

A Case Study Of Jujuran Money For Bank Loans In The Community Of Kusan Hilir Sub-District, Tanah Bumbu District

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Abstract

The practice of jujuran in the community of Kusan Hilir Sub-district sets a high nominal amount, due to the insufficiency of the nominal demand, causing the prospective bridegroom to owe the bank to fulfill it. This research aims to find out the practice of utilization of jujuran money from bank loan and the impact of jujuran money from bank loan in the community of Kusan Hilir Sub-district, Tanah Bumbu Regency. This type of research is empirical legal research with a legal sociology approach. The research subject is the parties involved or who know about the practice. Data collection through interviews that are open ended questions. Furthermore, the data is processed in the form of editing and matrix. The data was analyzed using qualitative descriptive techniques. The results of this study found that dowry and jujuran are two different things. Jujuran is a tradition, but in determining it the community sets a high nominal. So that because of the insufficiency of the nominal requested causes the prospective husband to borrow money from the bank as the fastest alternative. In the practice of utilization, most use it for the luxury of walimatul 'ursy events, and some use it for living capital after marriage. The impact of the jujuran money as a result of borrowing from the bank has more disadvantages, such as pressure to meet the high nominal value, regret after borrowing, dishonesty about the origin of the jujuran money, and conflict after the marriage because it must be burdened by debt. This appears to be an obstacle in a marriage that should apply the principle of raf' al-taysir (prioritizing convenience) in all matters, especially in marriage. So this custom is classified as 'urf fasid and maslahah mulghah because it contradicts the principles of Islamic law.

Keywords: Utilization, Impact, Honest Money

Abstrak

Praktik jujuran pada masyarakat Kecamatan Kusan Hilir menetapkan dalam jumlah nominal yang tinggi, akibat belum tercukupinya permintaan nominal tersebut sehingga menyebabkan pihak calon mempelai laki-laki berhutang pada bank untuk memenuhinya. Penelitian ini bertujuan untuk mengetahui praktik pemanfaatan uang jujuran atas hasil peminjaman bank dan dampak dari uang jujuran atas hasil peminjaman bank pada masyarakat Kecamatan Kusan Hilir Kabupaten Tanah Bumbu. Jenis penelitian ini adalah penelitian hukum empiris dengan pendekatan sosiologi hukum. Dengan subjek penelitian tersebut yaitu para pihak yang terlibat atau yang mengetahui mengenai praktik tersebut. Pengumpulan data melalui

wawancara yang bersifat open ended question. Selanjutnya data diolah dalam bentuk editing dan matriks. Data dianalisis menggunakan teknik deskriptif kualitatif. Hasil penelitian ini diketahui bahwa antara mahar dan jujuran adalah dua hal yang berbeda. Jujuran adalah sebuah tradisi, akan tetapi dalam penentuannya masyarakat mematok nominal yang tinggi. Sehingga karena tidak tercukupinya nominal yang diminta menyebabkan pihak calon suami meminjam uang pada bank sebagai alternatif tercepat. Dalam praktik pemanfaatannya sebagian besar menggunakannya untuk kemewahan acara walimatul 'ursy, dan ada juga yang menggunakannya untuk modal hidup setelah pernikahan. Dampak dari uang jujuran atas hasil meminjam pada bank ini lebih banyak kemudharatannya, seperti tekanan untuk memenuhi nominal yang tinggi, rasa penyesalan setelah meminjam, ketidakjujuran atas asal usul uang jujuran tersebut, hingga konflik setelah pernikahan karena harus terbebani oleh hutang. Hal ini tampak sebagai hambatan dalam pernikahan yang seharusnya menerapkan prinsip raf' al-taysir (mengutamakan kemudahan) dalam segala urusan terlebih lagi dalam pernikahan. Sehingga kebiasaan ini tergolong 'urf fasid dan masalah mulghah karena bertentangan dengan prinsip syariat Islam.

Kata Kunci: Pemanfaatan, Dampak, Uang Jujuran

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1. INTRODUCTION

Islam is present and prescribed to provide benefits for all mankind and to avoid mischief.¹ Through Islamic law, Allah provides one of the instructions, namely the commandment to carry out marriage to avoid adultery. Islam views marriage as something noble, sacred and meaningful worship to Allah and following the sunnah of the Prophet Muhammad Saw.

