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SULUP MARRIAGE AND LEGAL PLURALISM: NEGOTIATING CUSTOMARY, ISLAMIC, AND STATE LAW IN TIDORE SOCIETY

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ABSTRACT

This study examines the socio-legal construction of the Nikah *Sulup* tradition as a customary marriage practice in the community of Gamtufkange Village, Tidore Islands City, and its interaction with Islamic law and state law. Nikah *Sulup* is a marriage contract procession carried out privately before the official contract before the *penghulu*, based on a particular time calculation by traditional elders through the observation of the moon and stars. This study employs a qualitative method using sociology of law and “urf approaches, with data collected through observation, interviews, and documentation. The findings show that Nikah *Sulup* is perceived as a cultural effort to avoid misfortune in married life and to provide psychological reassurance for the couple. From a socio-legal perspective, this practice reflects legal pluralism, in which customary norms coexist and negotiate with Islamic legal norms and state law. Normatively, Nikah *Sulup* has not fulfilled the formal legal requirements of the state; therefore, an official re-contract is still conducted before the marriage registrar. However, from the perspective of “urf, this tradition may be categorized as “urf *sahib* as long as it does not contradict the fundamental principles of Islamic law. The novelty of this study lies in its analysis of Nikah *Sulup* not merely as an inherited customary ritual, but as a socio-legal phenomenon that demonstrates the negotiation between local belief, customary authority, Islamic legal norms, and state legal formalization. This study contributes to the development of Islamic family law studies by offering a contextual understanding of local marriage traditions and by showing that law should not only be understood as a normative text, but also as a living social practice within society.

Keywords: *Sulup Marriage; Sociology of Law; Customary law; Islamic Law; “urf; Legal Pluralism*

ABSTRAK

Penelitian ini mengkaji konstruksi sosio-legal tradisi Nikah *Sulup* sebagai praktik perkawinan adat pada masyarakat Desa Gamtufkange, Kota Tidore Kepulauan, serta interaksinya dengan hukum Islam dan hukum negara. Nikah *Sulup* merupakan prosesi akad nikah yang dilaksanakan secara tertutup sebelum pelaksanaan akad resmi di hadapan penghulu, yang didasarkan pada perhitungan waktu tertentu oleh tetua adat melalui pengamatan posisi bulan dan bintang. Penelitian ini menggunakan metode kualitatif dengan pendekatan sosiologi hukum dan “urf, melalui observasi, wawancara, dan dokumentasi. Hasil penelitian menunjukkan bahwa Nikah *Sulup* dipandang sebagai bentuk ikhtiar kultural untuk menghindari hal-hal yang dianggap buruk dalam kehidupan rumah tangga, sekaligus memberikan ketenangan psikologis bagi pasangan. Dalam perspektif sosio-legal, praktik ini mencerminkan adanya pluralisme hukum, yaitu ketika norma adat hidup berdampingan dan bernegosiasi dengan norma syariah serta hukum negara. Secara normatif, Nikah *Sulup* belum memenuhi syarat formal hukum negara sehingga akad resmi tetap dilaksanakan kembali di hadapan pencatat nikah. Namun, dalam perspektif “urf, tradisi ini dapat dikategorikan sebagai “urf *sahib* selama tidak bertentangan dengan prinsip-prinsip dasar syariah. Kebaruan penelitian ini terletak pada analisis Nikah *Sulup* bukan semata-mata sebagai ritual adat warisan leluhur, melainkan sebagai fenomena sosio-legal yang memperlihatkan negosiasi antara kepercayaan lokal, otoritas adat, norma hukum Islam, dan formalisasi hukum negara. Penelitian ini berkontribusi dalam pengembangan kajian hukum keluarga Islam dengan menawarkan pemahaman kontekstual terhadap tradisi perkawinan lokal serta menegaskan bahwa hukum tidak hanya dipahami sebagai teks normatif, tetapi juga sebagai praktik sosial yang hidup dalam masyarakat.

Kata Kunci: *Nikah Sulup; Sosiologi Hukum; Hukum Adat; Hukum Islam; “urf; Pluralisme Hukum*

INTRODUCTION

Culture is a universal thing in the order of human life. Culture is owned by every human being according to their respective cultural patterns. Every human being is within the line of culture. Culture gives value and meaning to human life. Everyone can easily define human beings from various differences from ethnicity, nation or race (Kuprikov, 2022). However, human beings as cultural beings are a historical fact that cannot be denied by anyone. That is why culture occupies a central position in human life (Sutrisno, 2023). The cultural value system is the highest and most abstract level of custom. Therefore, the highest cultural value is the concept of everything that is considered valuable and important by the citizens of a society. Thus, culture can function as an orientation guideline in the lives of the citizens of the community concerned.

Traditions are carried out because they are considered good. A good tradition is a lifestyle habit that everyone does. Both for yourself and with other communities that can be beneficial for yourself and others. This has been done from generation to generation and is considered to bring good. There is no tradition that is preserved if the tradition is not considered good by the people who live it. A good tradition will certainly have a good impact if it is taught as long as the tradition is seen as permissible in each belief and does not contradict the religion, he adheres to (Ardiani & Musonnif, 2022). In the course of the history of Indonesian Islamic society, the actualization of Islamic values took place to make the rhythm of local culture pluralist and form different social structures according to the local cultural conditions, including marriage, such beliefs continued in the post-Islamic period and can still be found today. Religion and culture are indeed two different things. However, this difference is not something that needs to be clashed. Actually, being able to walk together to obtain peace in carrying out life. However, everyone's awareness is still needed to apply the value of tolerance (Nur & Cikusin, 2022; Taufik et al., 2020).

The existence of rituals in all regions is a form of symbolism in religion or religion and the symbolism of human culture. The act of symbolism in religious ceremonies is a very important part and cannot be left alone. Man must do something that symbolizes communication with God. In addition to religion, customs are also very prominent in symbolism, traditional ceremonies that are hereditary inheritances from generation to generation. Local wisdom has shaped social values that are part of social life that are part of the daily life of Indonesian people such as mutual cooperation, kinship, deliberation for consensus, and tolerance. Local wisdom usually includes: religious systems, language,

economics, technology, education, social organization, and the arts (Sumaya, 2025).

