



THE TRANSFORMATION OF ENGAGEMENT PRACTICES PINANG MEMINANG IN MALAY MARRIAGE: AN ISLAMIC FAMILY LAW PERSPECTIVE IN ANAMBAS ISLANDS

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Abstract

This study examines the transformation of the pinang meminang tradition in the marriage practices of the Malay community in Kiabu Village, Anambas. Traditionally, pinang meminang functions as a cultural mechanism to affirm marital intentions and establish agreements between families. However, socio-economic changes have influenced its implementation within the context of contemporary society. This study is analyzed from the perspective of Islamic family law by employing the theory of 'urf as a living tradition within society and maqāṣid al-sharī'ah to assess the objectives and benefits embedded in the practice. This research employed a qualitative approach through interviews and observation. The findings indicate that the transformation of pinang meminang does not signify the disappearance of tradition, but rather represents a form of social adaptation to changing times. Despite procedural changes, the practice continues to maintain its social meaning as a symbol of legitimacy and reinforcement of family ties and can be categorized as 'urf ṣaḥīḥ as long as it does not contradict the principles of Islamic law. This study contributes to enriching Islamic family law studies, particularly in understanding the relationship between local traditions and Islamic law within the context of legal pluralism.

Keywords: Pinang Meminang, Islamic Family Law, 'Urf, Maqāṣid al-Sharī'ah, Legal Pluralism

A. Introduction

The tradition of betrothal proposal (*pinang meminang*) in the marriage practices of the Malay community in Kiabu Village, Anambas Islands Regency, is one of the customary traditions that continues to be preserved as an initial stage toward marriage. This tradition functions not only as a means of conveying the intention to marry, but also as a medium of communication between families to establish mutual understanding regarding responsibilities, social ethics, and social legitimacy before the marriage contract (*akad nikah*) is conducted (Saiin et al., 2023). In the context of Muslim communities in Indonesia, customary marriage practices such as this are not merely understood as cultural phenomena, but also carry normative implications within Islamic family law, since customs and traditions are often considered part of legal reasoning through the concept of 'urf, namely societal

customs that may serve as a basis for law as long as they do not contradict the principles of Islamic law.

Nevertheless, the practice of *pinang meminang* is not static. Social, economic, and cultural changes have influenced the implementation of this tradition in contemporary society. The processes of modernization, considerations of efficiency, and changes in communication patterns have encouraged the simplification of customary marriage stages (Kartikasari, 2025). This transformation can be seen concretely in the practice of *pinang meminang* in Kiabu Village, where several customary stages that were previously carried out in full have now begun to be simplified or are no longer practiced, while certain other stages are still maintained with adjustments in form and meaning (Ramadhan, 2021). This condition reflects an ongoing process of negotiation between traditional customary values and the social needs of contemporary society without entirely eliminating the social function of the tradition itself (Hendra, 2025).

From the perspective of Islamic family law, changes in customary marriage practices raise normative questions regarding the extent to which such transformations can still be considered consistent with the principles of Islamic law. The concept of *'urf* becomes relevant in assessing the validity of customs that continue to exist within society, while *maqasid al-shari'ah* is used to evaluate whether these changes still embody public benefit (*maslahah*), such as preserving honor, strengthening family relationships, and facilitating the implementation of marriage. Thus, the transformation of *pinang meminang* should not merely be understood as a cultural change, but also as a legal phenomenon operating within the framework of legal pluralism in Indonesia.

Several previous studies have examined Malay marriage traditions from various perspectives. The study conducted by Ferawati et al., (2023) highlighted the ritual symbolism of Malay marriages, while (Lubis, S. N., Siregar, Y. D., & Yasmin, 2023) discussed changes in customary practices resulting from modernization and the social dynamics of society. The research by Yusnita et al., (2024) analyzed the acculturation of Islamic values within the marriage customs of the Malay community in South Sumatra and demonstrated the harmonization between local traditions and Islamic law. Meanwhile, Hafis et al., (2022) emphasized the simplification of customary stages in Malay marriage practices due to social changes and the needs of contemporary society. Nevertheless, previous studies have generally positioned Malay marriage traditions merely as cultural and social phenomena and have not specifically analyzed the transformation of the *pinang meminang* stages from the

perspective of Islamic family law through the concepts of *'urf* and *maqasid al-shari'ah*. Therefore, this study offers novelty by linking changes in customary marriage practices with their normative implications in Islamic law.

Based on the foregoing discussion, the research questions of this study are: (1) how has the tradition of *pinang meminang* transformed within the marriage practices of the Malay community in Anambas Island? and (2) how is this transformation understood from the perspective of Islamic family law through the concepts of *'urf* and *maqasid al-shari'ah*? Theoretically, this study is expected to enrich discussions on the relationship between local customs and the concept of *'urf* in Islamic law, particularly regarding the dynamics of changes in marriage customs. Practically, this study is expected to provide a deeper understanding of the marriage practices of the Malay community as part of the living legal pluralism in Indonesia and to serve as a reference for future studies examining transformations in marriage customs within the framework of Islamic family law.

