

# IMPLEMENTATION OF CUSTOMARY LAW VALUES IN ABUI TRIBAL CUSTOMARY MARRIAGE IN REALIZING LAWS BASED ON LOCAL WISDOM

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**Abstract.** The problem that drives this research is first, customs and marriage ceremonies will still exist in a cultured society, although within the limits of time and space will undergo changes. Second, customs and marriage ceremonies are cultural elements that are lived from time to time, and inclusive and strong values and norms regulate and direct the behavior of each individual in a society. The approach chosen is a variation between approaches in normative research and empirical research so that *historical, conceptual, philosophical, and case approaches* are chosen. The customary law of marriage in the Abui Tribe is one of the ancestral cultural products of the Abui Tribe that must be maintained and maintained properly to preserve the continuity of noble cultural values as a local wisdom loaded with messages of virtue. This study aims to see the implementation of customary law procedures for customary marriage of the Abui Tribe and the values contained in customary marriage of the Abui Tribe. Hopefully, this research can contribute to marriage law in a constitutional system based on local wisdom.

**Keywords:** Customary Marriage, Abui Village, Local Wisdom, Customary Law

## I. INTRODUCTION

In the marriage tradition among the Abui Tribe there is *belis* or dowry which is an important element in the institution of marriage. In addition to being seen as a tradition with noble values, on the one hand it is a form of respect for women, honor and self-esteem from family defenses, as well as binding family ties. The Alor people use *moko*, nectar from bronze, as an interchangeable tool in the *belis* tradition of *belis*, among demands/goods of various demand. According to the surrounding community, this drum-shaped object has existed in the community for generations and cannot be remade.

In Alor Regency, we can find a traditional marriage from the Abui Tribe of West Mataru Village, Alor Regency, namely the patrilineal marriage system, where *Gebeli Wokani* (*Belis* in Abui language) a woman is expressed in the form of *moko* / small *nekara* (in Abui language called *Foking*). This custom was carried out from generation to generation from previous ancestors and is still carried out today. The specialty of the marriage of the Abui Tribe is that it still holds fast to customs or customs that are carried out for generations. The problem that drives this research is first, customs and marriage ceremonies will still exist in a cultured society, although within the constraints of time and space will change [1][2]. Second, customs and marriage ceremonies are cultural elements that are lived from time to time, in which there are very broad and strong values and norms, regulating and directing the behavior of each individual in a society [3][4][5].

Customary law as one of the legal systems that is recognized for its existence empirically both in terms of legal

dogmatic approach and in terms of sociological approach (empiricism) of law, in the Indonesian legal order, the study space is quite broad, including in the field of statehood and government, the field of civil law in a broad sense and in the field of criminal law (customary criminal / customary offense) [6][7][8]. The customary law of marriage in the Abui Tribe is one of the ancestral cultural products of the Abui Tribe that must be maintained and maintained properly to preserve the continuity of noble cultural values as a local wisdom loaded with messages of virtue [5][9][10].

In the marriage ceremony system of the Abui Tribe contains values and norms that must be understood and understood by the people of the Abui Tribe. On the basis of the same thinking, and seeing several aspects related to the conditions of the times that are always moving towards modern and advanced changes, the author took the initiative to conduct research entitled "Implementation of Customary Law Values in Customary Marriage of the Abui Tribe in Realizing Law Based on Local Wisdom"

## II. RESEARCH METHODS

This research shows the normative type, namely about principles, customary law norms, and the empirical side is in the study of empirical behavior / experience that is in sync with principles and norms. For this reason, legal history is also used empirical types of law, namely identification (unwritten) and legal effectiveness [11][12]. The problem in this study is how

the legal characteristics of the local wisdom of the Abui Tribe so that the approach chosen is a variation between approaches in normative research and empirical research so that historical approach, conceptual approach, philosophical approach and case approach are chosen [13][14][15]. This research was conducted on the community of West Mataru Village, Mataru District in Alor Regency.

### III. RESULTS AND DISCUSSION

In the results of this study, we will describe the process of implementing the Traditional Marriage Ceremony in the Abui Tribe of West Mataru Village, Alor Regency.

#### *The Process of Performing Traditional Marriage Ceremonies.*

In the implementation of a ceremony there needs to be a good preparation, with careful preparation then a ceremony can run according to the wishes of each individual. The process of carrying out traditional ceremonies requires a plan in which contains a series of structured and patterned activities so that a ceremony can run with wisdom.