Indonesia is an archipelagic country, formed by thousands of islands lined from Sabang to Merauke. The islands have indigenous people and tribes who have lived on the island for tens or even hundreds of years and are known to the general public. Such as the Javanese tribe, the Bugis tribe, the Minang tribe, the Malay tribe, and many other tribes. North Maluku itself is known as Moloku Kie Raha or the Sultanate of the Four Mountains in Maluku with four territories of the great Islamic kingdom of the Eastern Archipelago, consisting of: the Sultanate of Ternate, the Sultanate of Tidore, the Sultanate of Bacan, and the Sultanate of Jailolo. There are various tribes that inhabit the four sultanates, including: Madole Tribe, Pagu Tribe, Ternate Tribe, Tidore Tribe, Patani Tribe, Maba Tribe, Makian Tribe, Galela Tribe, Tobelo Tribe, Loloda Tribe, Sahu Tribe, Kao Tribe, Sawai Tribe, Veda Tribe, Siboyo Tribe, Tobaru Tribe, Gane Tribe, and even Arab Tribes, with their own various customs, traditions, and cultures (Syaifuddin, 2020)(Amal & Djafaar, 2003).

Indonesia has such a strong local wisdom as well as in the religiously free North Maluku area. North Maluku Province which consists of ten districts/cities is rich in noble values and traditions. Various customs that have become a tradition/custom color in every activity, both religious activities and social activities. In the case of marriage, one example. Marriage as a sunnah recommended by the Prophet Saw, in its implementation procession both in the pre-marriage procession, the marriage contract procession, and post-marriage, is loaded with the cultural traditions of each tribe and region. For example, ngdownload mantu in Javanese society, marasek in Minang society, mappettu ada', in the Bugis community, and various other traditional traditions in each region (Fatmawati, 2021).

Similarly, in the traditional wedding traditions in North Maluku, it is known that there are traditions of fere wadaka (riding wadaka), rorio (visiting the bridal room), hodo joko (bathing three tubes), and many other traditions. Especially in some of the people of the Tidore Islands tribe, there is a tradition of marriage before the marriage contract is carried out as nikah *sulup*, which means marriage in secret and secretly. Because the implementation is only limited to being attended by the prospective groom and the guardian of the bride-to-be and those who marry customarily (Nasim et al., 2023a).

Nikah *sulup* is a tradition in terms of marriage in the people of Tidore City in the Islands where the previous person carried out the marriage based on analysis or calculation time that was considered good by looking at the position of the stars in the sky. In the indigenous people of Tidore, one of the existing traditions, namely the tradition of *sulup*

marriage, is an ancestral tradition that is carried out for generations which is believed and still practiced by the community. Until now, the community in carrying out the tradition of *sulup* marriage aims to ensure that the bride-to-be gets a good day for their wedding and to avoid things that disturb the harmony of their household in the future (Dolosi et al., 2022a; Ufie, 2018).

The determination of the day of the implementation of the *sulup* marriage in the Tidore traditional wedding is carried out by traditional elders who have the ability to see the position of the moon and stars in the sky so that they can determine the day and time that is considered good to carry out the traditional marriage contract. Nikah *sulup* is a marriage procession based on the sight of the clock and time or when the marriage contract is carried out on the day before holding the contract which is determined on the day that is officially determined because the previous person had a belief that the day, hour and time of holding the official contract was not good, so the *sulup* marriage was carried out before the day of the contract. Therefore, the tradition of *sulup* marriage in the Tidore community is held as a will and ancestral habit that is passed down from generation to generation. The implementation of the *sulup* marriage is usually carried out because according to the calculations of traditional elders, the predetermined time is not good (Sadewo et al., 2022a)(Wati & Suryandari, 2025a).

The mention of sulfur marriage is because the procession is closed and secret. The *sulup* marriage process takes place at the residence of the bride-to-be which is attended only by the families of the two brides-to-be, but the implementation procession is carried out in a closed place that can only be witnessed by the groom and guardians and the bride. The contract process is usually carried out on the day before the officially appointed day (Burhanuddin & Fitri, 2024). What is interesting about the implementation of this *sulup* marriage is that even though they have carried out the *sulup* nikah, as a traditional marriage, they still then repeat their marriage contract officially in front of the Penghulu and witnessed by the public, because the *sulup* marriage they consider it to be only a release of conditions and release misfortune. This is what the researcher is interested in researching about *Sulup* Marriage as a community marriage tradition, especially in Gamtufkange Village, Tidore Islands City.

Marriage does not only unite two human couples, namely a man and a woman, but also binds a sacred covenant in the name of God, that the bride and groom intend to build a household that is *sakinah*, peaceful, and filled with love and affection. To uphold the ideals

of family life, it is not enough to rely only on the teachings of Allah in the Quran and as-Sunnah which are global, moreover marriage is also related to the laws of a country. Marriage is only declared valid if according to the law of Allah and the laws of the state it has fulfilled its principles and conditions. Thus, sociological studies view law as a reality that includes social and cultural realities. This study assumes that law is not enough to be seen as a normative text in positive law, but rather to see how it is implemented in society. Consequently, this study opens up the possibility of finding laws in people's behavior that are not regulated by normative texts. This is based on the idea that the role of humans in the work of the law cannot be ignored at all.

Thus, this study aims to analyze the practice of Nikah *Sulup* as a marriage tradition among the Tidore community, particularly in Gamtufkange Village, Tidore Islands City, by examining its position from the perspectives of Islamic law and customary law. The novelty of this research lies in its attempt to view Nikah *Sulup* not merely as a customary practice inherited across generations, but as a socio-religious phenomenon that reflects the negotiation between local beliefs, cultural symbolism, and the normative provisions of marriage in Islamic law and state law. The contribution of this study is expected to enrich the discourse on Islamic family law based on local wisdom, provide a more proportional understanding of customary marriage practices in the Tidore community, and serve as an academic reference for examining the relationship between tradition, religion, and law in a more dialogical, contextual, and non-conflicting manner.

RESEARCH METHOD

This research is field research with qualitative data collection and processing techniques (Syaifuddin, 2019). The type of research conducted in qualitative research is the type of research that produces discoveries that cannot be achieved using statistical procedures or by other quantitative means. This type of qualitative research is a type of research with a legal sociology approach and an "*urf* approach. This study seeks to describe the *sulup* marriage, which is carried out by the people of Gamtufkange Village, Tidore Islands City based on intensive field research with an emphasis on the photograph of this tradition as an inseparable part of the community by observing and interviewing them and other people who are in contact. (Yuwana & Indarti, 2023) Meanwhile, the "*urf* approach is an attempt to criticize the situation by analyzing the legal rules of "*urf* without eliminating the philosophical meaning presented in it (Creswell, 2011; Patton, 2015; Stake, 2010).

The sociology of law approach is a must in this study because it is related to the development and development of law which is always influenced by the socio-historical context of a society. The application in this study is especially related to the tradition of marriage in the context of legal sociology. The contextual approach in the nature of this research is intended that the study of the values and norms of religious teachings that are alive and guided in society, so that normative theological principles or foundations in their application must be approached contextually (Tjahjani, 2020). This research cannot be separated from the exploration of the philosophical values of the Sulawesi marriage tradition carried out by some people by being associated with Islamic legal philosophy. Therefore, the philosophical approach has a fairly important position in this research. This study analyzes the tradition of *sulup* marriage carried out by some of the people of the city of Tidore Islands, because the *'urf* approach is an inevitable choice when the study intersects with traditions that have been carried out for generations.