Marriage is prescribed for its own sake and it is not prescribed by religion to be celibate. The Prophet said:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (يَا مَعْشَرَ الشَّبَابِ! مَنْ اسْتَطَاعَ مِنْكُمْ بَاءَةً فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ؛ فَإِنَّهُ لَهُ وَجَاءٌ) مُتَّفَقٌ عَلَيْهِ

"Abdullah Ibn Mas'ud Ra. said: The Messenger of Allah said to us: 'O young people, whoever among you is able to start a family should marry, because it will subdue the gaze and preserve the private parts. Whoever is not able to do so should observe the fast, for it will control you.'" (Muttafaq Alaihi).²

¹ Wahyu Wibisana, "Marriage in Islam," *Journal of Islamic Religious Education -Ta'lim* Vol. 14 No 2 (2016): 185.

² Ibn Hajar Asqolani, *Bulughul Maram, Makhtabah Daar Ikhyaa" al-Kutub al-Arabiyyah*, Indonesia, 852 AH, 20.

In marriage, there is the term dowry. A dowry is something given to the bride-to-be by the groom-to-be. The dowry is used as a measure of a man's willingness and readiness to provide for his wife.³ The size of the dowry is left to the husband's ability according to what he can afford, meaning that there is nothing in shara' a proposition that limits the dowry to high and should not exceed the limits of ability.⁴ But if it is not burdensome and is based on the agreement and willingness of both parties, it is permissible. Islam loves those who do not go beyond the limits.

Giving dowry by the prospective husband to the prospective wife must be in the form of objects that can be taken advantage of and are pure, these objects must also be valuable objects, not *ghasab* objects, and not objects that are unclear in their condition.⁵ Providing dowry is one of the conditions for the validity of marriage, as agreed by the scholars. This is also what has been stated by Abu Walid Muhammad bin Rusyd al-Qurtubi who states that the dowry is a condition of the validity of marriage.⁶

In relation to the provision of a dowry or dowry, there is another similar term, *jujuran*. *Jujuran* is known especially in the Banjar Community, *jujuran* is considered different from the dowry, the dowry is a gift by the male party to the female party at the time of *ijab kabul*, while *jujuran* is a gift that must be given by the male party to the female party, as an example of *jujuran* is like a sum of money which will be used to support the marriage, then for the purchase of cosmetics, a set of bedroom utensils, household appliances, and others that are worthwhile.⁷

Based on the definition of *jujuran* above, the author found a case in Kusan Hilir Sub-district, Tanah Bumbu Regency. There are Banjar tribes, Bugis tribes, Javanese, and others, and they still strongly preserve and respect the customs they have, including the custom known as *jujuran*. They also distinguish not only the obligation but the provision of this *jujuran* must be maximized and according to the wishes of

³ M. Quraish Shihab, "*Tafsir Al Misbah: Message, impression and harmony of the Qur'an*" (Jakarta: Lentera Hati,), 346.

⁴ Abdul Ali Muhammad Azizam, et al, "*Fikih Munakahat, Khitbah, Nikah, and Talak*" (Jakarta: Bumi Aksara: June 2014, t.t.), 179.

⁵ Abdurrahman al-Jaziri, "*al-Fiqh 'ala Madzahib al-Arba'ah, Juz 4,*" n.t., 103.

⁶ Abu Walid Muhammad bin Ahmad bin Rusydi al-qurtubi, "*Bidayah al-Mujtahud wa Nihayah al-Muqtasid,*" (1997, t.t.), 78.

⁷ Alfani Daud, *Islam and Banjar Society: A* (Banjarmasin: PT. Raja Grafindo Persada: 199), 79.

the prospective wife. This *jujuran* is one of the requirements that must be fulfilled by the prospective groom and is usually in the form of cash or goods of value.

The Kusan Hilir community also differentiates between dowry and *jujuran*. According to the people of Kusan Hilir sub-district, a dowry is defined as a bride price or a condition of marriage that is mentioned during the marriage contract. Meanwhile, *jujuran* is considered as something that is "obligatory". The phrase "wajib" means that the community in Kusan Hilir emphasizes the presence of *jujuran* in a marriage, if there is no *jujuran* then there is no marriage.