Marriage among the abui tribe in West Mataru village begins with a meeting between the families of both parties starting from the introduction stage between the two brides to be married. Before the two families meet, usually the groom will first go to the bride's house to meet and introduce the girl who will be invited from the bride's family. After being received by the bride's family, the groom will go home and will come again with the family and spokesperson of the groom.

The implementation of traditional marriage ceremonies for the people of West Mataru Village is usually based on the order of implementation, namely: from the initial stage, the implementation stage, and the final stage of the ceremony. At the initial stage in the process of traditional marriage ceremonies, researchers get information from resource persons which are explained as follows:

#### *Initial Stage*

The traditional marriage ceremony for the people of West Mataru Village begins with the arrival of the groom's family and the spokesperson to the bride's family's house, after that the spokesperson from the bride's family will ask the purpose and purpose of the arrival of the groom's family, after that the spokesperson from the male family will convey to the female family that our current presence has something we want to convey, namely we have a son, like and want to establish The relationship to the stage of marriage with Father and Mother has a daughter. The traditional expressions conveyed by the groom's spokesperson are as follows:

*Jal do gedo ni apong pemia ni elili efala goming mia nige rofi o kafanga. Niwi nengdo ewi mawo do gomaga. Gedogo ni api wo o kafanga, gedogo omaga renaga gedogo nio o kafanga.*

Which means:

We came in front of you to introduce our son who wanted to have a daughter. So we came to your house asking for your daughter, whether you agree or not, we ask you to give you an answer. That's all we got to convey to you

After that, the spokesperson of the bride will deliver a reply to the traditional expression as follows:

*Jah nima moten ningkali ru mia rumirang. Niwai ri kang rigamol wofanga gare mia ru miti te Jal doge ni api piwi maudo gatanga dei gadaw doma ga Potafuda piwi aki gei urus bah dong kang lakki the*

Which means:

Good thank you for the arrival of our father, mother and family, the woman's family accepts the purpose and purpose of the arrival of the father and family but before that we will ask our daughter first.

Then the spokesperson of the bride's family will ask the bride if there is really a relationship with this groom, if it is true, then after that the spokesperson of the bride's family will convey that in the meantime the groom's family returns home later, we the woman's family make an agreement on the belis note first, when it is finished, we will hand it over to the spokesperson of the groom's family. After handing over the agreement, the belis note to the spokesperson of the groom's family. The agreement was then brought by the man's family to be consulted again regarding the request from the woman's family. After the groom's family has prepared all the arrangements given to the groom's family, then the two families will meet again to discuss the preparations that have been prepared by the groom's family. After that, the two families will deliberate to discuss the timing of the marriage that will be carried out by the male family and the traditional marriage process such as laying leaves, weaning, replacing the vacant place of women, belis inti and marriage. After a long series of talks then resulted in an agreement.

The similarity of previous research is that both carry out stages such as the introduction stage, preparation stage, implementation stage, proposing, marriage party and giving belis, which is an object given by the man to the woman as a dowry in a marriage.

The uniqueness of this study is that before the bride and groom are married, they must pass the introduction stage from the two families of the bride and groom, after which the bride's family makes an agreement on the belis note which is given to the spokesperson from the bridegroom's family as a dependent of the belis that must be prepared by the bridegroom's family in order to buy the bride in a traditional marriage and several stages that must or must be implemented. Through these stages, there are stages that the bridegroom must give to the bride that cannot be bargained, namely the core belis (*Loma Rofi*) in the form of traditional objects such as moko, gongs and cloth because this is the staple of belis that must be given to the bride-to-be. Only then can the bride and groom be able to carry out the wedding stage.

This was supported by Mr. Lukas Manimau (50) as the traditional leader of West Mataru village, explaining that the initial process of carrying out the traditional marriage ceremony in the Abui tribe began with the arrival of the groom's family and the spokesperson to the bride's family house to convey to the woman's family the purpose and purpose of our current presence. Then the spokesperson of the bride's family will ask the bride to make sure if there is really a relationship, if it is true then the woman's family will make a belis note agreement and hand over the belis note agreement to the groom's family spokesperson. After the groom's family has prepared all the agreements given belis notes, then the two families will meet

again to discuss the preparations that have been prepared by the groom's family. After that, the two families will negotiate to discuss the timing of the marriage that will be carried out by the male family and the process of traditional marriage ceremonies.