This research is located in Gamtufkange Village, Tidore District, Tidore City, Islands City. The selection of this location is based on the initial observation of the research that the tradition of sulfur marriage is still maintained in the community in Gamtufkange Village, compared to other Villages/Villages in Tidore. The research implementation process lasted for approximately 3 months starting from October to December 2024, with the research stages beginning with observation, research implementation and exposure of research results.

FINDINGS AND DISCUSSION

Findings

***Sulup* Marriage in the Tradition of the Archipelago Islamic Community**

The socio-cultural characteristics of the people of Gamtufkange Village, Tidore District are very diverse, considering that the residents come from different backgrounds. The pattern of the community in Gamtufkange Village can be distinguished in terms of their source of livelihood. The main types of livelihoods in this area are civil servants, farmers, itinerant traders, private doctors and fishermen. The people in Gamtufkange Village are not indigenous people (immigrant communities). This situation causes differences in the pattern of socio-cultural life between the indigenous people of Gamtufkange and the immigrant community.

In this pluralistic society, all the steps of life revolve around making a living, but the spirit and activities of mutual cooperation are maintained and grow well and can foster a deep sense of tolerance. All local communities are known as people who have a strong Islamic religious background. This can be shown by the existence of spiritual meetings that are held in every neighborhood and even each RT in the village once a week, for example, recitation, prayer, tahlilan, and mujahadah (Ali & Heryani, 2012).

As stated in the residents' monograph that the entire community of Gamtufkange Village is Muslim. An ustad for the people of Gamtufkange Village has an important role and becomes a role model for the community, every word is used as a consideration. Religious life so far has quite a color of its own. There are a lot of agendas for religious meetings that are usually held in this village. For example, in the meeting, the community (residents) not only held meetings and gatherings but was also interspersed with the recitation of surah yasin and tahlil (Amal, 2016)(Hanna, 1996).

This factor shows that the people in Gamtufkange Village are trying to foster a religious spirit in community activities. In addition to holding pilgrimages to the graves of guardians, yasinan or tahlilan, grand recitation is also often held by the people of Gamtufkange Village by inviting ustad speakers, other events that are still held are mujahadah, routine recitation and religious education activities (Suwondo, 1977).

Sulup marriage is a tradition that has been lived by the people of Tidore Islands in general, especially in several places/villages/sub-districts in Tidore and one of them is in Gamtufkange Village. Based on the results of interviews with several sources, the implementation of the *sulup* marriage is based on the calculation of time based on the position of the moon and stars in the sky according to experts who are traditional elders and are highly trusted by the community (Saebani, 2001).

The Basis of the Implementation of *Sulup* Marriage in the People of Tidore Islands

The people of Gamtufkange Village in particular strongly believe that the position of the moon and stars in the sky every day, at all times has an influence on human life. Therefore, the people of Gamtufkange village are very careful in starting a big work and have long-term goals. Therefore, in starting any long-term activity or work, they really believe that the position of the stars and the moon at the time of the wish will greatly affect their life in the future and the sustainability of the wish. Therefore, not only in terms of marriage, but also in terms of other activities, even when they are going to buy something they pay close

attention to the days or months of misfortune, even though they also believe that there are no bad days or months created by Allah SWT (Nasim et al., 2023b).

Hasanudin Ismail stated: The people of Tidore, especially in Gamtufkange village, strongly believe that there are unfortunate days, such as Saturdays, it is forbidden for them to travel or buy anything except in really urgent circumstances. Especially in making wishes, whatever it is, not only wedding wishes, they pay close attention to time. Although we are also sure that all days are good because everything was created by Allah, there are indeed days that have been believed for generations to be days that they should avoid to make a big wish.¹

Similarly, in the tradition of Nikah Sulu, it is a hereditary tradition that is maintained and implemented. Although this *sulup* marriage is not a mandatory tradition that must be carried out by everyone who is going to get married, it can be said that the *sulup* marriage is something that is believed to be carried out if the determination of the time of the marriage contract is official in front of the head and many people who have been agreed to be free time that they can all attend, is considered as the wrong time to start a celebration.

One of the couples who had carried out the *sulup* marriage before the implementation of their official marriage contract said:

I got married at midnight, at around 03.00. My marriage contract should only be held at 09.00 am, because only at that time was agreed by both families and the Penghulu as a time that could be attended by all of them, and we attach great importance to the presence of both extended families and the public to witness our marriage contract. However, because according to the elders, the time of 9 o'clock is not good, so the *sulup* marriage was carried out as a family effort to avoid unwanted things that happen to our household in the future. The implementation of the *sulup* marriage was carried out in one of the closed rooms in the house of my future wife's parents at that time, and was only allowed to be entered by me, my future wife's father and also an elder, the procession was essentially only the beginning of the contract which began with saying basmalah and shalawat, then my holy covenant to be willing to accept my wife (at that time) as a companion for life forever.²

In line with Mr. Fardi's story, Ema's mother also said:

When I got married, I got married in front of the headman, but before that my family did a *sulup* marriage. What I understood at that time was that the timing of our marriage contract was not right, so the family on the advice of the elders decided to do the *sulup* marriage first. The day after that, we held a marriage contract which was witnessed by all the families present and invited guests and was carried out in front of the headman. I don't know what was done at the *sulup* wedding, because as far as I remember it was done in a room at my parents' house, and only my future husband (at that time) and my parents

¹ Hasanudin Ismail, Kepala Kelurahan Gamtufkange, *Wawancara*, Gamtufkange, 03 November 2023

² Fardi, Pelaku *Nikah Sulup*, Gamtufkange, 05 November 2023

and one traditional elder could enter the room. And Alhamdulillah, our family is happy, blessed with 3 children, even though one year ago my husband passed away.³

Based on the results of the information excavation from the informants above, the researcher found that the tradition of sulfur marriage has become a tradition that is truly believed by the community to be able to avoid them from all possible things that they do not want in navigating a domestic life whose implementation is based on the calculations and sight of the eyes of experts who are elders who see the position/position of the moon and stars in the sky. Nikah *sulup* is a tradition that has a psychological impact as an encouragement and optimism for couples in navigating the ark of the household because they have received the blessing of both parents, including in fulfilling psychological, economic, religiosity and social aspects. In essence, the *sulup* marriage carried out by the people of Tidore City in general, aims to maintain and ensure the sustainability of the domestic life that will be traversed by the bride and groom runs well and can create a *sakinah* family, *mawaddah wa rahmah* as the purpose hinted at in QS. Al-Rum verse 21 (RI, 2005).