B. Method

This study employs a qualitative approach with an empirical socio-legal research design. The qualitative approach is used to gain an in-depth understanding of the *pinang meminang* tradition as a living social phenomenon that develops and is interpreted by the community in everyday life. Meanwhile, empirical socio-legal research is employed to examine the relationship between these social practices and the norms of Islamic family law. Thus, this study does not merely analyze law as written norms (*law in books*), but also as law that lives and operates within society (*living law*). Through this approach, the research focuses on how the community interprets the transformation of the *pinang meminang* tradition and its implications from the perspective of Islamic law.

The research was conducted in Kiabu Village, Anambas Islands, Riau Islands Province, in 2025. The research location was selected purposively based on the suitability of its characteristics with the focus and objectives of the study. Kiabu Village was chosen because its community still recognizes and practices the *pinang meminang* tradition, although its implementation has undergone simplification and transformation. This condition makes Kiabu Village relevant for examining the dynamics of the transformation of Malay customary traditions within the context of a coastal Muslim community.

Primary data were obtained from seven informants selected purposively, namely individuals who possessed knowledge, experience, and direct involvement in the practice of *pinang meminang*. The informants consisted of one customary and

religious leader, Abdul Ghafar; two community leaders, Abdullah and Fatimah; and four individuals comprising two couples who had undergone the *pinang meminang* process, namely Anis and Junaida, as well as Rahmat and Ira Agustia. The criteria for selecting informants included: (1) understanding the *pinang meminang* tradition from customary or religious perspectives, (2) having direct involvement in the implementation of the tradition, and (3) possessing knowledge regarding changes in the stages of the tradition within the community.

In this study, the researcher occupies the position of an insider, as the researcher originates from Kiabu Village, which serves as the research location. This position provides advantages in the form of a deep understanding of the local language, culture, customary values, and the social context of the community. Such closeness facilitates the researcher in building trust with informants and obtaining richer and more in-depth data. Nevertheless, the researcher maintained objectivity and a reflective attitude throughout the processes of data collection, analysis, and interpretation to ensure that the findings remained within scientific standards and could be academically justified.

Secondary data were obtained from literature, documents, and relevant theories. This study employs Hobsbawm's theory of *invented tradition* to explain that traditions may be selected, maintained, and modified according to the needs of society. Ogburn's theory of social change is used to explain the transformation of the stages of *pinang meminang* as a result of social and economic changes. The tradition is also analyzed from the perspective of its functionality within society through Parsons' structural-functional theory. Furthermore, the transformation is examined from the perspective of Islamic family law through the concepts of '*urf* and *maqasid al-shari'ah* to assess whether such customary changes remain within the framework of public benefit (*maslahah*) according to al-Shatibi.

Data collection was conducted through in-depth interviews, observation, and documentation. In-depth interviews were carried out in a semi-structured manner to explore the informants' views and experiences regarding the practice and transformation of the *pinang meminang* tradition. Observations were conducted non-participatively to understand the social context and customary practices that continue to exist within the community. Documentation was used to complement the data in the form of village archives, customary records, activity photographs, and other supporting documents.

Table 1. Mapping of Research Informants

Informants	Selection Criteria	Data Contribution
Customary and Religious Leader <i>(Initials: AG)</i>	Possesses an understanding of the history, original norms, and philosophical values of the <i>pinang meminang</i> stages in the past. Witnessed cultural shifts in <i>merisik</i> , communication culture (<i>pantun</i>), and customary symbols such as <i>tepak sirih</i> in Kiabu Village.	Provided data regarding the history, functions, transformation of customary stages, as well as legal and customary perspectives on the practice of <i>pinang meminang</i> .
Community Leaders <i>(Initials: AB & FT)</i>	Possess knowledge regarding the development of the <i>pinang meminang</i> tradition in Kiabu Village and are actively involved in the social life of the community. Understand changes in customary practices from the past to the present based on the community's social experiences.	Provided perspectives on social change, the implementation of customary practices, and community acceptance of the transformation of <i>pinang meminang</i> .
Married Couple through Arranged Marriage <i>(Initials: AN & JN)</i>	Underwent a relatively complete <i>pinang meminang</i> process based on family decisions, including the stages of <i>merisik</i> , <i>pantun</i> , and the use of <i>tepak sirih</i> .	Provided data regarding customary practices that still preserve traditional elements and the social functions of the tradition.
Married Couple through Courtship <i>(Initials: RM & IR)</i>	Experienced a <i>pinang meminang</i> practice that had undergone simplification of customary stages, such as the absence of <i>pantun</i> or <i>tepak sirih</i> .	Provided data regarding changes in customary practices resulting from modernization, shifts in relationship patterns, and the simplification of ceremonial processes.

Data analysis was conducted thematically through the stages of data reduction, categorization, data presentation, and conclusion drawing. The data were classified based on the forms of the *pinang meminang* tradition in the past and present, the factors influencing its transformation, and the community's perspectives on these changes. Data validity was maintained through source triangulation and method triangulation. Source triangulation was carried out by comparing information among informants, such as between customary leaders, community leaders, and couples who had undergone the tradition. Meanwhile, method triangulation was conducted by cross-checking the results of interviews, observations, and documentation to ensure data consistency and validity (Fusch, P. I., Fusch, G. E., & Ness, 2021). The findings of the analysis were then related to the perspective of Islamic family law, particularly the concepts of *'urf* and *maqasid al-shari'ah*, in order to assess the position and legitimacy of these traditional transformations within the framework of Islamic law as it lives and operates in society.