Based on the above opinion, it can be explained that in the early stages of this customary marriage, the family of the groom's side comes to the bride's house to convey the purpose and purpose of their arrival regarding the relationship between the groom and the bride. Based on the submission from the groom's side, the family of the bride will confirm the information to the bride whether it is true that the bride has a relationship with the groom. If it is true that the bride has a relationship with the groom, then the family on the woman's side makes a *belis* note and is handed over to the groom to prepare. At this early stage, the bride and groom also make an agreement on when the wedding ceremony will be held.

#### Execution Levels

The traditional marriage ceremony of the Abui tribe is a traditional ceremony that has a long series of events so that it is mapped based on the results of research obtained from each informant, who said that at the stage of carrying out the marriage ceremony the Abui Tribe has a stage of implementation which is carried out after determining the right time for the wedding event.

In the stage of carrying out traditional marriage ceremonies takes a long time because many things need to be prepared as a complement to the traditional marriage ceremony of the Abui tribe. At the implementation stage, it will enter the stage, namely

#### a. Laying Leaves/Hanging Leaves (Sign Request)

After agreeing on the time and date, the male family will go to the woman's family to lay leaves or enter the woman's request by bringing objects that have been mutually agreed upon, namely one small gong, one chicken, one sack of rice, betel nut, cigarettes, koli leaves, tobacco and sugar coffee.

The traditional expressions conveyed by the groom's spokesperson are as follows:

*Rialing masolang aleng aramang niwo api Mawo ge fala peh mia nige beli punah mi Ritang ia pota fuda piwo to kafani Gedogo nimi ritang ia*

Which means:

Shalom for all of us, we the groom's family today are at the bride's residence in order to hand over the objects that the father mother of the woman's family has agreed on in the *belis* note, may the father of the mother and family receive it After that the spokesperson of the bride will deliver a reply to the traditional expression as follows:

*Niri kang rigamol wofanga nala geripu na dota fuda Nige kang wofanga ea gaturah mia*

*Powo to ka fani*

Which means:

Thank you for the arrival of you and your family. We women's families are very welcoming of your arrival. Let's enter the place we have prepared. After the female family receives the arrival of the male family, the female family will count the objects under the male family and mark them by

eating and drinking together. After that, the two families will agree on the time of the marriage to be carried out by the male side.

This was supported by Mr. Mateos Malaifani (67), as the traditional stakeholders said during the implementation process. After agreeing on the time and date, the male family will go to enter the woman by bringing objects that have been mutually agreed upon, namely one small gong, one chicken, one sack of rice, betel nut, cigarettes, koli leaves, tobacco and coffee sugar. After that the female family will count the objects under the male family and they mark by eating and drinking together.

#### b. Terang Kampung (Inning)

At this stage the bridegroom's family and his spokesperson will come with a small gong, one pig, a series of areca nut, one sack of rice and firewood from the male family to the female family. The customary expressions conveyed by the male spokesperson are as follows:

*Jal do gedo nio efala pe mia nie wi mawo fanga eya gatura mia piwo to kafanga gedogo niwo api puna lafaring lakabei niwo api apong pe mia gedogo ni ekang egamol o fanga.*

Which means:

Now we are at your house to ask for your daughter. In the past, we have agreed on what we should bring, and we have brought what we have agreed before you.

After the groom's spokesperson conveyed the intention of their arrival, the bride's family welcomed the groom's family. The spokesperson of the bride will speak using customary expressions as a sign that the bride's family is accepting the arrival of the groom's family. The customary expressions are as follows:

*Neng geya gema nala geri bang Dota fuda nige kang gegamol wofanga Neng geya gema niri kang ri gamol wofanga Jal do ni api piwi gatanga dei gadogo doma ga pota fuda Gere pota fuda falang wei the*

Which means:

Father, mother and the bridegroom's family, welcome to our house. Thank you for bringing everything we've agreed on together. We from the bride's family received the arrival of the father and mother. We also accept what you have under according to our agreement. Let me invite the father mother of the bridegroom's extended family to enter the tent that we have prepared.

The meaning is that the bride's family is very grateful for the arrival of the groom's family because they have prepared the objects that have been agreed upon in the *belis* note made by the bride's family and handed over to the groom's family.