Although the *sulup* marriage is not a guarantee of the permanence of domestic life, in the sense that even if those who do not carry out *sulup* marriage do not mean that their household will not run well, however, the local community only takes care and efforts to calm the feelings of the family, parents, and the bride and groom, but in the future the sustainability of domestic life certainly depends on how the husband and wife manage their home life as well as full family support. The tradition of *sulup* marriage which is a tradition which seems to be carried out twice in the marriage contract, *karema* after the implementation of the *sulup* marriage is again held a marriage contract both sharia and legally officially recorded by the state. In reality, in Islam doing a double contract or renewing it does not invalidate the first contract, it is permissible as long as it does not go out of the Islamic law (Azzulfa, 2022; Muftadin, 2021).

Based on the information from the traditional *jojau* of Mr. Amin al-Faroek, as the results of the interview that have been presented earlier, the repetition of the contract is in essence carried out because the *sulup* marriage carried out is not considered as a shari'a marriage or the marriage contract is not yet perfect and really valid according to sharia', it is just a contract to start a big wish and make a strong covenant bond from the groom as a pledge of allegiance and acceptance of the bride man against his partner, and has not been

³ Ema, Pelaku *Nikah Sulup*, Gamtufkange, 05 November 2023

witnessed by the extended family and the public, so it is necessary to repeat the contract according to sharia and the state so that it is perfectly valid, to ensure that there is no slander. The implementation of the *sulup* marriage has not in essence fulfilled the pillars of marriage in its entirety, namely that the marriage contract must be fulfilled in harmony and its conditions consisting of, the two prospective brides, guardians, 2 witnesses and the kabul ijab. The marriage bond is not just an ordinary civil bond but a sacred and very strong bond which in the Qur'an is said to be a mitsaqan ghalidzan. The scholars agree in accepting the custom, in which there is an element of benefit and there is no element of mudharat or the element of benefit is greater than the element of mudharat and the custom which in principle substantially contains the element of benefit, but in its implementation is not considered good in Islam.⁴

In the study of ushul fiqh, the discussion of 'adah and *'urf* has a very important position because both are directly related to the social reality that lives in society. Islam as a legal system not only stands on a purely normative text, but also provides space for social practices to develop, as long as it does not contradict the basic principles of sharia. Therefore, understanding the concepts of 'adah and *'urf* is key in explaining how Islamic law is able to interact dynamically with local culture (Firdaus, 2004).

Etymologically, the word al-'adah comes from the root word which means repetition or something that is done repeatedly. This repetition can be in the form of certain words, deeds, or habits that are carried out continuously until they become part of the life of a person or a group of people. In this sense, 'adah is not just a momentary action, but a pattern of behavior that is repetitive and persistent. Terminologically, ushul fiqh scholars define 'adah as a tendency or habit that is constantly carried out towards a certain object, both in the form of speech and actions. This habit arises as a result of intense and continuous repetition, so that it becomes something that is considered commonplace, natural, and easy to do by the perpetrator. In this context, 'adah is no longer felt as something foreign or heavy, but has become integrated into daily life, even becoming part of a person's character or disposition (Az-Zuhayli, 1998)(Atabik & Mudhiiah, 2014).

This phenomenon shows that 'adah has a strong psychological and social dimension. Psychologically, habits that are repeated will shape an individual's mindset and attitude. Meanwhile, socially, 'adah reflects a pattern of collective life that is inherited from generation

⁴Amien Al-Faroek, Tokoh Adat/Tokoh Agama, *Wawancara*, Gamtufkange, 03 November 2023.

to generation. Therefore, ‘adah is often referred to as something “ingrained”, because it is not only done, but also felt as part of one’s and group’s identity (Rouf et al., 2025). On the other hand, the term “*urf*” also has a meaning related to custom, but with a slightly different nuance. Linguistically, “*urf*” means something that is known, recognized, and accepted by society. In the context of ushul fiqh, “*urf*” is interpreted as a custom that occurs in society and is widely accepted as something good or proper. The debate on the relationship between ‘adah and “*urf*” has become a classic discourse among scholars. Some scholars argue that the two are different terms, while others consider that they have essentially the same meaning or synonym (Al-Zarqa, 1996).

Scholars who distinguish between ‘adah and “*urf*” put forward several basic reasons. First, in terms of the scope of the perpetrator, ‘adah can apply in general or specifically. That is, a habit can be called ‘adah even though it is only done by certain individuals. For example, a person who has a certain habit of dressing or speaking can be called having ‘adah, even if the habit is not followed by others. Instead, “*urf*” should reflect the collective habits practiced by the majority of society. A practice cannot be called “*urf*” if it is only practiced by a few specific people or individuals. In other words, “*urf*” has a stronger social dimension than ‘adah, because it demands recognition and acceptance from the wider community (Lukito, 2008).

In terms of the process of formation, ‘adah can arise naturally as a result of a habit that develops without going through a process of deep reflection. This habit can appear spontaneously and continue to repeat until it becomes part of daily life. Meanwhile, “*urf*” is considered not to arise naturally, but through a process of experience, social interaction, and rational consideration. In other words, “*urf*” is not just a habit, but also contains an element of collective consciousness that is formed through a long process in people’s lives (Mudzhar, 1998).

In the aspect of normative assessment, ‘adah is neutral. This means that ‘adah is not automatically judged as good or bad. It only describes a habit that is repeated repeatedly, without considering the moral or ethical value of the habit. In contrast, “*urf*” always contains normative judgments. Customs referred to as “*urf*” are generally customs that are considered good, appropriate, and in accordance with the values that apply in society. Therefore, not all ‘adah can be “*urf*”, but every “*urf*” is basically an ‘adah that has acquired social and moral legitimacy (Nasution & Nasution, 2020a).

On the other hand, scholars who equate ‘adah and “*urf*” argue that the difference is not substantial. According to them, these two terms basically refer to the same phenomenon,

namely habits that are carried out repeatedly and accepted by the community. They argue that an act becomes known because it is done repeatedly, and vice versa, because it is known and accepted, it continues to be done. Thus, there is a reciprocal relationship between repetition and social recognition that makes a habit persist in society. The difference between 'adah and "urf is more terminological than substantive. Both reflect the social practices that live and develop in society, and have an important role in the formation of Islamic law (Husni et al., 2025; Ishak, 1986; Shabana, 2011).

In the practice of legal istinbath (excavation of the law), "urf is often used as one of the considerations in establishing the law, especially in matters that are not explicitly regulated in the nash. The well-known rules of fiqh state that "al-'adah muhakkamah" (custom can be used as the basis of law). This rule shows that Islam provides space for customs or customs to be part of the legal system, as long as they do not conflict with sharia principles (Fajar, 2019).

