



UNLOCKING THE TRADITION OF KHITBAH (ENGAGEMENT)  
IN RURAL ISLAMIC FAMILY

Abdul Halim

IAI Al-Qodiri Jember

[abdulhalimsamsung86@gmail.com](mailto:abdulhalimsamsung86@gmail.com)

Asmad Hanisy

IAI Al-Qodiri Jember

[asmadhanisyi@gmail.com](mailto:asmadhanisyi@gmail.com)

**ABSTRACT**

Being a sakinah, mawaddah, warahmah family is the main goal of those who have carried out a marriage. In social life, it is not legal if someone carries out a marriage procession without starting with khitbah or or, in society called a fiance. This is the main door to enter the marriage room even though it is not like that, because actually the fiance is one of the efforts towards the occurrence of marriage, the meaning is, with the fiance, it is a sign that he already has one. Therefore, this study uses qualitative research methods with the type of case study research to be able to directly describe the circumstances, characteristics of the facts (individuals, groups and circumstances) that occur in society, so that an overview of the actual situation can be obtained, related to the dynamics of engagement among rural Muslims. When researcher conducted observations, interviews, regarding engagement, The researcher has found that there were traditions or habits, for example: choosing a mate, looking at origins, seeing the day and date, shaking hands, visiting each other, spending the night, walking together, together in a quiet place (khalwat).

**Keywords:** *Dynamics, Engagement, Rural Islamic Family*

## INTRODUCTION

Islam is the religion of Allah SWT revealed to all His apostles, since Prophet Adam A.S. until the Prophet Muhammad SAW, as a guide for mankind, to usher in the achievement of the dream of a prosperous life in this world and a happy life in the hereafter. On the other hand, humans are also social beings who have many needs, to meet these needs, humans cannot produce or do it themselves. In other words, humans must cooperate with other people because in Islam human needs are divided into three levels, including: Dhoruriyyah (Primary) / Must), Hajiyyah, (secondary), Tahsiniyyah (tensier) (Tholchah, 2004: 199).

One of the dhoruriyyah needs is sexual need, which is a human biological need, and Allah SWT has provided a solution to fulfill this biological need. In accordance with His words in the letter ar-Ruum verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ  
 "And among His signs (of greatness) is creating partners for you from your own kind, so that you feel inclined and feel at ease with him, and He has made between you love and compassion. Verily, in that there are indeed signs (of Allah SWT.) for those of you who think. (Surat ar-Ruum: 21).

In life in society, it is not legal if someone holds a marriage procession without starting with a mate-searching period, then Ta'rruf, and if he is really interested in what has been chosen, then proceed to the Khitbah level or it has become a common language in society. society as the fiancé. As defined in the Compilation of Islamic Law (KHI) Book I of General Provisions Article 1 paragraph a, that fiance is an activity towards the occurrence of matchmaking between a man and a woman. Fiance can be done directly by people who want to find a mate, but it can also be done by an intermediary who can be trusted (Compilation of Intellectual Property Rights, Article 11).

Fiance can be done by anyone and at any time to a woman, even though in the process and practice it must still follow the signs that apply both in terms of customary law which is directly related to social society, religious law (Shari'a), and state law (law). Positive).

These efforts are carried out by Islam not aiming to limit the rights of each individual but purely for the sake of creating a conducive and responsible society and for the sake of creating a common benefit. Engagement in people's lives has become a very basic need, so it is almost impossible to have a wedding procession without starting with the process of finding a soul mate, and this has become part of religious law, more so customary law.

## THEORITICAL REVIEW

### 1. Definition and Basis of Engagement in Islam

The word proposal comes from the word "are or suitor" (verb) (Abdurrahman, 1992:113). The synonym for proposing is proposing, which in Arabic is called khitbah. Even though the terms are different, they have the same goal and purpose. The word khitbah is Arabic which is simply interpreted by conveying the will to carry out the marriage bond (Syarifuddin, 2009: 49). The word khitbah is the standard language used in everyday life, found in the word of God and also in the words of the Prophet, including: Surah Al-Baqarah verse 235 which reads:

ولا جناح عليكم فيما عرضتم به من خطبة النساء أو اكنتم في أنفسكم علم الله انكم ستذكرونهن ولكن لا تواعدوهن سرا إلا ان تقولوا قولا معروفا ولا تعزموا عقدة النكاح حتى يبلغ الكتاب أجله واعلموا ان الله يعلم ما في أنفسكم فاحذروه واعلموا ان الله غفور حلیم

And there is no sin for you to propose to these women with satire or you hide (the desire to marry them) in your heart. Allah knows that you will mention them, in the meantime do not make promises to marry them in secret, except just say (to them) words that are ma'ruf. And don't make a 'azam (resolve) to make a marriage contract, before the 'iddah is finished. and know that Allah knows what is in your heart; So fear Him, and know that Allah is Forgiving, Most Forgiving. (Surat al-Baqarah 2: 235) (Al-Qur'an Al-Karim and its translation, 1996:30).

