

**REVIEW OF QAWAID FIQHIYYAH IN THE PRACTICE OF BAPAPAI IN THE INDIGENOUS PEOPLE OF DAYAK BAKUMPAI****Muhammad Yasin**

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**Abstract**

Customary law has long been in force in Indonesia. Regarding marriage, customary law views it as an important event in public life, because marriage does not only concern the bride and groom, but also both parents of both parties, siblings and even their respective families. Not only that, marriage is a very meaningful event and one that fully receives attention and is followed by the spirits of the ancestors of both parties. The results of this study show that the bapapai tradition when viewed from its philosophical value is in the form of efforts made by the Bakumpai community to Allah swt. so that the marriage ceremony can run smoothly and the household that is built is blessed with sakinahan and convenience in all aspects is 'urf shahih because the customs carried out by the Bakumpai Dayak community do not contradict a shari'i proposition or do not justify something that is forbidden. This is in line with the rules of fiqh "al-adat muhakkamah". While in some processions such as myths about bad luck or disaster if you leave the tradition of bapapai and pinsit is 'urf fasid. But if society is able to change its perception that the only one who can provide protection to humans is Allah Almighty. Merely then it can change the category to 'urf shahih". This is in accordance with the rules of fiqh "al-umur bimaqashidiha"

**Keywords:** Bapapai; Bakumpai, Kaidah**INTRODUCTION**

Islam views marriage as a sacral and sacred moment for everyone who lives it. Marriage aims to worship Allah SWT. follow the Sunnah of the Prophet PBUH and is carried out on the basis of sincerity, full of responsibility, and following the rules that have been set by the sharia (Sinaga, Pratiwi, & Sari, 2021). When marriage is carried out, everyone involved in it, namely husband and wife, gets each other's rights and obligations and aims to hold social relations based on help-help. Because marriage is a religious practice, it contains the purpose and intention of hoping for the pleasure of Allah SWT (Ghazaly, 2019).

Marriage is an important event in people's lives, because it not only concerns the personalities of the two prospective husbands and wives, but also a family heritage in which there is a traditional society. In indigenous peoples, the procedure for performing marriage is regulated according to customary law. Customary law has long been in force in Indonesia. Regarding marriage, customary law views it as an important event in community life, because

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marriage does not only concern the prospective groom and bride, but also the parents of both parties, their siblings and even their respective families. Not only that, marriage is a very meaningful event and one that fully receives attention and is followed by the spirits of the ancestors of both parties. The occurrence of marriage means the enactment of kinship bonds to be able to help each other and support harmonious and peaceful kinship relations (Muliáz, 2018)

## RESEARCH METHOD

This research method uses a qualitative approach with a case study type, focusing on the Dayak Bakumpai community in Kalimantan. The subjects of the study include traditional leaders, couples who carry out the tradition of fathers, and local religious leaders (Sugiyono, 2013). Primary data was obtained through in-depth interviews, while secondary data came from documentation related to father's traditions, literature on customary and Islamic law, and the results of previous research (Anggito & Setiawan, 2018). Data collection techniques include in-depth interviews to explore the views of research subjects regarding the philosophical and legal values of this tradition, participatory observation to directly observe the father's procession in marriage ceremonies, and document studies to study written documents related to father's traditions and Islamic legal literature.

## RESULT AND DISCUSSION

### Procession of Bapapai Practice in the Dayak Bakumpai Community

Culture is one of the important assets for a developing country, culture as a means of social approach, a symbol of regional works, regional cash assets by making them tourist attractions, scientific works and so on. Marriage among tribes and customs, the culture of marriage procession is maintained as a norm of togetherness by each tribe. Every implementation of traditional marriages, traditional events carried out can be seen as a form of community education. Adat is part of culture that determines values regarding humans. The marriage tradition in the Dayak Bakumpai tribe is a culture of the Dayak community which has become a hereditary custom that has been inherited so that it is inherent in the community (Muliáz, 2018)

The Dayak Bakumpai tribe has received a lot of influence from the Banjar Malay tribe in terms of culture, customary law and architecture. But in terms of language, the Dayak Bakumpai tribe has similarities with the Dayak Ngaju language. One of the Dayak Bakumpai cultures that is still carried out today is the bridal shower ceremony or what is called *bapapai* (Wardhani, 2021).