Thus, both 'adah and "urf has a great relevance in the life of Islamic law. Both serve as a bridge between normative texts and social realities, so that Islamic law can remain contextual and responsive to changing times. In the context of Indonesian society which is rich in culture and tradition, the concepts of 'adah and "urf are becoming increasingly important. Various customary practices that develop in the community can be analyzed and evaluated through this approach, so that it can be known whether the practices are in line with sharia principles or not.

'Adah and "urf are two interrelated concepts in ushul fiqh. Although there are differences of opinion among scholars about the two, in general both refer to the habits that develop in society. The differences that exist are more in the aspects of scope, the process of formation, and normative assessment. Nevertheless, both 'adah and "urf still has a significant role in understanding and developing Islamic law that is contextual and adaptive to social realities.

Discussion

The Process of Implementing *Sulup* Marriage in the Traditional Marriage Tradition of the Community of Gamtufkange Village, Tidore City, Islands

Nikah *sulup* is one of the traditional wedding traditions carried out by the people of Tidore Islands City in general, which has been going on for generations for a long time. Although the implementation of the *sulup* marriage is not a mandatory procession in every

implementation of the marriage contract carried out by the people of Tidore Islands City, the implementation of this *sulup* marriage is strongly believed by the community as a step of effort and effort as a form of prudential efforts to avoid various bad possibilities or problems that will later be faced by the two couples who are married in their households because they are married not at the right time (Dolosi et al., 2022b; Nada & Nada, 2025).

This *sulup* marriage in its implementation is secret, therefore it is called “*sulup*” which means “secret, closed”. Because the name is *sulup*, the implementation is indeed secret and closed and only attended by the two nuclear families, even technically the next implementation is carried out in a closed space that is only attended by the groom and parents/guardians of the bride. Nikah *sulup* is a step of effort and effort in order to protect and avoid and anticipate things that may happen in the future, for example, various temptations, challenges or problems that can affect the ark of the household and family which have an impact on disharmony in the household and cause divorce.

This is based on information obtained from the results of an interview with Mr. Amin Al-Faroek, one of the traditional leaders (Jojau Adat = Prime Minister of the Sultanate of Tidore) as well as a community leader and religious leader in Gamtufkange Village, he said:

The people of Tidore Islands City know and carry out the name Kai *Sulup*, a kind of traditional marriage that is carried out in secret and secret, and is carried out before the official and legal implementation of the marriage contract both by sharia and the state. *Susulup* is the Tidore language, which means “secret, secret”. It is called Kai *Sulup*/nikah *sulup* because the implementation of the marriage contract is carried out in a very closed place in one of the rooms or rooms in the bride’s house, and is not even allowed to be done in an open place such as the living room, or living room, and must not be seen by others. In the room there is only the groom and the father/guardian of the bride and elder who carry out the *sulup* marriage, with the intention of binding the two brides in the marriage bond at a time that the elders see and believe (which is believed) is a very good time to start the marriage bond.⁵

For the people of Tidore Islands, the *sulup* marriage is carried out as a form of effort and effort for them to avoid all possibilities that can happen, which will disturb the harmony of the bride’s household journey in the future because they carry out the marriage contract not at the right time according to traditional elders who are considered experts in seeing the goodness of the day based on the position of the stars and moon in the sky. They are called ari se kutika or aristika. The importance for the people of Tidore Islands, ari se kutika or aristika is a reference and reliance in determining the time and time of the implementation

⁵Amien Al-Faroek, Tokoh Adat/Tokoh Agama, *Wawancara*, Gamtufkange, 03 November 2023.

of the marriage contract. In addition to the month, day, hour and time and even seconds that are considered good and bad, according to the information of experts Ari Sekutika, that in 24 hours or time each change of hours and days has an influence on a person's life activities. It is the most important part for parents considering that *sulup* marriage is one of the instruments and steps to strive for goodness, harmony, and welfare in one's household and can avoid and protect one's manners and behavior in socializing both internally and externally in the family in marriage from wicked manners and takabur.⁶

The procession where the groom comes to the bride's house to perform a sacred procession, namely the marriage contract procession, precedes the marriage contract ceremony (*ijab qabul*), the bride comes to the bride's house, escorted by some of the family. After the groom-to-be and his family have arrived at the bride's residence to be married. An application for permission for both parents to get married is then carried out in a marriage contract procession.

According to Mr. Hasanudin Ismail, as the Head of Gamtufkange Village and also a community leader, stated that:

The *Sulup* marriage is a contract attended by several people for family representatives of the bride-to-be. However, on that day, our ancestors thought that the day that was determined was not good, it was usually called an unfortunate day and one of these traditions was also not contrary to religion. The determination of a good month, day, date and time according to the traditional elders will greatly affect their future home life, therefore as a step of effort, the *sulup* marriage must be carried out.

The same thing was also expressed by Mr. Bakri Umar, one of the staff of the Tidore Sultanate, he stated that:

"Each region has traditions that the community believes in, as well as for the people of Tidore Islands City, and one of them is the implementation of *sulup* marriage. *Nikah sulup* is a tradition that is carried out at a wedding ceremony. This tradition is carried out on a good time and day. When the groom-to-be comes to the bride's residence and holds a wedding which is attended by some of the groom's family and the bride-to-be and is attended by guardians and witnesses". The implementation of this *sulup* marriage is not a necessity in every implementation of the marriage contract, but for the people of Tidore believe that each time has its own influence on their life activities, so that when the time that has been agreed upon by both parties is considered not good, then they carry out the *sulup* marriage that precedes the official marriage contract.⁷

⁶Burhanuddin Abdul Kadir, Tokoh Agama/Tokoh Masyarakat Gamtufkange, *Wawancara*, Gamtufkange, 03 November 2023

⁷ Bakri Umar, Staf Kesultanan Tidore, *Wawancara*, Tidore, 04 November 2023

When the researcher confirmed the reason why there must be two times that occur when carrying out the marriage contract, they stated, that in essence, the time they agreed to carry out the marriage contract has become an agreement between the two parties that they adjust to the time that does not clash and is a time that can indeed be attended by both parties of the family as well as that can be attended by the Marriage Registrar. However, they do believe that there is a certain time that is a good time for them to do a marriage contract. Karennaya not all the implementation of marriage contracts for the people of Tidore, especially in Gamtufkange Village, do *sulup* marriage first, before carrying out a formal marriage contract. For those who determine the time of their marriage contract according to aristocratic experts, it is considered appropriate, then there is no longer a need to do *sulup* marriage.