It also means that parents are reluctant to marry off their children if there is no *jujuran*. This gift is a form of stability and costs for *walimah*. *Jujuran* according to the Kusan Hilir community is prioritized to be high, this is motivated by factors such as because the man marries the only daughter, the youngest child, in addition to the level of education and status of the position of the woman and her family in the community. The *jujuran* is also used to show the man's status of stability so that a high nominal *jujuran* is prioritized.

The demand for the fulfillment of the high nominal *jujuran* has led to the growth of the habit of going into debt to the bank to fulfill it. Because of the pressure to get married immediately, and the lack of money owed, making the bank the fastest alternative to get money. Those who borrow from the bank are usually the parents of the groom or his relatives for business capital.

Then when the money owed from the bank has been obtained by the groom, according to the author, it becomes an interesting problem to study, namely related to how the practice of its utilization and its impact on life before and after the marriage takes place. This is because in the *text* there are no provisions related to *jujuran* and the amount of the gift that is mandatory, this is just a custom in the community.

A custom that lives in society is known as '*urf*'. If the custom has a value that does not contradict the sharia, it is called '*urf* shahih', and if it contradicts the principles of Islamic law, it is classified as *fasid*, and in a custom there should be a benefit in it. Marriage, which should be made easier, seems to be complicated by the determination of a high *jujuran* so that it goes into debt to the bank. Therefore, it is important to analyze how social views and Islamic law reviews are related to the habit of fulfilling *jujuran* money that comes from borrowing or owing money at the bank, so that

questions arise regarding how it is used and its impact in terms of social and Islamic law.

2. METHODS

This research aims to understand how the practice of utilization of *jujuran* money from borrowing at the bank and how the impact of *jujuran* money on the results of borrowing at the bank in the Kusan Hilir Sub District Community of Tanah Bumbu Regency and in terms of Islamic law. This research is qualitative research, using a legal sociology approach. This type of research is empirical legal research, with data sources obtained through interviews that are *open ended questions* and qualitative descriptive analysis techniques.

3. RESULTS

The Practice of Utilizing *Jujuran* Money for Bank Loan Proceeds in the Community of Kusan Hilir Subdistrict, Tanah Bumbu Regency

In Banjar society, in addition to the dowry, there is also another term, *jujuran*, which is considered a pillar of marriage, meaning that if there is no *jujuran* there is no marriage. Some give this *jujuran* another name with the term *belanja nikah*. This is as stated in *Kitab an-Nikah* by Sheikh Arshad Al Banjari, that the connotation of the word *belanja nikah* refers to the *jujuran* which is a form of the husband's adequacy in providing for his wife in the form of spending. In this case, the *jujuran* should be adjusted to the ability and if it is not able to be prepared in advance, and it is recommended to fast in order to restrain lust. This is in line with the Prophet's explanation in a hadith which explains that for anyone who is able to get married, then he should get married because marriage is more subduing the view and more guarding the genitals, and anyone who is not able to get married, then he should fast because fasting cuts off his lust.

Shaykh Arshad Al Banjari in *Kitab an-Nikah* explains this marriage expenditure as follows.

برمول نکاح ایت سنة باکی بار غسیاف یع ابعین کفد نکاح، ایتفون دغن شرط جک دفر اولهن بلنج نکاح؛
سفر تي مهر دان فکاین دان نفقه. دان جک تیاد دفر اولهن بلنج نکاح مک تراو تام باکین منیثکلکن نکاح مک هندقله
دفعهکن اکن ایغنن دغن ملازیمی فواس

"It is Sunnah for the one who wants to get married to start with, on condition that he earns the expenses of marriage, such as the dowry, maintenance and clothing.

But if he does not have the means to get married, then it is preferable for him to refrain from getting married, so he should make up for his desire by fasting."⁸

Thus, it is explained that according to Sheikh Arsyad Al Banjari, marriage becomes sunnah when the ability exists, the ability in question is related to marriage expenditures or *jujuran* in which there is a dowry, clothing and maintenance, then if the ability to spend on marriage does not exist, it should not be forced to get married and it is recommended to fast to cut off lust. Related to this, it can be understood that marriage should be adjusted to the ability and do not force a high amount of *jujuran* if you are not able to fulfill it so that it seems forced to go into debt to the bank.