C. Results And Discussion

This analytical framework is employed to examine the transformation of the *pinang meminang* tradition within the Malay community of Kiabu Village as a response to various social changes occurring in society. These changes include economic development, advances in technology and communication, the modernization of lifestyles, improvements in education, and the emergence of the aspirations of younger generations, all of which influence the implementation of the tradition.

The *analysis* begins by applying Hobsbawm's *The Invention of Tradition* theory to understand the process of reconstructing tradition, changes in the forms and stages of the *pinang meminang* practice, and the community's efforts to preserve the core values of the tradition amid social change. This theory is used to explain that traditions are not static; rather, they can adapt to changing circumstances without losing their fundamental meaning and functions.

Furthermore, William F. Ogburn's theory of social change, particularly the concept of *cultural lag*, is employed to identify the influence of economic development, *technological* advancement, and modernization on changes in the customary practices of *pinang meminang*. This theory helps explain the relationship between changing social conditions and the adjustment of cultural elements embedded within the tradition.

The Transformation Of Engagement Practices Pinang Meminang In Malay Marriage: An Islamic Family Law Perspective In Anambas Islands

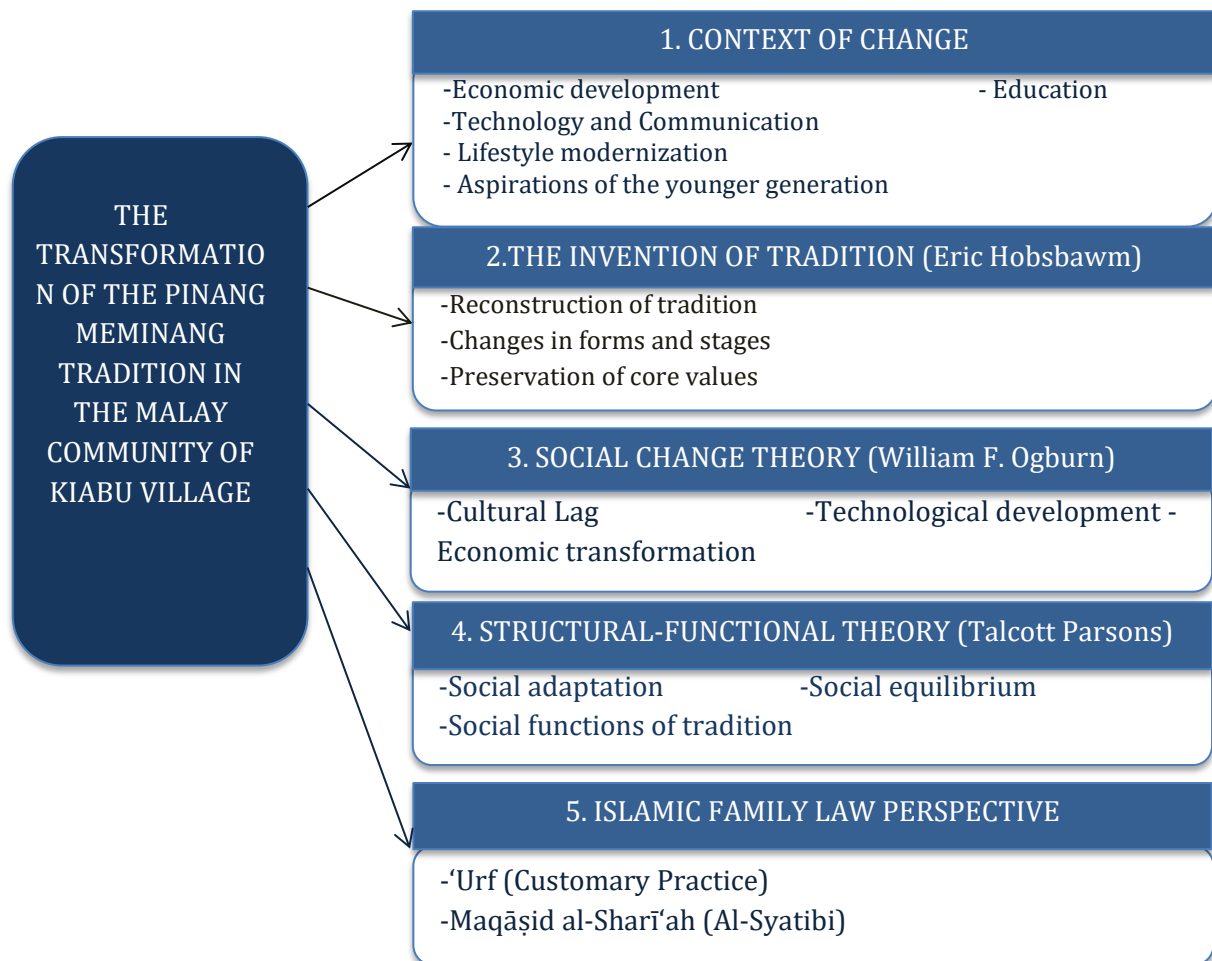


Figure 1. The Transformation Of The Pinang Meminang Tradition

The next stage of the analysis utilizes Talcott Parsons' Structural-Functional Theory to *explain* how the *pinang meminang* tradition adapts to ongoing changes without losing its social functions within community life. From this perspective, the tradition is understood as part of a social system that continuously strives to maintain equilibrium through adaptation to changes in the social environment.