This is as stated by Mr. Amien al-Faroek, that

Not all marriage contracts that occur must be done in sulfur marriage. Only if the determination of the time of the marriage contract that has been agreed upon by both families is considered not good, then then it will be carried out. I myself did not do the *sulup* marriage, because the time of the marriage contract agreed upon was good according to the vision of the elders. So we who are experts in seeing the position of the moon and stars in the sky, know for sure that if someone is going to get married and we are involved in determining the time of the marriage contract, then we know for sure the days, hours, minutes, and even seconds we count to see their luck in navigating their home life in the future (Hidayat & Nawawi, 2023). If the proposed time is agreed upon and the marriage contract can be carried out officially and formally, then it is no longer necessary to be preceded by the *sulup* marriage, but if the time we determine cannot be agreed to carry out an official marriage contract, for example the time is midnight so that it is difficult to be attended by the extended family of both parties and difficult to witness to the public. So the alternative as a form of effort is to have the *sulup* marriage first preceding the official marriage contract, which is important between the prospective groom and the parents/guardians of the woman, to bind the two of them.⁸

Furthermore, when the researcher confirmed why the remarriage contract had to be carried out in front of the head after doing the *sulup* marriage, he explained

⁸Amien Al-Faroek, Tokoh Adat/Tokoh Agama, *Wawancara*, Gamtufkange, 03 November 2023.

Nikah *sulup*, is a form of effort and effort (prudence) to prevent bad things that occur due to the influence of the position of the star at the time of the implementation of their marriage contract, but nikah *sulup* only binds the two in a bond that cannot be canceled because the custom equates it with the marriage contract, and as a form of surrender of female parents to men and a form of taking a male pledge of allegiance to female parents, However, they are not considered to be married according to sharia, only married in custom, so that even though they have done *sulup* marriage they are still prohibited from having marital relations, before their marriage contract is carried out sharia and officially and witnessed by the public. They are very careful in their marriage contract testimony, therefore their marriage contract must still be carried out officially and witnessed by the families of both parties and the public to avoid slander.⁹

The same thing was also stated by Mr. Bakri Umar, that:

The implementation of *sulup* marriage is only the implementation of traditional marriage, and is only carried out behind closed doors and secretly by the groom and parents of the bride, so that an official marriage contract must and must be carried out according to sharia and the state. The *sulup* marriage is only an effort and a form of prudence that starting the bond between the two is done at a time that according to the calculation of the position of the moon and stars is considered a very good time to start a new life.¹⁰

Furthermore, Mr. Amin stated

There are several cases that do not require a *sulup* marriage, namely, the armpits of the time for determining the official marriage contract is in accordance with the determination of the time recommended by the elders, and if in the case or condition of the woman is pregnant so that it is, any time is considered good because it is in an emergency condition to be married immediately.¹¹

From the results of the interview above, it can be understood that this *sulup* marriage is carried out if the day and time determined for the marriage contract is not good to anticipate unwanted things happening, then the marriage bond begins through the *sulup* marriage which is a day or a few hours before the official marriage contract in front of the P3N which is adjusted to the good time. And in general, the wedding is held in the months of late rabiul, rajab, and shawwal.

In addition, Mr. Burhanudin as a religious leader and imam of the Nurul Yaqin mosque stated:

Nikah *sulup* is a tradition that has been carried out for generations by the people of Tidore in general and in Gamtufkange Village in particular. The implementation of this *sulup* marriage is carried out because, according to the calculations of experts (who know the position of the moon and stars), it is considered that the time they agreed to officially perform the marriage contract is not the right time to start a new life.

⁹ *Ibid.*

¹⁰ Bakri Umar, Staf Kesultanan Tidore, *Wawancara*, Tidore, 04 November 2023

¹¹ Amien Al-Faroek, Tokoh Adat/Tokoh Agama, *Wawancara*, Gamtufkange, 03 November 2023.

However, the implementation of this *sulup* marriage is not a mandatory thing to do, but only for those who are indeed a step of effort and effort in carrying out a marriage contract to avoid all bad possibilities that occur. Therefore, why this *sulup* marriage is not widely done and known by the public and even in certain areas may not know this type of marriage.¹²

For the immigrant community and a small part of the community when the researcher confirmed the existence of this *sulup* marriage, there were those who did not know about the *sulup* marriage. As conveyed by Sumiati's mother:

I had heard of the sulfur marriage, but I didn't know anything about the sulfur nikah. Even in my family, I have never heard of anyone who has carried out the sulfur marriage. But that the sulfur marriage exists, yes, and I have heard of it, but I have attended or seen it in person, I have never. Because indeed this sulfur marriage is really closed and secret. If someone gets married, the public does not know whether he or she gets married first or not. All the people saw was the marriage contract in front of the headman.¹³

From the results of the interview above, the *sulup* marriage was carried out because of living in a society that still adheres to tradition. So that it participates in the tradition, and does not contradict and does not violate the principles and conditions of marriage.

Based on the opinion from the information above, it can be understood that the tradition of *sulup* marriage is a hereditary ritual that is still carried out by some people. This sulfur marriage aims to avoid all bad things that are likely to happen due to the influence of the position of the stars and the moon in the sky when they make a bond to start a new life. Therefore, the *sulup* marriage is a step of effort and effort in the family of the bride and groom who start a life union and foster the love of husband and wife to avoid unwanted things that are likely to befall the household. Although the *sulup* marriage is not a guarantee of the permanence of the life of the husband and wife, the community believes that the *sulup* marriage is their effort and prayer for the married life of the bride. The procession is closed, held at the bride's residence, has become a tradition in the people of Tidore in general and several villages in particular, including in Gamtufkange Village.

The procession of the implementation of the *sulup* marriage takes place in accordance with the hours, minutes, seconds determined by the traditional elders who are considered experts in seeing the position of the moon and stars in the sky. Therefore, the implementation can be at night, midnight, early in the morning, after dawn, morning or

¹²Burhanuddin Abdul Kadir, Tokoh Agama/Tokoh Masyarakat Gamtufkange, *Wawancara*, Gamtufkange, 03 November 2023

¹³ Sumiati, Warga Masyarakat, *Wawancara*, Gamtufkange, 04 November 2023.

whenever that time is considered a good time to start a contract or bond. It may be that the time span of the *sulup* marriage and the official marriage contract are only a day, two days, a few hours, even a few minutes, but the community believes that the implementation of the *sulup* marriage is their effort in the form of prudence to start something very sacred or very important and long-term (Chalimi & Julia, 2024; Hagiarto et al., 2023).

Every cultural order implemented by the people of Tidore has never gone out of the line of Islam and its social order. In the *sulup* marriage procession, the bride-to-be is not included only her witnesses and the bride's guardian. This is based on the belief that their customs are in harmony with the Sunnah of the Prophet, as a way to preserve culture while still looking at and referring to the teachings of Islam. Tidore has a rich culture that is processed from the wisdom of philosophical and aesthetic civilization, this cultural heritage is then combined with Islamic teachings to be in accordance with the society that lasts until now.