The habit of borrowing money at the bank to fulfill this *jujuran* in practice is used for the full cost of *walimatul 'ursy* and there are also those who use it for costs after the wedding but only a small portion. As happened in the first case, the *jujuran* money from borrowing at the bank worth Rp. 80,000,000 (eighty million rupiah) was used entirely for wedding reception celebrations known as "*marola*", namely wedding receptions that were held twice, in the second case of borrowing from the bank amounting to Rp. 25,000,000 (twenty-five million rupiah) with details of Rp. 10,000,000 (ten million rupiah) for *walimatul 'ursy* in a simple manner and some of the money from borrowing was used to repair the house and business capital.

In the third case the *jujuran* requested was Rp. 60,000,000 (sixty million rupiah) and was used entirely to support the wedding reception, then in the fourth case the *jujuran* was Rp. 70,000,000 (seventy million), this was based on the request of the woman's family which was also adjusted to the price of staples in the market which was fairly increasing, also motivated by the education of his prospective wife who had a bachelor's degree, was the only daughter and was also the child of a respected community leader and the whole money was used for a luxurious *walimatul 'ursy*.

In the first, third and fourth cases, the *jujuran* money from the borrowing was used entirely to support the continuity of the wedding event such as the cost of the *baantaran*, the *walimatul 'ursy* event which included wedding decorations, payment for entertainment such as orchestra or dangdutan, guest consumption, and supporting various aspects of the reception with all its luxuries. Meanwhile, in the second case, the *jujuran* money from borrowing at the bank is used partly for a simple *walimatul 'ursy* celebration, then the rest is used for life during marriage such as renovating the house and supporting business capital.

⁸Shaykh Muhammad Arshad Al Banjari, *Kitab an Nikah*, (Dar Assyakirin: Dalam Pagar Martapura), 1.

In fact, a *walimatul 'ursy* can be organized simply according to each individual's ability. The Prophet showed that the variation in the *walimah* that he held was not to distinguish or favor one over the other, but merely adapted to situations that might be difficult or easy. This confirms the flexibility in organizing *walimah* in accordance with the conditions and abilities of each and do not force yourself. Then the author feels that this is in accordance with the rules of *fiqhiyah* which reads as follows:

درء المفساد أول من جلب المصالح

"Rejecting *mafsadah* (harm) takes precedence over giving benefit"

If the celebration of *walimatul 'ursy* with luxury is only for prestige and fulfillment of lust alone which makes it a separate satisfaction and is momentary in nature to have an impact on increasing the nominal *jujuran* high until owing to the bank then it should be avoided because as the rule above rejects the damage that arises in the future due to debt in the bank is more important to do than prioritizing momentary satisfaction over the luxury of wedding receptions.

Islam encourages *walimatul 'ursy* as an important act to distinguish it from *nikah sirri* (secret marriage), and so that it does not seem secretive. Apart from being a form of happiness and pleasure that Allah has forbidden for believers, enlivening the marriage contract also has another very relevant purpose.

Walimatul 'ursy with luxury not in accordance with the ability is an act of exceeding this limit can be seen from the extravagance and excessive behavior in holding this tradition is clearly contrary to Islamic principles, especially if it goes into debt at the bank, this is what makes the habit of fulfilling *jujuran* from the results of borrowing from the bank classified as *'urf fasid*.

Marriages that are held by giving a modest amount of *jujuran* or even without involving *jujuran*, and for example only giving dowry to the bride-to-be, even though the nominal is small, but based on the agreement of both parties, are considered valid and better in the context of Islamic law because the essence is to obtain mutual benefit and reject harm. So the author argues that this is in line with the Prophet's *hadith* which reads:

لَا ضَرَرَ وَلَا ضِرَارَ

⁹Wildan Jauhari, *Fiqhiyah Rules; Adh-Dhararu Yuzal*, (Jakarta: Rumah Fiqh Publishing, 2018), 22.

"No one should cause harm to himself and no one should cause harm to another."

The hadith above is an indication that the bride should not set a high nominal *jujuran*, because by determining a high nominal and not enough money owned by the prospective groom to lead to debt to the bank with dishonesty in the origin of the money not only has a mudharat impact on the groom but also has an impact on the bride after the marriage because it will memudaratkan household relationships such as conflicts caused by pressure to pay money to the bank and may lead to divorce. It is important not to follow prestige and lust, which can lead to destruction, and it is emphasized to be able to get rid of diseases of the heart such as pride and showing off.