The practice of *the bapapai* ceremony is a flower bath carried out by the bride after the marriage contract, before the marriage celebration (*Walimah Al-Ursy*). In Banjar culture, there is also a bridal shower ceremony known as *badudus*. The term bathing *badudus* is used for brides who have a noble lineage, while *bapapai* baths are used for brides who do not have a noble lineage (ordinary people) (Saleh, Suryadikara, Koroh, & Sjarifuddin, 1991).

The word *papai* in Indonesian has the meaning of persplash, while in practice it is like splashing water using betel nut to the bride. The implementation is carried out in the

afternoon or evening in the yard of the house or open field, and becomes a spectacle for local residents. According to the beliefs of Bakumpai residents, if this ceremony is not carried out by the bride, it will bring bad luck in the future. The practice of the *father's ceremony* has the meaning that the bride and groom must be holy in birth and mind, and also as a way for the bride and groom to strive to Allah SWT with the hope of always being under His protection and with the aim of being able to build a good household in the future (Almuhazidin, 2018). *Bapapai* also uses the analogy of the two brides and grooms cleaning and discarding the past or adolescence, to then prepare with a clean body and soul to welcome a cleaner future like a person who has just been bathed (Gab, Suprayitno, & AP, 2020).

In the implementation of *the father's ceremony*, there are several conditions that must be met. The first thing that must be prepared is *pinduduk*. *Pinduduk* itself is an offering offered to subtle spirits containing glutinous rice, brown sugar wrapped in dried banana leaves, sewing thread and needles, bananas with a comb, coconut separated from coir skin, enough money (coins), and candles which are then placed in a *sasangga* (a kind of basin made of brass). The existence of this *pinsit* aims to be a symbol of asking for security from the interference of evil spirits (Muslimah, 2022).

The equipment used in the practice of *the bapapai* ceremony and its uses, including (Wardhani, 2021): (1) Four sugarcane stalks, the purpose is to make mayang fence posts shaped like a rectangular building measuring approximately 1.5 m x 2.5 m; (2) Lawai thread, used to wrap on 4 sugarcane stalks; (3) Yellow dye made from turmeric and temulawak, used to dip the lawai thread so that it is yellow; (4) Banana stalks, the purpose of which is to stick sugarcane stalks so that they can stand upright; (5) Heirloom spears and heirloom umbrellas, as a complement to the mayang fence; (6) Mayang betel nut, to be hung on the lawai thread on the mayang fence; (7) Various cakes consisting of pastries, namely cucur, tumpiangin, rings, samban, bananas. As well as wet cakes, namely apam, dodol, honey kasirat, diamonds, white kokoleh, red kokoleh, and kuwari which will be served to guests present; (8) Water, which consists of prayer water, Yasin water, and 7 forms of flower water (jasmine flowers, roses, cempaka, ylang, capes, orchids, and nightshades); (9) Scissors, used to shave hair on the forehead, temples, forehead, and beard; (10) *Pinsitting* (offerings) placed in brass containers containing glutinous rice, brown sugar, coconut, thread, needles, lime, betel, gambier, tobacco and areca nut fruits; (11) White cloth, for the complement of the bath ritual; (12) *Angels* or bathers who are elders and have an odd number, 3, 5 or 7 people; (13) Two eggs, wet putty, and *viscous* oil; (14) Kambat leaves, kalinjuang leaves, and fragrant pudak leaves, used to be sprinkled with areca nut on the bride's head by 7 angels; (15) Candles, placed at the four corners of the mayang fence and lit during the bathing procession; and (16) Fireplace, the purpose of burning incense during the bathing procession.