In this verse, there is the word *ma'ruf* which is the same root as the word "*urf*". "*urf*" referred to in this verse is a "*urf*" that has been known to the general public and is a stipulation in the limit of providing sustenance (shopping) to a wife and property for a woman who is rejected. Imam Izzuddin bin Abd al-Salam stated that the benefits and achievements of this world and the hereafter cannot be known except by al-Sharia. Meanwhile, the benefits and achievements of the world can be known by experience, customs, correct estimates, and indicators. Abu Ishak al-Syathibi (d. 790 AH) stated that judging from the aspect of its form in reality, customs can be divided into two: *first, al-adah al-ammah* (common customs), which are human customs that do not differ due to differences in time, place, and circumstances such as the habits of eating, drinking, worrying, joy, sleeping, waking, and others. *Second*, different customs due to differences in time, place, and circumstances such as the forms of clothing, houses, and others (Mawardi, 2010).

From the two definitions above, there are two important things, namely: first, in *al-'adah* there is an element of repetition and in *al-'urf* there is an element (*al-ma'ruf*) known as something good. The words *al-'urf* have to do with the value system in society that is considered good. Not only is it true according to people's beliefs but it is also good to do and or be said. This is closely related to "*al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*" in the Qur'an.

It seems more appropriate if this *al-'adah* or *al-'urf* is defined as: "What is considered good and right by man in general (*al-adah al-ammah*) is done repeatedly so that it becomes a

habit". In deciding a case, there are at least two kinds of considerations that must be considered. First, consideration of the circumstances of the case itself, what the case is like, where and when it happened, how the process of the incident occurred, why it happened, and who the perpetrator is. Second, the balance of law. In this legal consideration, especially for laws that are not expressly mentioned in the Qur'an and Al-Hadith, customary customs must be taken into consideration in deciding cases.

When this rule was returned to the verses of the Qur'an and the hadith of the prophet, it turned out that many verses of the Qur'an and hadith of the prophet strengthened it. So that this rule, after being criticized and honed by scholars throughout the history of Islamic law, finally became an established rule.

Legal Sociology Perspective on the *Sulup* Marriage Tradition

The law is always limited by the situation or environment in which it is located, so it is not surprising that there is a mismatch between what should be (*das sollen*) and what is real (*das sein*). In other words, there is a discrepancy between law in the books and law in action. Therefore, law enforcement is a process to realize the goals of the law into reality, so the process always involves the makers and implementers of the law as well as the community. In principle, the sociology of law sees, accepts, and understands law as part of human life in society, not outside of that context. This is different from dogmatic legal science (*rechtsdogmatiek*) which solely sees law as a relationship of rules and institutions that are logically and systematically arranged (Yusriyadi, 2020). The sociology of law cannot be separated from the daily life of human society. In this case, when talking about social behavior, it is related to the applicable law. Thus, sociological theories in the sociology of law also move along this path (Idris & Rachman, 2021). According to Achmad Ali, the sociology of law views law not just as a written norm, but as a social phenomenon that lives, functions, and interacts with the reality of society. Therefore, the object of the study of the sociology of law includes various aspects that show how the law works in social life. The following description describes descriptively the main objects (Sumanto, 2021).

Law as social control. In the perspective of legal sociology, law is understood as an instrument used by the state or government to regulate and control people's behavior. The law not only functions as a normative rule, but also as a mechanism to maintain social order, stability, and order. In this context, the law is a tool of legitimacy of state power in regulating relations between individuals and between individuals and the state. The government uses

the law as a reference in setting standards of behavior that are considered right or wrong, as well as sanctioning violations. Thus, the law acts as a means to create social order through the process of supervision and enforcement of rules. However, the effectiveness of the law as a tool of social control depends largely on the extent to which society accepts and complies with these norms. If the law is not in accordance with the values that live in society, then it will be difficult to enforce the law effectively. Therefore, the sociology of law does not only see law as a product of the state, but also as a reflection of the social values and norms that develop in society (Muljadi, 2020; Novia et al., 2023).

Second, legal socialization. Legal sociology views that social control through law will not be effective without a socialization process. Socialization is a process in which individuals learn and internalize values, norms, and rules that apply in society. In the legal context, socialization means the process of forming people's legal awareness, so that they understand, accept, and ultimately comply with the law voluntarily. This socialization process involves various social institutions, such as family, education, religion, and the media. Through these institutions, individuals are introduced to various social rules, including legal, moral, and religious rules. When individuals have realized the importance of the law as part of social life, then obedience to the law is no longer compulsory, but rather a necessity. In other words, socialization is an important prerequisite for the success of the law as a tool of social control (D.M. et al., 2022; Murdoko et al., 2023).

In the study of the sociology of law, stratification does not refer to the hierarchy of legal norms as in Hans Kelsen's theory of *grundnorm*, but to the social layering in society. Social stratification is concerned with the division of society into groups based on status, power, economy, or prestige. The sociology of law examines how social stratification affects access to the law, the law enforcement process, and the legal treatment of certain individuals or groups. In practice, it often happens that groups with high power or social status receive different treatment than weak groups. This shows that the law is not always neutral, but can be influenced by existing social structures (Kaharuddin, 2023a).

In addition, stratification also affects people's legal awareness. People with higher levels of education and economics tend to have a better understanding of the law than disadvantaged groups. Therefore, the sociology of law seeks to examine this inequality to encourage the creation of more equitable justice in law enforcement. One of the main objects of the sociology of law is the relationship between changes in society and changes in law. Law is not static, but continues to evolve along with social dynamics. Changes in the values,

technology, economy, and culture of society will affect the need for new laws or revisions to old laws.

Conversely, laws can also be a tool to drive social change. In this case, law as a tool of social engineering is used, where the government designs certain rules to achieve the desired social goals. For example, laws that aim to improve welfare, protect human rights, or encourage economic development. However, the success of the law as a tool for social change depends heavily on the readiness of the community to accept these changes. If the law is too far from social reality, then resistance will arise that can hinder its implementation. Therefore, the sociology of law emphasizes the importance of harmony between law and the social conditions of society (Kaharuddin, 2023b; Watif et al., 2024a).

Overall, the object of the study of legal sociology shows that law cannot be separated from its social context. Law is not only a normative set of rules, but it is also part of a social system that is influenced by the values, structure, and dynamics of society. By understanding law in a sociological perspective, we can see how it works in real terms, as well as identify the factors that affect its effectiveness in people's lives. The tradition of *Sulup* Marriage for the people of Tidore Islands, especially for the people of Gamtufkange Village, is a tradition that has taken root in their lives. They consider it as part of their life problems and their inner peace, so that with the implementation of the *sulup* marriage they feel calm in navigating domestic life. They hope that what the elders have set for them about the time of their marriage contract will be a positive thing for the survival of their household in the future (Lestari, 2023; Watif et al., 2024b).