Subsequently, the findings are evaluated through the perspective of Al-Shatibi's *maqāṣid al-sharī‘ah* to assess the extent to which the transformation remains aligned with the objectives of Islamic law, promotes public welfare (*maslahah*), and supports social life within the community. This approach is employed to determine whether the changes remain within the framework of Islamic values while continuing to provide benefits to society.

Based on this analytical framework, the study is directed toward examining changes in the forms and stages of the *pinang meminang* tradition, the factors influencing its transformation, the social functions that continue to be *maintained*, and its conformity with the objectives of Islamic law and public welfare. Through this framework, the transformation of the *pinang meminang* tradition is understood as a process of social adaptation occurring within the Malay community of Kiabu Village amid ongoing social, economic, and modernization changes.

1. The Practice of Pinang Meminang in the Malay Tradition of Kiabu Village

The tradition of *pinang meminang* in the marriage practices of the Malay community in Kiabu Village constitutes one of the customary stages that functions as an initial mechanism to affirm the intention of marriage and establish mutual understanding between the two families of the prospective bride and groom. From a customary perspective, *pinang meminang* is not merely understood as a formal proposal process, but also serves as a social space for preserving family honor, assessing the readiness of the prospective couple, and ensuring compatibility in social and cultural values before the marriage contract (*akad nikah*) is conducted. Thus, *pinang meminang* carries functions that are not only ceremonial in nature, but also embody important social and cultural values within the life of the Malay community (Purnama, 2021).

In past practices, the implementation of *pinang meminang* began with the *merisik* stage. This stage was carried out by the male party through the appointment of a *telangkai*, namely a woman who possessed a certain social standing and was trusted within the community. The *telangkai* was responsible for investigating the background of the prospective bride, including her family lineage, behavior, and social reputation within the community. The results of the *merisik* process then became a consideration before proceeding to the formal proposal stage. This practice reflected the customary prudence exercised in preserving family dignity and preventing potential social conflicts in the future (Prayogo et al., 2021)

Nevertheless, based on an interview with a customary elder who also serves as a religious leader, "the practice of *merisik* in the past functioned as an initial stage resembling the process of *ta'aruf*, aimed at understanding the background of the prospective bride through the intermediary role of the *telangkai*. At present, the *merisik* stage is no longer practiced because prospective couples generally already know each other beforehand. Meanwhile, the use of *tepak sirih* during the *pinang meminang* stage takes place when the male party formally visits accompanied by

approximately five to seven family representatives and brings the *tepak sirih* as a symbol of respect and sincerity” (Abdul Ghafar, interview, October 4, 2024).

This statement indicates a transformation in the procedural aspects of the *pinang meminang* tradition. Nevertheless, the fundamental values underlying the tradition, such as honor, deliberation, and family consent, continue to be preserved. This demonstrates that the changes that have occurred are more directed toward adjustments in the form of customary implementation rather than changes to its essential values.

According to community leaders, “the *pinang meminang* process begins with a series of *pantun* recited by representatives of both families” (Abdullah & Fatimah, interview, January 9, 2025). This statement was reinforced by explanations from a customary elder who also serves as a religious leader and was further supported by village archives contained in the *Guidebook for the Siantan Malay Traditional Wedding Ceremony Procession* published by the Malay Customary Institution (*Lembaga Adat Melayu*) of Siantan District.

In the *pinang meminang* procession, *pantun* occupies an important position as a medium of customary communication delivered by representatives of both families. *Pantun* functions as a means of conveying intentions indirectly yet meaningfully, while simultaneously reflecting the values of politeness, respect, and the strengthening of kinship relations. Culturally, *pantun* also serves as a medium of symbolic communication that reflects the social norms of the Malay community and contains moral messages and marital advice related to responsibilities in household life (Ulfazah et al., 2025). Thus, *pantun* not only possesses an aesthetic function, but also serves as a medium of cultural education and a reinforcement of social cohesion within society.

Based on interviews with two couples serving as informants, namely Anis and Junaida, as well as Rahmat and Ira Agustia, differences were found in the implementation of the *pinang meminang* procession within the Malay community. These differences were primarily related to the background of the relationships and the completeness of the customary elements carried out in the marriage processions. This finding indicates the existence of variations in customary practices influenced by differing social experiences and relationship patterns among couples.

In the first couple, Anis and Junaida, the marriage was arranged through a family matchmaking process and was preceded by the *merisik* stage. In its implementation, the *pinang meminang* procession was still conducted relatively completely in accordance with customary provisions, including the exchange of *pantun* and the use of *tepak sirih* as a symbol of respect between families. As stated

by the informants, “in the *pinang meminang* process, we still used *pantun* and brought *tepak sirih* as part of the custom, and we also carried out the *merisik* stage before proceeding to the *pinang meminang* stage” (Anis & Junaida, interview, April 13, 2025).