As for the procedures for practicing the *father's ceremony*, *First*, prepare a bathhouse surrounded by a mayang fence in the form of a rectangular building with a size of 2.5 m x 1.5 m where each corner is inserted with sugarcane stalks to the banana tree trunk so that it stands upright and the four corners are wrapped with yellow lawai thread, then hung various kinds of mayar areca nut pastries, and placing candles on every corner of the mayang fence (Wardhani, 2021).

*Second*, prepare various kinds of water as mentioned earlier, put the water and *pinsit* into the mayang fence and light the candles that have been prepared. After that, the bride and groom are seated side by side in the mayang fence that has been prepared by wearing a clothes for bathing, before the *angel* bathes the bride in turn, the angel recites a mantra that ends with the sentence "blessing my prayer *Laa ilaha illallah Muhammadurrasulullah*". Then the bride and groom are bathed by sprinkling flowers on the bride's head which is covered with a white cloth, followed by pouring various kinds of water while reciting prayers to the Prophet. Next, the bride steps on the egg, is wet (powder), and looks in the mirror seven times while reciting the prayer to the Prophet, and the last process is to be tapung offered with *viscous oil* (Adhawiyah, 2019). The core procession of this *tadung tawar* event is the reading of prayers led by a recitation teacher or religious leader or village elder.

### **Philosophical Value in Bapapai Practice**

The philosophical values contained in the means used and in the procession of the *father's ceremony* are as follows (Wardhani, 2021): (1) *Bapapai* is analogous to the two brides who cleanse and discard the past or adolescence, to then prepare with a clean body and soul to welcome a cleaner future like a person who has just been bathed; (2) The sugarcane stalks in the mayang fence have a meaning and purpose so that the bride's household life is strong and always sweet like sugarcane; (3) The heirloom spear and black thread in the mayang fence have the meaning and purpose of rejecting danger and asking for protection for the bride so that she will not be disturbed by evil spirits and people with evil intentions towards the bride, so that the marriage celebration can be held safely and smoothly; (4) The various cakes that are hung have philosophical value as a condition for giving to spirit beings so as not to interfere with the procession of the *father's ceremony*. At the end of the event, the cakes were distributed to residents who watched the food was not *wasteful*; (5) Coconut has a meaning and purpose so that the bride and groom's household life is peaceful and peaceful; (6) The flower of the areca nut tree that is placed on the head when pouring water causes the flower grains to fall, analogous to sustenance that always overflows the lives of the bride and groom; (7) Yasin water and flower water have a meaning and purpose so that the bride is clean and holy by birth and mind before starting the chapter of married life; (8) *Pinsitting* aims to be a symbol of offering to the spirits of ancestors, and at the end of the pinsitting event will be distributed to the angels as an effort so that the food contained in it is not wasted; (9) Cloth has a meaning and purpose as a barrier or repellent from the interference of evil spirits; (10) *The angel* or the one who bathes the chosen bride is the village elder with the meaning of hope and prayer for the bride and groom to live a long life like *the angels*; (11) Stepping on an egg has a meaning and purpose to get rid of bad luck, and for the bride who steps on the egg first, it is believed that it will be more dominant in her domestic life; (12) Surrounding the mayang fence has a meaning and purpose so that the bride and groom are always together in joy and sorrow; (13) Hair oil in a fresh container has a meaning and purpose so that the bride and groom are always sticky together for life and death; (14) The candle in *the fresh container*, also called the candle of life, is analogous to a lamp that always illuminates the life of the bride; and (15) Surrounding the mirror and the candle in *the fresh*

*container* has the meaning and purpose that human beings must always deliberate or introspect themselves.

### Review of Qawaid Fiqhiyyah in the Practice of Bapapai Dayak Bakumpai

*Qawaid Fiqhiyyah* comes from the Arabic language which, if translated into Indonesian, will mean the rules of fiqh. *Qawaid* is a plural form of the word *al-qa'idah* which linguistically means a basis, rule, or general standard. While *fiqhiyyah* comes from the word *al-fiqh* which means understanding or understanding in depth which is appended with *ya an-ratio* to indicate typification or categorization. So it can be concluded that *qawaid fiqhiyyah* means the basics, rules, or benchmarks that are general regarding the types or problems that fall into the category of fiqh (Ibrahim, 2019).