The belief of the Muslim ummah as a religion that is universal and regulates all joints of life is not only in the transcendental relationship between the servant and the creator but also in other aspects of life such as socio-cultural, economic, political, and other things. Sometimes it is this partial understanding that Muslims still believe. Therefore, the attitude of Islamic sharia towards traditions, customs, always prioritizes the postulates in the Qur'an and Hadith over customs and traditions, but customs which in the term *fiqh al-'urf*, become one of the legal bases that can be enforced in the midst of society through the rules of "al-adah al-muhakkamah" as long as the al'adah/al-'urf brings greater benefits and does not contradict the basic principles of sharia. Culture that is the result of human cultivation is a custom that is inherent in a society, so that society is not influenced by other customs. Regarding physicality, the culture of the community is interrelated with each other. A

pluralistic society will clash when determining its legal aspects, especially in terms of Islamic law (fiqh) (Al Aziz, 2005).

The values to be conveyed in the procession of *suluh* marriage in the traditional marriage of the people of Tidore Islands are basically good, and this is believed by all the people who maintain it until now, namely starting a household life by asking for prayers from elders or elders or people who have power in the region, all of whom have first immersed in the world of the household by enjoying the sweet and bitter life scenario. The prayer that is said is expected to give blessings to the first step of a new marriage that will begin. Teaching that husband and wife live in harmony, harmony and peace, as well as being bestowed and provided with sustenance, kept away from domestic calamity and danger (Oktora et al., 2024). The existence of sharia does not necessarily eliminate traditions and customs. Islamic culture filters these traditions so that every value that is embraced and actualized by the local community does not contradict the Islamic law, because a tradition carried out by every ethnic group whose notabene is Islam must not deviate from the Islamic sharia and also the position of reason will never be more important than the revelation of Allah SWT. This is an essential and crucial understanding that must be possessed by every Muslim (Wati & Suryandari, 2025b).

Sociologically, the strength of the enactment of customs is because the law is really real and obeyed by the community. Although it is not expressly stated in writing in a law and regulations. In the process of determining the law of a problem, a mujtahid must go through several steps of legal research and certain problems must be in accordance with the basic order of Islamic law. This is a must for a mujtahid who really wants to study the Qur'an while still using the Qur'an and Hadith as a reference and reference, as well as a person who cannot escape from habits that are deeply rooted and carried out from generation to generation in society and also become the basis for the determination of law in addition to the Qur'an and hadith (Sadewo et al., 2022b).

The determination of Islamic sharia aims to create benefits for the human ummah. In its application, an institution is needed for its enforcement because without the institution the laws cannot be applied. Where the existence of customary law has been officially recognized by the State but its implementation is still limited, referring to article 18 B paragraph (2) of the 1945 Constitution which states "The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the

Republic of Indonesia, which are regulated in the law” which means that the State recognizes the existence of customary law and the constitutionality of its rights in the Indonesian legal system. It is also stipulated in article 3 of the UUPA that “the implementation of customary rights and similar rights of customary law societies must be in such a way that it is in accordance with the national and state interests, which are based on national unity and must not be contrary to laws and other higher regulations”. So, looking at the above article, a tradition can still be implemented because there is a law that regulates customary law, which needs to be underlined that the implementation of the tradition does not contradict the teachings of Islamic law. And how can everything we do with the sole purpose of Allah SWT. Everything is left to Allah and has to do with Islam (Wati & Suryandari, 2025b).

The philosophy of the implementation of the *sulup* marriage is to provide inner peace to the families of the bride and groom and to the bride and groom that they have made efforts to maintain the sustainability of the household life that they will foster, as well as a form of caution against bad things that are likely to disturb the harmony of their household due to the influence of the position of the stars and stars in the sky which they believe have an effect on human life. The belief and trust of the community like this, provides benefits for them by continuing to be careful to avoid things they face in the future (Djazuli, 2003)(Nasution & Nasution, 2020b). From a legal sociology perspective, such a thing makes them feel a mutual expectation of what they consider right and what they consider wrong, and the mutual need they have for each other is very strong. There is a deep agreement among the members of society that is very emotional and they can immediately justify the idea of what is right and what is wrong.

Although the sulfur marriage provides benefits and intends to achieve the goal of marriage as hinted at in the Qur’an. Al-Rum verse 21 and article 3 of the KHI are to create a household that is *sakinah*, *mawaddah* and *rahmah*, and its implementation is not contrary to the sharia of marriage in Islam, but according to the researcher, without reducing the philosophical value in the implementation of the *sulup* marriage, the implementation of the marriage contract is perfected in harmony and the conditions at the time of the implementation of the *sulup* marriage and there is no need to repeat the contract again in front of the head or the Marriage Registrar Assistant Employee (P3N), it is enough to do it in front of P3N is to officially register his marriage so that it is legal in the eyes of the State and gets legal certainty in the State. Without repeating the contract and only the registration of marriage does not reduce the sacred value of the marriage contract.

CONCLUSION

This study concludes that the *Nikah Sulup* tradition in Gamtufkange Village, Tidore Islands, represents a socio-legal manifestation of the interaction between customary law, Islamic law, and state law within a pluralistic legal framework. As a local cultural practice, *Nikah Sulup* functions not merely as a ritual preceding the official marriage contract, but as a symbolic and psychological mechanism through which the community seeks harmony, protection, and confidence in establishing family life. Its persistence demonstrates the continuing relevance of customary values as a form of living law that shapes social behaviour and collective identity.

From the perspective of Islamic law, the *Nikah Sulup* tradition may be understood through the concept of *'urf sahib*, provided that it does not contradict the essential principles of sharia and is complemented by a valid and publicly recognized marriage contract. Meanwhile, in the context of state law, the tradition itself does not fulfil the formal legal requirements for marriage registration and therefore requires an official marriage ceremony to obtain juridical validity. This finding illustrates that the Gamtufkange community does not perceive customary, religious, and state legal systems as contradictory, but rather integrates them through a process of social negotiation and legal accommodation.

This research reinforces the socio-legal perspective that law should be understood not only as a normative text but also as a living social practice embedded in local cultural contexts. The study contributes to the development of Islamic family law and legal sociology by demonstrating how legal pluralism operates in Indonesian society and highlighting the importance of culturally sensitive approaches in understanding local marriage traditions. Future studies are encouraged to conduct comparative analyses of similar customary marriage practices in other regions to further enrich the discourse on the interaction between local wisdom, Islamic law, and state law.

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