Meanwhile, in the second couple, Ira Agustia and Rahmat, the relationship began through a courtship process. In practice, the implementation of *pinang meminang* underwent simplification, in which several customary elements were no longer carried out completely. The exchange of *pantun* was omitted, and the ring exchange ceremony was conducted directly by the couple without involving family representatives. In addition, the use of *tepak sirih* was also abandoned. As expressed by the informants, “we did not use *pantun* in the proposal process, and the rings were exchanged directly by the couple without bringing *tepak sirih* because we had already known each other’s character long before the *pinang meminang* process through our premarital relationship” (Rahmat & Ira Agustia, interview, April 14, 2025).

These differences indicate the presence of dynamics in customary practices influenced by changes in relational patterns and individual preferences. This phenomenon suggests that the *pinang meminang* practice is not static, but rather undergoes processes of adaptation and reconstruction in accordance with the continuously evolving social context of society.

The most significant change is the disappearance of the *merisik* stage. In the context of modern society, prospective couples generally already know each other beforehand; therefore, the function of *merisik* is considered no longer relevant. This differs from earlier practices, in which society heavily relied on the role of the *telangkai* as an intermediary for information between families.

Transformation has also occurred in symbolic aspects, such as the use of *tepak sirih* and the procedures for ring exchange. Whereas in the past these symbols occupied an almost obligatory position, in contemporary practice their presence has become more flexible and no longer determines the legitimacy of the custom as a whole. This phenomenon of change may be analyzed using William F. Ogburn’s theory of social change through the concept of *cultural lag*. According to Ogburn, changes in the material elements of society, such as developments in patterns of social interaction, modernization of lifestyles, and changes in how individuals build relationships, often occur more rapidly than changes in non-material elements such as customs, norms, and cultural values. In the context of the Malay community of Kiabu Village, changes in relationship patterns among prospective couples, who are

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now able to know each other prior to the proposal process, have caused certain customary stages such as *merisik* to gradually lose their previous functions. Thus, the transformation of *pinang meminang* practices demonstrates a process of customary adaptation to the social developments occurring within society (Parry, K. D., Storr, R., Kavanagh, E. J., & Anderson, 2021).

Within the context of the Malay community in Kiabu Village, the practice of *pinang meminang* reflects a process of social adaptation in the implementation of tradition. The community continues to preserve core values such as family deliberation, respect, and mutual family consent, while at the same time simplifying certain symbolic elements considered less relevant to current social conditions. Talcott Parsons' structural-functional perspective explains that societies tend to adjust to changes in the social environment in order to maintain the balance of the existing social system (Lischka-Schmidt, 2023). Therefore, changes in the practice of *pinang meminang* can be understood as a form of social adaptation aimed at preserving the primary functions of the tradition amid the development of modern society.

This condition raises a critical question regarding whether the simplification of customary practices constitutes a weakening of cultural values or, conversely, a strategy for preserving cultural continuity. The findings of this study indicate that these changes more accurately represent an adaptive strategy employed by society to preserve the essence of customary values amid the process of modernization. The transformations that have occurred do not eliminate the fundamental values of the tradition, but rather adjust the form of its implementation to the contemporary social needs of the community.

This phenomenon may be understood through Hobsbawm's theory of *The Invention of Tradition*, which explains that traditions are not entirely fixed and statically inherited, but may instead be reconstructed, modified, or even "reinvented" in order to preserve the continuity of social values within changing social contexts. The theory of *invented tradition* continues to be applied in contemporary studies to explain how cultural practices are reconstructed in order to maintain social legitimacy within constantly evolving societies (Rasouli, 2023). In this context, the practice of *pinang meminang* in Kiabu Village demonstrates that although several customary stages, such as *merisik*, the use of *tepak sirih*, and the exchange of *pantun*, have undergone simplification, the community continues to preserve the core values of the tradition, namely family deliberation, respect, and the social legitimacy of marriage. Therefore, the transformations that have occurred do not represent the elimination of tradition, but rather a reconstruction of tradition

to ensure its continued relevance within modern society while simultaneously preserving the continuity of its social functions.

Nevertheless, such simplification also has the potential to generate consequences in the form of a declining understanding among younger generations regarding the symbolic meanings embedded in the practice of *pinang meminang*. When elements such as *pantun* and *tepak sirih* begin to be abandoned, the philosophical values contained within them may no longer be fully conveyed, potentially leading to a long-term degradation of meaning.

Thus, the practice of *pinang meminang* in Kiabu Village demonstrates that customary transformations do not occur spontaneously, but are influenced by various social, economic, and modernization factors within society. Although procedural and symbolic aspects have changed, the fundamental values underlying the implementation of the tradition continue to be preserved. Therefore, the following section will analyze the factors driving these transformations.

2. Economic Factors And Modernization In The Transformation Of Pinang Meminang Practices

The transformation of *pinang meminang* practices within the Malay community of Kiabu Village forms part of broader social dynamics influenced by economic changes and modernization. From the perspective of the sociology of law, custom as *living law* is not static, but continuously undergoes adaptation in accordance with the needs and social conditions of society (Utama, 2021).