The Impact of Jujuran Money on Bank Loan Results in the Community of Kusan Hilir Sub-District, Tanah Bumbu Regency and from the perspective of Islamic Law.

In Islamic teachings, it is clear that all aspects of life, whether related to worship or muamalah, must refer to the Qur'an and hadith. Everything that is not in line with the teachings of the Qur'an, hadith, and is not in accordance with Islamic values is not allowed to be practiced. On the other hand, matters relating to muamalah and social life, arising from customs are considered valid and must even be maintained, as long as they have benefits and do not contradict the principles in Islamic law. Such is the case of *jujuran* in the community of Kusan Hilir District, Tanah Bumbu Regency.

There are variations in this *jujuran*; some are given voluntarily according to ability, but others feel more forced to match the amount with the expectations of the bride-to-be in order to conform to community traditions.

It is known that there is intervention from the female family to the male family, namely the emergence of imperatives related to the standardization of the amount of *jujuran* that must be met. It is interesting to note that the female family has an influence in regulating the responsibilities of the male family regarding the determination of the *jujuran*. It is also interesting that the female family does not seem to consider the economic situation of the male family. At all costs, the man is expected to meet the *jujuran* standard set by the woman's family, regardless of the obstacles that may occur. This reflects strong social pressure, where the male family feels the need to do their

utmost to meet the amount set by the female family in order to get the marriage annulled.

Every action taken will inevitably lead to causes and effects, such as the fulfillment of *jujuran* money by borrowing from financial institutions or banks. At this stage of the analysis, we will discuss some of the impacts arising from the habit of borrowing money at the bank for *jujuran*.

The first impact is the pressure to obtain money quickly, especially felt by the prospective groom. Not having enough money while the bride's family urges the wedding to be held immediately makes the groom's party use the bank as an alternative to get the fastest loan. This pressure then makes the groom's party agree to the nominal request requested as if they are capable even though the money obtained is the result of owing to the bank, in this case the author finds the fact that from the beginning before the marriage there has been *dishonesty* from the groom's side regarding the origin of the *jujuran* money because of the necessity of the female family.

Regarding the impact above, according to the author, this situation is not in accordance with the principles taught by the Prophet in the hadith which reads:

خَيْرُ الصَّدَاقِ أَيْسَرُهُنَّ

"The best dowry is the easiest". (H.R. Baihaqi).¹⁵

So that if such a thing (insistence) is felt to complicate it, it is not allowed because it is harmful, especially for the male party, which will also have a *mudharat* impact on the female party when marriage occurs, such as domestic conflict.

The fulfillment of the *jujuran* money from the results of borrowing at the bank also has another impact, namely the fulfillment of the *jujuran* request from the bride's family which is then used to carry out the wedding reception or *walimatul 'ursy*, and becomes its own satisfaction for achieving this goal. However, this satisfaction is only temporary.

Weddings, which are considered by most people to be a sacred moment and happen in a lifetime, make them also think that they should carry out wedding celebrations lavishly and put aside whether or not they can afford to fulfill these desires. As in the first, third and fourth cases, the *jujuran* money was all used for the wedding reception celebration. This is unfortunate, because if the couple cannot

¹²Muammal Hamidy, *Nail al- Authar*, Juz 6, (Surabaya: Bina Ilmu, 1993), 312.

afford it, they should hold a wedding party according to their ability. Because Islam requires simplicity and also advises not to hold excessive wedding receptions, as in Q.S. Al-A'raf verse 31, Allah says, "Eat and drink, but do not be excessive. Allah dislikes those who exaggerate."

In the verse above, Allah explains not to do anything that exceeds the limit, holding a simple wedding reception according to ability will certainly be better than exaggerating but making *mudharat* for yourself and others.

In contrast to the second case, although both parties borrowed money from the bank, not all of it was used for the wedding reception, but was also used for survival capital after the wedding. This means that in this second case, the money from borrowing was well allocated because it was based on the agreement of both parties and both knew each other about the origin of the money obtained as stated by the informant concerned. So that there is benefit in it for both parties,

Another impact of the *jujuran* money on the results of borrowing at the bank is the occurrence of post-marriage quarrels which of course cannot be avoided anymore as in the first, third and fourth cases, and the *dishonesty* from before the marriage related to where the *jujuran* money came from also caused conflict in the household when the husband finally told the truth that the money he got was the result of borrowing at the bank. The unstable post-marriage finances and the monthly salary that had to be deducted in part to pay off debts had a negative impact on triggering conflict.

