the event is Sunnah. Some of the scholars of the Shafi'iyah madhhab and some scholars of the Hanbali madhhab say that attending the invitation to the wedding banquet is wajib kifayah (collective obligation). This is because attending the invitation means honouring the host and showing brotherhood. Hence it comes under the same ruling as answering the greeting of someone on the road..¹⁹ The Messenger of Allah (SAW) said:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، أَخْبَرَنَا مَالِكٌ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا دُعِيَ أَحَدُكُمْ إِلَى الْوَلِيمَةِ فَلْيَأْتِهَا (رواه البخارى)

Meaning: "Abdullah ibn Yusuf narrated to us, Malik, from Nafi' narrated from Abdullah ibn Umar ra: that the Messenger of Allah (SAW) said: If one of you is invited to a walimah, then you should fulfil it". (H.R Bukhari)²⁰

¹⁶ Yusuf Qardhawi, *Halal Dan Haram Dalam Islam*, Terj. Wabid Ahmadi, Dkk (Solo: Era Intermedia, 2000).

¹⁷ I Majah, *Sunan Ibnu Majah, Juz II*, Beirut: Dar Al-Fikr, Ti (Beirut, Lebanon.: Dar al Fikr, 1993).

¹⁸ Heradani Heradani and Lomba Sultan, "Tinjauan Hukum Islam Terhadap Tradisi Hiburan Dalam Pesta Perkawinan (Walimah Al-'Urs) Di Kecamatan Bontomarannu Kabupaten Gowa," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 1, no. 1 (2020): 17–33, <https://doi.org/10.24252/qadauna.v1i1.11425>.

¹⁹ Abu Ishaq Asy-Syairazi, *Al-Muhazẓab* (Beirut, Lebanon.: Dar Ihya wa Turas al-arabi, 1994).

²⁰ Abu Abdillah Muhammad ibn Ismail al-Bukhari, *Sahih Al-Bukhari*, Jld. VII (Beirut, Lebanon.: Maktabah, n.d.).

Nawawi has quoted the consensus on the obligation of fulfilling the invitation to walimat al-'urs and has explained the majority of Shaafa'is and Hanbalis that fulfilling the invitation to walimat al-'urs is Fardhu A'in. The words of al-Shaafa'i indicate that it is obligatory to honour the invitation to walimat al-'urs, and indicate that there is no concession for celebrations other than *Walimat Al-'Urs*.²¹

But if the guests are differentiated, such as the rich and the poor are separated, or the food and drink of the rich and the poor are different, then attending the event is Sunnah. Thus, the obligatory conditions for attending the invitation to walimatul al-'urs are :

ان يكون الداعي مكلفا حرا رشيدا والا يخص الأغنياء دون فقراء والا يظهر قصد التودد لشخص لرغبة فيه, أو لرغبة منه و أن يكون الداعي مسلما على الأصح وأن يختص باليوم الأول على المشهور وألا يسبق, فمن سبق تعينت الإجابة له دون الثاين وألا يكون هناك ما يتأذى بحضوره من منكر وغيره وألا يكون له عذر .

Meaning: The invitee must be a mukallaf, free and of sound mind. It is not exclusive to the rich and not exclusive to the poor. The invitation is not limited to those whom he likes and respects. The invitee is a Muslim, which is the more correct view. On the first day only, according to the most popular view. The invitation has not been preceded by another invitation, and if there is another invitation, the first one must be given precedence. There is nothing wrong with the invitation or anything else that would prevent him from attending. The invitee has no excuse.²²

c. Dancing

The majority of Hanafis, Maalikis, Hanbalis and Al-Qafal from the Shafiyyah stated that dancing is makruh because it is an act of Dana'ah (lowliness) and Safah (ignorance). Dancing or swaying is an act that brings down dignity (muru'ah), and is also an act of lahwun (vanity).²³ Aisyah Radhiallohu 'anha said:

جاءَ حَبَشٌ يَزِفُّونَ فِي يَوْمِ عِيدٍ فِي الْمَسْجِدِ فَدَعَانِي النَّبِيُّ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ- فَوَضَعْتُ رَأْسِي عَلَى مَنْكِبِهِ فَجَعَلْتُ أَنْظُرُ إِلَى لَعِبِهِمْ حَتَّى كُنْتُ أَنَا الَّتِي أَنْصَرِفُ عَنِ النَّظَرِ إِلَيْهِمْ.