After being received by the bride's family, the wedding ceremony continues until it is over. After that, the two families, namely the bride and groom's family, will agree to deposit the *belis* records that have been mutually agreed.

This was supported by Mr. Mateos Malaifani (67) as the traditional leader said that after entering the request to enter at this stage the groom's family and his spokesman would come with one small gong, one pig, areca nut series, one sack of rice and firewood from the male family to the female family. After being received by the bride's family and the wedding ceremony continues from receiving guests, eating and drinking until it is finished.

### c. Replacing women's place (breast milk)

At this stage the male family comes to hand over mutually agreed objects, namely one Moko Afui Pei, one good sound Gong and one Big Gong Rai, to be given to the bride's family and received by the woman's family. The above customary objects are given to the women's side with the aim of replacing the empty place of women in the women's family. At the time of handing over these customary objects, the male spokesperson spoke in the following customary expression:

*Mawo geya gema riwai do magia ri kang do giang Niwi api mawo ge beli punah ni ritang ia piwo tokafani Aramang niwo api mawo ge fala peh mia Wo api ri fala mia niwo api ri tang*

Which means:

Our fathers, mothers, brothers, and sisters came to this house with the aim of handing over traditional objects in place of the empty women's place in this family that we had mutually agreed upon. May these traditional objects be accepted as substitutes for women in this family.

After the groom's spokesperson conveyed the intention of their arrival, the bride's family welcomed the groom's family. The bride's spokesperson will speak using customary expressions as a sign that the bride's family is accepting the arrival of the groom's family. The customary expressions are as follows:

*Neng geya gema nala geri puna dota fuda Mawo geya gema ri wei do magia Nige kang ge gamol wofanga kul rofi Nige kang ge gamol ri fala mia niri kang wofanga*

Which means:

Father, mother, brother, sister of the bridegroom's family, we from the female family received the arrival of fathers, mothers, brothers, sisters and traditional objects that had been brought to our house. We from the bride's extended family say thank you.

This was supported by Mr. Mateos Malaifani (67) as the traditional leader said that after the bidding was completed, the two spokesmen from the male family and the female family met and discussed about replacing the vacant female place. Then the male family will hand over mutually agreed objects, namely one Moko Afui Pei, one good sound Gong and one Big Rai Gong, to be given to the bride's family as agreed (breast milk).

### d. Central Belis (Inside Rofi)

At this stage the bridegroom's family spokesperson and the bride's family spokesperson agree to deposit the core belis or *Loma Rofi* which has been agreed upon in the customary letter from the woman's family to the male family in the form of objects, namely one Moko Wokasing moon stamp for the biological uncle (guard the door) of the bride, one Moko Maneutaka wire stamp (female core belis), one big gong of good sound, one Kui Sarong cloth and one Kui Blanket cloth to give to the bride's family.

At the time of handing over the belis inti by the male side to the female side, the spokesperson from the male side spoke, using the customary language, namely:

*Mawo geya gema niri kang rigamol wofanga Nala ge pimi wita kafani dota fuda Mi piwi gei wo gareng gedogo nimi woro kafanga teh Gedogo niri kang ri gamol wofanga*

Which means:

Fathers, mothers, brothers, sisters, the time came for us to come to this house with the aim of handing over the core belis

objects as the staple belis that we must carry out to buy the bride who will be married to our child.

After the groom's spokesperson conveyed the intention of their arrival, the bride's family welcomed the arrival of the groom's family. The spokesperson of the bride will speak using the following customary expression:

*Neng geya gema niri kang rigamol Niri kang rigamol nala geripu na Wofanga nala ge ri puna ni ritang Dota fuda niwo gepanei mia*

Which means:

Father, mother, brother, and sister of the bridegroom's family, thank you for giving belis inti as a belis staple for the daughter of our family. We accept this core belis, hopefully the marriage of our children can go well.

After that, the bride and groom's families made a news of the settlement of the traditional belis perempuan, signed by both families witnessed by the hamlet government, RT and RW known to the village head.

This was proven by Mr. Mateos Malaifani (67) as the traditional leader said that at this stage the spokespeople of both families will agree to deposit the core belis or *Loma Rofi* which has been agreed in the customary letter from the female family to the male family in the form of objects, namely one Moko Wokasing for the biological uncle of the bride (guard the door) one Moko Maneutaka (female core belis), one big gong of good sound, one Kui Sarong cloth and one Kui Blanket cloth to give to the bride's family. After that, the bride and groom's families made the news of the settlement of the traditional Belis women.