Basically, *qawaid fiqhiyyah* compiled and formulated by scholars is based on the five *qaidah asasiyyah* (*qawaid asasiyyah al-khamsah*). These five *main qaidahs* give birth to various *qaidah* that are branched, some scholars call these five *qaidah asasiyyah* *qawaid al-kubra* (Azhari, 2015).

In the context of *ushul fiqh*, customs are known as '*urf*'. Abdul Wahhab Khallaf defines '*urf*' as something that is known and done by the human being, both in terms of words and deeds, including something that they leave behind (Putri, 2020). If categorized as '*urf*', there are many types, but the author focuses more on the point of view from the aspect of being taken into account or not being taken into account as a legal basis. At *this* point of view, '*urf*' is divided into two parts: (1) '*Urf Fasad* (Not Good), meaning a habit for people but contrary to *sharia*' or it can also be permissible to permissible what is haram, canceling what is obligatory. Legally, '*urf fasid*' is not mandatory to be maintained because maintaining it can result in a conflict with the *sharia* postulates or can even cancel the *sharia* postulations. Because this *fasid* habit can allow something that is forbidden. (2) '*Urf Saheeh* (Good), meaning a custom that is carried out by people and does not contradict a *sharia* postulate or does not justify something that is haram. '*Urf sahih*' must be maintained and maintained in setting laws, deciding laws and so on, because what people know and live can be used as *an argument*, agreement and benefit for them, therefore it is obligatory to maintain it as long as there is no challenge to the postulates of *the Shari'a*.

If it is associated with *qaidah asasiyyah*, the rules that are very relevant to the *tradition* of this father are:

العادة محكمة

Meaning: "*Customs can be a guideline for the establishment of laws.*" This rule explains that customs carried out by a society that do not contradict the postulates of *sharia* and do not legalize what is haram and are accepted by the community can be stipulated as law. This is in line with the philosophical value in the tradition of *fathers* which is an effort and effort made by the Dayak Bakumpai community with prayers and hopes to Allah swt. so that the marriage ceremony that is carried out can run smoothly without obstacles and the household that is built will be blessed with sacrificial and convenience in all aspects, be it financial, health, and so on. In terms of the facilities and infrastructure used, there is nothing contrary to Islamic law. Even in the tradition of *the father*, many prayers are recited by *the angels* and the bride

and groom such as surah al-Fatihah, al-Ikhlâs, al-Falaq, an-Naas, Ayat Kursi, Ayat Seribu Dinar, prayer to the Prophet (saw).

The *tradition of bapapai* can be categorized as a custom maintained by the Dayak Bakumpai community and has been carried out continuously and repeatedly since the ancestors until now. This is in line with the derivative rule of the previous rule, namely:

غلبت او اضطررت اذا العادة تعتبر انما

It means: "*Customs are taken into account and considered if they are common or more dominant.*" This rule is then emphasized by other rules, namely:

العبرة للغالب لا للنادر

That is: "*Customs that are recognized are those that generally occur that are known to humans, not those that are rare.*" As an affirmation of the previous rule that what is taken into account in the custom is the general and dominant, not something that is rarely done. If it is rarely done, it cannot be counted as custom.

However, in the practice of the father's procession, there are several things that are not in accordance with Islamic law, including the myth of bad luck or disaster as a consequence of leaving the tradition *of fathers* and *pinduduk*. Allah swt. said,:

وَمَا أَصَابَكُمْ مِنْ مُصِيبَةٍ فَبِمَا كَسَبَتْ أَيْدِيكُمْ وَيَعْفُوا عَنْ كَثِيرٍ

It means: "*And whatever calamity befalls you is caused by the deeds of your own hands, and Allah forgives most of them.*" (Q.S. asy-Syura: 30) (Hasanah, 2022).