There are even couples who are reluctant to have children because they have to pay debts in the midst of unstable post-marriage economic challenges and of course this is contrary to the purpose of marriage, one of which is to obtain offspring. This shows that from the beginning there has been no openness and *honesty* between the two before the marriage until the beginning of the marriage. In fact, to maintain family harmony, it is important for husbands and wives to be open to each other. This openness creates comfort in communication, allows the expression of emotions, and prevents conflicts that arise due to pent-up feelings.¹³

¹³Eka M., "The Influence of Husband and Wife's Self Openness on Family Harmony in Titian Resak Village, Seberida District, Indragiri Hulu Regency," *Al-Ittizaan: Journal of Islamic Counseling Guidance* 2 (April 30, 2019): 3.

¹⁴Wildan Jauhari, *Fiqhiyah Rules; Adh-Dhararu Yuzal*, (Jakarta: Rumah Fiqh Publishing, 2018), 15.

Through openness, they can solve problems together and prevent conflicts that can disturb the peace in the family. This means that openness between husband and wife plays an important role in creating harmony in the family, allowing them to share and solve problems together, as well as preventing conflicts that can damage husband and wife relationships and family harmony. Regarding the prevention of conflicts that occur in the household during marriage, according to the author, this is in accordance with the *fiqhiyyah* rule which reads:

الضرر يدفع بقدر الإمكان

"The danger is prevented as much as possible (according to ability)"¹⁷

This rule shows that things that can cause harm in the household should be prevented as much as possible, such as just being frank that if indeed the groom is not able to fulfill the *jujuran* requested so that a solution is found together. Then in response to this *honesty*, the woman should also be able to provide relief and not make it difficult.

People should be more aware of the essence of life after marriage, rather than thinking about the luxury of wedding receptions that lead to high *jujuran* benchmarks that require the male party to borrow from the bank because there is no other alternative. The need for awareness that *walimah* is not about partying or luxury, but its purpose is to officially declare marriage and as an expression of gratitude from the bride and family for completing half of their religion.

In this case, it is permissible to hold a *walimah* with as little as possible, as long as it is with something that can be eaten. It is not permissible to go to extremes with the *walimatul ursy*, because that can lead to vanity, boasting, squandering money and mixing between women and men, which undermines the barrier between the two and the sense of shame that is feared will lead to very bad consequences.

The author attributes the community's opinion on *jujuran* to *al-'urf al-Shahih* because the *jujuran* custom itself does not contradict the principles of Islamic law. *Jujuran* here refers to the contribution given by the groom to the bride outside the dowry, to ease the funding of the wedding reception and buy the bride's overall needs.

But on the other hand, what makes this *jujuran* classified as *al-'urf al-Fasid* is because there is a price determination from the bride who determines the amount of

jujuran in accordance with the applicable standards in their area which is also driven by factors as described above so that the habit of making financial institutions as an alternative to borrowing, selling inherited property, or borrowing money from the family also has a bad impact on the household afterwards, namely the conflict over the burden of repayment of *jujuran* so that this is not in line with the nature and purpose of marriage to build a happy and eternal family.

Marriage often brings with it different cultural aspects, as in this concept of *jujuran*. In such contexts, conflicts arise between traditions that are considered important by the community and religious principles. *Al-'urf al-Fasid* in this case highlights the incompatibility with Islamic teachings, where the determination of the amount of *jujuran* by the bride is not a desirable practice. It is not to continue to preserve existing customs or habits, but it is more advisable to adjust the practice of *jujuran* to the financial capabilities of the groom, prioritize simplicity in the *walimatul 'ursy* celebration, and keep away from unnecessary financial burdens in marriage, because life after marriage is certainly a longer process and people should pay more attention to life after marriage.