### Final Stage

Based on the results of research obtained from informant data which said that in the final stage of the traditional marriage ceremony of the Abui tribe after going through a long series of women's belis customs such as entering minta (laying leaves), suitor (village light), replacing women's empty places (breast milk) and core belis (*Loma Rofi*) it will enter the stage

#### a) Wedding

At this stage the groom's family and the bride's family will agree to determine the time of marriage and discuss the determination of dependents from both parties between the male family and the woman's family for the marriage process such as rice, coffee sugar, flour, kitchen spices and animals to be sacrificed. After that, the marriage process was carried out from start to finish. And will enter at the last stage.

This was supported by Mr. Metu Salek Lengmani (47) as the traditional leader said that after the traditional marriage ceremony is over, it will enter the Marriage stage. At this stage the two families will agree to determine the time of marriage and discuss the determination of dependents from both parties between the male and female families for the marriage process such as rice, coffee sugar, flour, kitchen spices and animals to be sacrificed (pigs, chickens, cows and goats). After that, the wedding process was carried out from welcoming guests, receptions, to the last eating and drinking. And will enter at the last stage of delivery (reply to the church) from the woman's family to deliver the bride and delivery items such as household furniture to the bridegroom's family.

#### b) Antaran (Balas Gereja)



In this final stage, the woman's family escorts the bride along with delivery items such as household furniture to the groom's family at her residence, and they end with eating and drinking together. After that, everything agreed from the initial stage, the implementation stage and the final stage for the traditional marriage ceremony is declared complete.

This was supported by Mr. Metu Salek Lengmani (47) as the traditional leader said that after the marriage process is complete, it will enter the next stage, namely the delivery stage (Reply to the Church), at this stage the woman's family escorts the bride along with delivery items such as household furniture to the groom's family at her residence. After that, everything agreed from the initial stage, the implementation stage and the final stage for the traditional marriage ceremony is declared complete.

Then everything planned in the process of traditional marriage ceremonies from the initial stage, the implementation stage and the final stage for the traditional marriage ceremony has been completed.

The value in customary law serves as a basis for standing as well as the goal to be achieved. From value ends in value e.g. fraternity value. In customary law, both the basis, process/procedure and objectives are based on the value of mutual assistance, so that in the end it produces brotherhood. In customary law, there is not only one value, namely brotherhood, but there are still many values contained in it. The researcher made a concise scheme that departs from the idea of value crystallization based on experiences experienced by ancestors which will end up in norms that are used as guidelines for someone in behavior [16][17].

The influence of customary law values as a source of local wisdom, with procedures and values crystallized in it in the customary marriage of the Abui Tribe who see that the validity of marriage is not only from the laws and regulations, namely Law Number 1 of 1974 Article 2 paragraphs 1 and 2 but the validity of marriage for the indigenous people of the Abui Tribe must be carried out before nature, God, and others witnessed by all members of relatives, neighbors, friends, and members of the community. Such marriages are marked by ceremonies, namely processions from the groom's house to the bride's house or vice versa as a form of announcement that there has been a social event as well as a legal event, namely marriage, in other words, cultural pluralism results in law enforcement [18][19][20].

#### IV. CONCLUSION

The traditional marriage ceremony in the abui tribe is one of the many local wisdom in Alor Regency. This traditional marriage ceremony is carried out on each couple to be married organized by the Village Government together with traditional stakeholders, and requires all people of West Mataru Village to take part in this traditional marriage ceremony, especially the bride and groom's families. Traditional marriage ceremonies, in the process of implementation have several stages. The process of traditional marriage ceremony is a traditional tradition of the people of West Mataru Village in which unity is formed which

comes from a mutually reinforcing, mutually beneficial relationship between people in the family. Given the importance and many benefits and relationships that foster unity in this traditional marriage ceremony, the author gives hope to the younger generation to remain active in maintaining and preserving this traditional marriage ceremony because in this traditional marriage ceremony to improve kinship, togetherness, brotherhood and kinship relations among fellow Mataru village communities. As a young generation who will later become the successor of a tradition, we are required always to maintain and preserve traditional marriage ceremonies, so that in the future traditional marriage ceremonies in the abui tribe do not just disappear and remain a tradition in a community life.

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