This verse explains that every disaster received by a person is the result of their own actions, not because they do not carry out a tradition, and another verse that explains that every disaster received by a person is with the permission and power of Allah swt. As he said:

مَا أَصَابَ مِنْ مُصِيبَةٍ إِلَّا بِإِذْنِ اللَّهِ ۗ وَمَنْ يُؤْمِنْ بِاللَّهِ يَهْدِ اللَّهُ قَلْبَهُ ۗ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

It means: "*No calamity befalls a person except by Allah's permission; and whoever believes in Allah will surely guide his heart. And Allah is All-Knowing.*" (Q.S. at-Taghabun: 11) (Yunus, 1973)

As for the issue of *pinsit* which the community believes is an offering for subtle beings, this is contrary to the word of Allah swt.:

وَلَا تَدْعُ مِنْ دُونِ اللَّهِ مَا لَا يَنْفَعُكَ وَلَا يَضُرُّكَ ۚ فَإِنْ فَعَلْتَ فَإِنَّكَ إِذَا مِنْ الظَّالِمِينَ

It means: "*And do not worship anything that does not benefit you and does not harm you other than Allah; For if you do that, then you are among the wrongdoers.*" (Q.S. Yunus: 106) (Yunus, 1973)

This verse explains that giving an offering in any form to someone other than Allah swt. including wrongful deeds, and with the belief that they will get salvation and protection other than Allah swt. is an act of shirk. This is in accordance with the words of Allah swt which reads:

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ ۗ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا

This verse explains that giving an offering in any form to someone other than Allah swt. including wrongful deeds, and with the belief that they will get salvation and protection other than Allah swt. is an act of shirk. This is in accordance with the words of Allah swt which reads." (Q.S. an-Nisaa': 116) (Yunus, 1973)

From some of the verses above, it is explained that believing in the myth of bad luck or disaster in the tradition *of fathers* is contrary to the nash of the Qur'an, but these thoughts and beliefs can be reconstructed by believing that a disaster will not befall if the community does not carry out the customs, but the disaster will be present because of the mistakes or sins committed by the community and even with the permission and power of Allah swt. and The thought of *pinsitting* is reconstructed with respect for ancestors, not as an offering to the subtle creatures. This is in line with the rules of fiqh which reads:

الأمور بمقاصدها

Meaning: "*Everything depends on the intention or intention.*" (Yunus, 1973)

It can be concluded that the tradition *of fathers*, if viewed from its philosophical value, is in the form of efforts and efforts made by the Dayak Bakumpai community with prayers and hopes to Allah swt. so that the marriage ceremony that is carried out can run smoothly without obstacles and the household that is built will be blessed with sacrificial and convenience in all aspects, be it financial, health, and so on, is *'urf sahih* because the custom carried out by the Dayak Bakumpai community does not contradict a sharia postulate or does not legitimize something that is haram. Meanwhile, in some of its processions, such as myths about bad luck or disasters, the consequences of leaving the tradition *of fathers* and *pinsit* are *'urf fasid*. However, if the community is able to change its perception that the only one who can protect and provide protection to humans is Allah swt. then it can change the category to *'urf sahih*.

## CONCLUSSION

This custom is indeed a hereditary heritage from their ancestors as well as the tradition *of fathers* which until now is still carried out by the Dayak Bakumpai community, so it is not surprising that there are some things that are not in accordance with Islamic law, but it can still be fixed and straightened. The tradition *of fathers*, if viewed from its philosophical value, is in the form of efforts and efforts made by the Dayak Bakumpai community with prayers and hopes to Allah swt. so that the marriage ceremony that is carried out can run smoothly without obstacles and the household that is built will be blessed with sacrificial and convenience in all aspects, be it financial, health, and so on, is *'urf sahih* because the custom carried out by the Dayak Bakumpai community does not contradict a sharia postulate or does not legitimize something that is haram. This is in line with the fiqh rules of "*al-adat muhakkamah*". Meanwhile, in some of its processions, such as myths about bad luck or disasters, the consequences of leaving the tradition *of fathers* and *pinsit* are *'urf fasid*. However, if the community is able to change its perception that the only one who can protect and provide protection to humans is Allah swt. then it can change the category to *'urf sahih*. This is in accordance with the rules of fiqh "*al-age bimaqashidiha*..

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