These transformations may be analyzed using William F. Ogburn's theory of social change through the concept of *cultural lag*. Ogburn explains that the development of material elements, such as the economy and patterns of social life, often progresses more rapidly than non-material elements such as customs and cultural values. In the context of *pinang meminang* in Kiabu Village, this condition is reflected in the simplification of several customary stages that are considered no longer compatible with the needs of modern society. This demonstrates a process of adjustment between social development and the customary value system that continues to exist within the community.

a. Economic Factors In The Transformation Of Customary Practices

Changes in the economic conditions of society have become one of the factors influencing the transformation of *pinang meminang* practices. However, the findings of this study indicate that these changes do not entirely lead to cost efficiency, but

rather reflect a shift in expenditure patterns within marriage practices. In the past, the implementation of *pinang meminang* tended to be simple, with elements such as the *telangkai* and *tepak sirih* functioning primarily as symbolic components and carried out through the spirit of mutual cooperation (*gotong royong*). In contrast, in contemporary practice, although several customary stages have been simplified, the expenses incurred tend to increase (Nisa, A. A., 2021).

This finding is reinforced by the statement of the customary leader Abdul Ghafar, who explained that the simplification of customary stages does not necessarily reduce costs; in fact, contemporary *pinang meminang* practices tend to require greater expenditures (interview, January 26, 2025). Furthermore, premarital relationships through courtship also affect the economic aspect, as they involve communication expenses, meetings, and lifestyle-related costs for the couple. Rahmat and Ira Agustia also stated that the costs of *pinang meminang* today are relatively high, particularly for event decorations and consumption expenses (interview, April 14, 2025).

From William F. Ogburn's perspective, this phenomenon reflects *cultural lag*, namely a condition in which changes in material aspects such as lifestyle and consumption patterns develop more rapidly than customary values emphasizing simplicity. Consequently, the transformation of *pinang meminang* not only demonstrates the simplification of customary practices, but also indicates a shift in societal consumption patterns and social priorities.

This condition indicates that society does not completely abandon inherited customary traditions, but instead makes adjustments to their forms of implementation in order to remain aligned with evolving social and economic demands. Thus, the transformation that occurs is the result of an interaction between changes in the material conditions of society and the continuity of cultural values that are still being preserved.

b. Modernization As A Driver Of Social Change

In addition to economic factors, modernization has also become an important factor in the transformation of *pinang meminang* practices. Modernization not only affects material aspects, but also brings changes in mindsets, values, and social relationships. It further encourages a shift in social structures from collective orientations toward more individualistic ones. In traditional societies, marriage decisions were predominantly determined by families, making stages such as *merisik* highly significant. However, in modern society, individuals possess a greater role in determining their life partners, causing such stages to become less relevant.

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Furthermore, developments in communication technology have accelerated these transformations. Through social media and mobile phones, individuals are able to become acquainted without the mediation of family members. In the context of Kiabu Village, this enables prospective couples to establish direct relationships prior to the proposal process, thereby reducing the necessity of certain customary stages (Budiana, I. N., & Wiguna, 2021).

Modernization has also influenced society's perspective on customary practices. Customs are no longer viewed as rigid obligations that must be carried out strictly, but rather as flexible cultural elements that may be adapted according to social needs. It is argued that within modern societies, traditions undergo reinterpretation, in which greater emphasis is placed on meaning rather than form.

In this context, the transformation of *pinang meminang* in Kiabu Village demonstrates a shift from orientation toward form to orientation toward substance. Agreement between families remains the central element, while symbolic components become more flexible. Thus, while economic factors encourage commodification within the practice of *pinang meminang*, modernization shapes a new societal perspective that is more adaptive and individualistic. Overall, these two factors demonstrate that customary transformation is the result of interaction between material changes and shifts in societal values.

3. The Interaction of Economic Factors and Modernization in the Transformation of Customary Practices

Economic factors and modernization do not operate separately, but rather interact with one another in driving customary transformation. Modernization creates conditions that enable change to occur, while economic factors determine the direction of such changes. From Talcott Parsons' perspective (1951), social change may be understood through the framework of structural functionalism, in which every social system must be capable of adaptation to environmental changes in order to survive. In this context, the practice of *pinang meminang* undergoes adjustment as part of an effort to preserve its social functions within society.

In line with this perspective, the interaction between these two factors can also be observed in the transformation of societal values. Santoso argues that modernization and economic dynamics simultaneously encourage a shift in values from collectivism toward rationality and efficiency. As a result, society tends to prefer customary practices that are simpler and more contextual (Pelizzo, R., Turganov, D., & Kuzenbayev, 2023).

a. The Impact of Transformation on the Practice of Pinang Meminang

Transformations influenced by economic factors and modernization have brought significant impacts on the practice of *pinang meminang*. One of the primary impacts is the simplification of customary stages, in which stages that were previously considered obligatory have become more flexible and optional, depending on the conditions and agreements of each family. In addition, these transformations have also caused a shift in meaning within the practice of *pinang meminang*. Whereas in the past the primary focus was placed on the completeness of customary stages, in the context of modern society the focus has shifted toward the substance of the proposal process, namely the achievement of agreement between both parties.