Meaning: There were people from Habashah dancing on the day of Eid in the mosque. The Messenger of Allah (blessings and peace of Allah be upon him) called me. I put my head on his shoulder. I watched the people of Habashah until I myself decided not to look anymore." (HR. Muslim, no. 892).

What the people of Habashah did was dance with their instruments of war, as mentioned in the hadeeth of 'Aa'ishah (may Allah be pleased with her), who said,

²¹ Zakaria Al-Anshori, *Fathul Wahab, Juz II, Semarang: CV. Toba Putra* (Semarang: Thoha Putra, n.d.).

²² Sayyid Sabiq, *Fiqih Al-Sunnah*, jilid III (Beirut: Dar al-Fikr, n.d.).

²³ AM Kan'an, *Al-Mawsu'ah Al-Fiqhiyyah Al-Tibbiyyah*, (Beirut, Lebanon.: Dar al-Nafa'is, 2000).

كَانَ الْحَبَشُ يَلْعَبُونَ بِحِرَاجِهِمْ فَسَتَرَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنَا أَنْظُرُ ، فَمَا زِلْتُ أَنْظُرُ حَتَّى كُنْتُ أَنَا أَنْصَرِفُ

Meaning: 'The people of Habashah were playing with their instruments of war. The Messenger of Allah (blessings and peace of Allah be upon him) would look at me and I would try to keep looking. This continued until I myself decided not to look anymore.'" (HR. Bukhari, no. 5190).

The Shafiyyah scholars themselves state that dancing is neither haram nor makrooh. Rather, it is permissible. Their evidence is the hadith of Aisha mentioned above. The evidence shows that the Prophet approved of what they were doing. This indicates that it is permissible. This is if ar-raqshu (dancing) is only straight and oblique movements. Al-Balqini states that if dancing or jogging is to the point of bringing down one's dignity (muru'ah), it becomes haraam.

Imam Al-Qurthubi in his Tafsir explains:²⁴

اسْتَدَلَّ الْعُلَمَاءُ بِهَذِهِ الْآيَةِ عَلَى دَمِّ الرَّقْصِ وَتَعَاطِيهِ. قَالَ الْإِمَامُ أَبُو الْوَفَاءِ ابْنُ عَقِيلٍ: قَدْ نَصَّ الْقُرْآنُ عَلَى النَّهْيِ عَنِ الرَّقْصِ فَقَالَ: "وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا" وَدَمَّ الْمُخْتَالَ. وَالرَّقْصُ أَشَدُّ الْمَرَحِ وَالْبَطْرِ

Meaning: "The scholars used this verse to condemn dancing and its practitioners. Al-Imam Abul Wafa bin Aqil said, "The Qur'an declares the prohibition of dancing in His words do not walk on the earth in an angry manner (full of pleasure). And this verse also denounces arrogance. Whereas dancing is a form of walking with an expression of great pleasure and pride".

Although the original ruling of ar-raqshu is makrooh, if a woman does it in front of an ajnabi (non-mahram) man, it is haram. Because it is clear that this causes great fitnah (temptation) for men, including fahisyah and approaching adultery.

CONCLUSIONS

From the description of the research discussion above, it can be concluded as follows :

1. Conflicting customary law with Islamic law is forbidden. Islamic law takes precedence over local custom. And the custom (Urf) does not contradict what is clearly expressed in a transaction. And the Urf does not contradict the qathi texts in shara'. When custom contradicts the clear texts, the texts take precedence. This is because the nash qathi is the source of the ruler of the law, while custom is made by the creator of the law. And customs will change with the changing mindset of people.
2. Violation of customs in walimahtul 'urs in the perspective of Islamic Law is like music or entertainment that displays not in its nature such as men waving, women dancing or dancing in

²⁴ Al Qurtubi, *Al Jami' Li Ahkam Al Qur'an* (Beirut: Darl al Kutub al-'Ilmiyyah, 1988).

front of ajnabi men in enlivening the party including haram. And distinguishing invited guests between rich and poor people is an act that is forbidden.

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