In terms of its benefit, the impact of the *honest* money on bank loans certainly has more mudharat impact than its benefit. Social thinking in real life where Islamic law is applied to achieve benefits, which are human needs, is the legal basis for the concept of *maslahah mursalah*. Therefore, the effort to realize the benefit and prevent evil is very important and practical in human life.¹⁶

The concept of *maslahah mursalah* is related to *urf* when viewed in the case of the author's research. there are several impacts such as:

1. The practice of borrowing from the bank for *jujuran* is carried out due to the factor of determining a high nominal due to the occurrence of marriage between the Bugis and Banjar tribes, marrying the first daughter, only daughter, and youngest child, as well as on the social strata or education level of the prospective bride. As a result, the *jujuran* is determined to be high. The higher nominal *jujuran* can have an impact on the harm that arises when the prospective groom experiences economic difficulties and decides to go into debt at the bank. This makes this custom incompatible with the principle of benefit, which should facilitate marriage.
2. In the practice of borrowing money from the bank, although it does not result in the annulment of the marriage, but the emergence of *dishonesty* in marriage and the

¹⁶ Mohammad Rusfi, "The Validity of Maslahat Al-Mursalah as a Source of Law," n.d., 5.

- resulting conflict in the household, this can destroy the *dharuriyat* benefits, such as the maintenance of religion, soul, mind, offspring, and property. Thus, the custom in this context can be considered as *maslahah mulghah* because it contradicts the provisions of Shara'.
3. The fulfillment of *jujuran* money is like a pillar in marriage for the community that must be fulfilled, considered equivalent to dowry in the context of Islamic law. However, in practice, *jujuran* money that reaches the stage of borrowing at the bank and burdens one of the parties is not in line with the position of dowry in Islam. Meanwhile, in Islamic law, the position of the dowry does not affect the validity or invalidity of the marriage contract as long as the pillars and conditions of marriage are fulfilled. Therefore, this custom is considered '*urf fasid*' because it is not in accordance with the provisions of Shara'.
 4. The implementation of walimah in this case is not in accordance with the law of walimah in Islam, which is sunnah and in accordance with ability, so it can be categorized as *maslahah mulghah* because it contradicts Islamic law which emphasizes the implementation of sunnah without coercion.

Habits or traditions that are practiced that cause more harm than good should be changed. Practices that hinder efforts to preserve the *maqasid*, such as imposing high and cumbersome amounts, should be avoided as they can cause various problems that are detrimental to family formation and community welfare.

Honest money on the proceeds of loans to banks is considered to have many detrimental effects that can be seen from the perspective of '*urf*' and *maslahah mursalah*. The harm or loss contained in this custom makes it fall under the category of '*urf fasid*' and *maslahah mulghah*. This happens when the perpetrators experience financial limitations, forcing them to find ways such as going into debt to the bank or selling inheritance such as land, and others to fulfill the *jujuran*. Whereas Islam establishes the law of marriage with wisdom for the benefit of humans by facilitating its implementation.

So in this case it is related to the Islamic context, namely the main principle known as *raf' al-taysir* (prioritizing convenience) in all aspects of life, especially in marriage which is considered as worship. Keep in mind that the woman should not ask for things that are burdensome for the man, as this can have negative consequences such as obstacles to marriage, dishonesty over the fulfillment of the

nominal results of borrowing at the bank, and conflict problems in the household due to being in debt to fulfill financial requests.²³

This is also so that the concept of *jujuran* is not considered to create an impression of inferiority on one side, especially the male side, and superiority on the other side. In essence, the *jujuran* should not contradict the principles of Shari'ah. The Qur'an emphasizes that its principles apply in all societies regardless of their materialistic context, wherever and under whatever conditions.

4. CONCLUSIONS

In the practice of utilization, if the money from borrowing at the bank for this *jujuran* is used with the agreement of both parties and both are happy with it, it is fine to do so. However, if it is used only for a luxurious reception in order to fulfill prestige alone so that it makes it a compulsion and leads to guilt, it is certainly not in accordance with the principles of Islamic law which requires convenience and benefit, especially in terms of marriage. It should be utilized as well as possible and adjusted to the ability because it is certainly better than owing to a bank which then causes *dishonesty* to conflict after the wedding.

The impact of *jujuran* money on the results of borrowing at the bank has more mudharat both at the beginning of the marriage and life after marriage so that this is classified as '*urf fasid* and is not in accordance with the concept of maslahah which should be beneficial and fair to each party. This discrepancy is not in line with the principles of Islamic law which adopt the concept of *raf' al-taysir* (prioritizing convenience). In this context, if there is a mutual agreement that does not burden either party, it is considered valid in Islamic law.

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