From Talcott Parsons' functionalist perspective, this change demonstrates that a tradition will continue to be preserved as long as it still possesses relevant social functions. When a customary element is considered no longer efficient or no longer supportive of such social functions, society tends to adjust the form of its implementation without eliminating its essential substance (Suwandari et al., 2022).

Research conducted by Lestari and Nugroho further emphasizes that transformations in social practices do not necessarily eliminate the fundamental functions of a tradition, but may instead strengthen its continuity in more adaptive forms. Nevertheless, these transformations also present challenges, particularly in terms of cultural preservation. The simplification of customary practices has the potential to result in the disappearance of symbolic elements that contain historical and philosophical values. Therefore, efforts are required to document and transmit these cultural meanings to younger generations in order to prevent the long-term degradation of values.

b. Pinang Meminang As An Adaptive Tradition.

Based on the foregoing discussion, it may be concluded that *pinang meminang* constitutes a tradition that is adaptive to social change. The transformations that have occurred do not lead to the elimination of customary practices, but rather to adjustments in form in order to maintain their relevance within society.

Within the theoretical framework of Talcott Parsons, this condition reflects the principles of adaptation and integration within the social system, in which society seeks to adjust customary practices to environmental changes without
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eliminating their social function as a mechanism for strengthening kinship relations. The ability of tradition to adapt demonstrates that the continuity of a custom is not determined by whether its form remains unchanged or altered, but rather by its capacity to maintain the social functions and values that constitute its foundation within society.

Thus, the changes occurring in the *pinang meminang* practice can be understood as an effort by society to preserve the function and meaning of tradition through forms of implementation that are more suited to contemporary social conditions. Research by Rahmawati indicates that the sustainability of a tradition is highly dependent on its ability to adapt to social change. Rigid traditions tend to be abandoned, whereas flexible traditions are more likely to persist in new forms.

In the context of Kiabu Village, *pinang meminang* continues to survive as part of the marriage custom despite transformations in its form and implementation. This demonstrates that the community possesses the capacity to maintain a balance between preserving traditional values and adapting them to the demands of modernity. Therefore, the transformation of *pinang meminang* should not be understood as a form of cultural decline, but rather as an adaptive strategy employed by society to preserve the social functions of tradition amid economic changes and modernization.

4. Analysis Of 'Urf And Maqasid Al-Shari'Ah In The Transformation Of Pinang Meminang

The transformation of *pinang meminang* practices within the Malay community of Kiabu Village not only reflects social dynamics, but also requires normative evaluation from the perspective of Islamic family law. In this regard, the concepts of 'urf and *maqasid al-shari'ah* are employed as analytical frameworks to assess the extent to which these customary transformations remain within the boundaries of the Sharia or instead contain elements that require critical examination.

In the study of *ushul fiqh*, 'urf may serve as a basis for legal consideration as long as it does not contradict Islamic law and contains elements of public benefit (*maslahah*). According to Wahbah al-Zuhaili, such customs are classified as 'urf *sahih*, whereas customs that contradict textual sources (*nash*) are categorized as 'urf *fasisd*. Therefore, the analysis of the transformation of *pinang meminang* must be conducted partially by distinguishing between customary elements that remain

valid and those that potentially raise normative concerns (Nugraha, A. L., Syafe'i, R., & Januri, 2021).

Based on the findings of this study, the transformation of *pinang meminang* in Kiabu Village demonstrates changes in procedural aspects, such as the disappearance of the *merisik* stage, the simplification of customary symbols such as *tepak sirih*, and changes in customary communication practices such as the exchange of *pantun*. Nevertheless, these transformations do not eliminate the essential substance of *pinang meminang*, namely its role as a medium for family deliberation, the affirmation of marital intention, and the establishment of mutual understanding between both parties. This phenomenon demonstrates that custom as *living law* is dynamic and continuously adapts to the social development of society.

From the perspective of *'urf*, these elements can still be categorized as *'urf ṣaḥīḥ*, as they do not contradict the principles of Islamic law and continue to contain social benefit (*maṣlaḥah*). This is because the changes that occur primarily affect the technical and procedural aspects of customary practice, while core values such as family deliberation (*musyawarah keluarga*), mutual respect between families, and the objective of a lawful marriage are still maintained. Therefore, the substance of the *pinang meminang* tradition can still be accepted as *'urf ṣaḥīḥ* within Islamic legal thought.

However, not all forms of transformation can be considered neutral from an Islamic legal perspective. One significant change identified in this study is the practice of the groom directly placing a ring on the bride before the marriage contract (*nikāḥ*) is concluded.

As stated by a religious leader, "in contemporary *pinang meminang* practices, the prospective groom often comes directly and places the ring on the prospective bride while they are also permitted to meet in person. According to him, in traditional Malay custom, the person who placed the ring on the woman was a representative of the groom's family who came to propose, not the prospective groom himself" (Abdul Ghafar, interview, January 26, 2025). This view indicates a significant shift in customary practices.

In Islamic jurisprudence (*fiqh*), relations between a man and a woman who are not yet bound by marriage fall into the category of non-*mahram* (*ajnabī*), and therefore physical interaction such as direct touch is generally restricted. As explained by Wahbah al-Zuhaili, physical interaction between non-*mahram* men and women is not permitted except under certain conditions justified by the Sharia. Accordingly, the practice of direct ring placement potentially contains elements that

are inconsistent with the principles of Islamic law if it involves physical contact without a justified necessity.

In this context, such transformation may be categorized as '*urffasid*' in certain aspects, although the practice of *pinang meminang* as a whole still contains elements of '*urf sahih*'. This demonstrates that customary transformation does not always proceed linearly toward *maslahah*, but may instead be ambivalent in nature, containing elements that remain valid alongside elements requiring correction.

This analysis is further strengthened through the *maqasid al-shari'ah* approach as formulated by Abu Ishaq al-Shatibi in *Al-Muwafaqat*. According to al-Shatibi, the primary objective of the Sharia is to realize public benefit (*jalb al-masalih*) and prevent harm (*dar' al-mafasid*), as reflected in the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*). Al-Shatibi's *maqasid al-shari'ah* approach continues to be employed in contemporary studies to assess the relevance of social change and Islamic legal practices within modern society (Al Ikhlas et al., 2021)

If analyzed within this framework, the transformation of the *pinang meminang* practice in Kiabu Village generally remains within the scope of *maqāṣid al-sharī'ah*. From the perspective of *hifz al-nasl*, this practice continues to function as an initial stage toward a lawful marriage. From the perspective of *hifz al-din*, no changes were found that directly lead to violations of religious principles within the main structure of the engagement process. Furthermore, from the perspective of *hifz al-'ird* (honor), the involvement of families in the engagement process continues to serve as a mechanism for preserving dignity and maintaining social control in premarital relationships.

This condition indicates that the transformation does not eliminate the primary objectives of the tradition as a means of establishing a lawful family, maintaining kinship relations, and creating social benefit (*maṣlaḥah*) within society. Thus, the changes occurring in the *pinang meminang* practice still reflect the community's effort to preserve values that are aligned with the objectives of Islamic law, even though the form of implementation has undergone adjustments.

Nevertheless, in certain aspects, such as the practice of direct ring placement, there exists a potential inconsistency with the principles of *hifz al-din* and *hifz al-'ird* if the interactions exceed the limits prescribed by the Sharia between non-*mahram* men and women. Therefore, from the perspective of *maqasid*, this transformation cannot be entirely regarded as pure *maslahah*, but instead requires adjustment in order to remain aligned with the objectives of the Sharia.

Thus, the transformation of the *pinang meminang* tradition in Kiabu Village is adaptive in nature, yet not entirely normatively neutral. Substantively, the practice remains within the category of '*urf sahih*', while at the same time containing certain elements of '*urf fasid*' that require correction. This finding confirms that Islamic family law possesses an elastic character capable of accommodating social change while simultaneously providing normative boundaries to preserve public benefit and prevent potential deviations in customary practices (Putra, D., Nasution, M., & Edi, 2025).

D. Conclusion

The transformation of the *pinang meminang* practice in Desa Kiabu demonstrates that Malay marriage traditions are adaptive to social, economic, and modernisation changes. These changes are particularly evident in the simplification of customary stages, such as the disappearance of the *merisik* process, the flexibility in the use of customary symbols, and changes in premarital interaction patterns. Nevertheless, core traditional values such as family deliberation (*musyawarah keluarga*), mutual respect between families, and the social legitimacy of marriage are still maintained.

From the perspective of Islamic family law, this transformation can generally be classified as '*urf ṣaḥīḥ*', as it does not contradict the principles of Islamic law and continues to contain social benefit (*maṣlaḥah*), particularly in preserving lineage (*hifz al-nasl*), religion (*hifz al-din*), and honor (*hifz al-'ird*). Furthermore, when analyzed through the framework of *maqāṣid al-syarī'ah*, the *pinang meminang* practice continues to function as an initial stage toward a lawful marriage while also maintaining social stability within society.

However, there are several aspects that require normative attention, particularly the direct interaction between unmarried men and women (*non-mahram*) during the *pinang meminang* process, such as the direct placement of a ring before the marriage contract (*nikāḥ*). This practice indicates a potential element of '*urf fāsid*' in certain aspects, as it may exceed the boundaries of Islamic legal principles regarding gender interaction. Thus, the transformation that occurs is selective in nature, containing elements that are in line with Islamic principles as well as elements that require adjustment.

This study has several limitations. First, the scope of the research is limited to a single location, namely Desa Kiabu, and therefore does not represent the broader Malay customary practices in other regions. Second, the analysis focuses on the perspectives of '*urf*' and *maqāṣid al-syarī'ah* without deeply examining other
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aspects, such as long-term social impacts, including economic and state legal dimensions. Third, the limited number of informants does not sufficiently capture generational diversity, resulting in an incomplete representation of societal perspectives. Based on these limitations, future research is recommended to conduct comparative studies across several Malay communities in different regions to identify variations and patterns in the transformation of *pinang meminang* traditions. In addition, further studies should examine the social impact of these changes, particularly in relation to family relationships, youth perceptions, and the level of societal acceptance of Islamic legal boundaries within customary practices.

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