From the explanation of the verse above, it can be understood that it is very important to maintain the feelings and honor of women and their families who want to be betrothed or made as fiancées. This is because, if a person expresses his desire to marry a woman through satire or figurative words and it does not continue, then the feelings of both parties and their families will be relatively awake. Apart from the above verse there is also a hadith. Likewise the hadith narrated by Ibn Majah and Ibn Hibban from the hadith of Muhammad bin Maslamah.

لِمُسْلِمٍ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لِرَجُلٍ: أَنْظَرْتُ لَيْهًا لَا. أَلْ: أَنْظَرْتُ لَيْهًا. (رواه لم)

From Abu Hurairah, that the Prophet SAW asked the person who was going to marry a woman: Have you seen her? He replied: Not yet. He said: Go and see (Narrated by Muslim).

The sentence "Nazhar" which means to see does not have to be understood only to see or look at the senses and physically. Because, the word "Looks" includes and recognizes the body (shape, appearance, appearance), fikriyah (insight) and nafsiah (nature, character, and morality) (Taufiq, 2015).

## 2. Fiance Legal Status

Khitbah is actually a process to get married or a marriage contract, not marriage. So it is not true if someone who has held a khithbah does things like people who have a halal contract. It is during this process that Satan tries to take advantage of his momentum to tempt and destroy, so that marriage shifts away from its meaning and purpose (Adhim, 2004:156).

The process towards the marriage contract has a lot of influence on the relationship between husband and wife later after marriage. Likewise, the relationship between the two families, namely the wife's family and the husband's family, is much influenced by the process from the proposal to the contract (Adhim, 2004:156).

Regarding the legal status of the Khitbah, there are still differences of opinion among scholars'. In this case Jumhur Fuqoha 'says that it is not obligatory, while Daud ad-Dhohiri argues that it is obligatory (Rusyd, 1990:325). Meanwhile, Sahal Mahfudz, said that the legal proposal is Sunnah, ordered, but not up to the obligation.

## RESEARCH METHODS

### 1. Research procedure

This research uses descriptive-analytic qualitative method. According to I Made Winartha, the qualitative descriptive analysis method emphasizes the process of analyzing, describing, and summarizing various conditions and situations from various data that have been collected in the field. By using this type of research, according to Sugiyono, the emphasis is on the researcher. In a sense, the results of this study cannot be used to identify other conditions (Sugiyono, 2008:14).

### 2. Research Subject

The subject of qualitative research is called the informant. Informants are people who will provide information about the situation and conditions of the

research setting. Informants in this study will focus on youth who are undergoing engagement, parents, community leaders, and village officials.

### **3. Data Collection Techniques**

Data collection techniques in this study include interviews, observation, and documentation. Interviews were conducted to find data related to traditions or customs in pertungangan. Meanwhile, observation and documentation were carried out to find out firsthand the engagement tradition in the village of Kemuningsari Lor, Panting District, Jember Regency.

### **4. Data Analysis**

Data analysis in this study was carried out at the time of data collection, and after completion of data collection within a certain period. At the time of the interview, the researcher had analyzed the answers that had been interviewed, if the answers interviewed after the analysis felt unsatisfactory, the researcher would continue the questions again to a certain stage, so that data that was considered credible was obtained. In this case the analysis used is 1. Data Reduction Data reduction means summarizing, choosing the main things, focusing on the important things, looking for themes and patterns. Thus the data that has been reduced will provide a clearer picture, and make it easier for researchers to conduct further data collection. 2. Data Display After the data is reduced, the next step is the presentation of the data, with this presentation the data can be organized, arranged in a pattern of relationships, so that it will be easier to understand. 3. Conclusion Drawing The conclusion drawn is still temporary, and will change if there is no strong evidence to support the next stage of data collection (Sugiono, 2013:246).

## **RESULTS AND DISCUSSION**

### **1. The Tradition of Engagement Among Rural Islamic Families**

The Islamic Shari'ah brought by Rasulullah SAW aims to organize human matters in worldly and ukhrowi life. Likewise, the problem of proposals which is a process towards a higher level, namely a marriage in which the problem of marriage is the scope of the fiqh area, which is a real and detailed picture of Islamic law.

Engagement in people's lives has become a very basic need, so it is almost impossible to have a wedding procession without starting the process of finding a soul mate, and this has become part of religious law.

#### **a. Choosing a Match and Seeing Origin**

Choose a mate in the community in the village of Kemuningsari lor before getting engaged first choose a mate based on existing criteria, this is the initial process in fostering a household, because every human being can only try to achieve what he aspires to.

Before holding a customary engagement that occurs in the Kemuningsari lor community in addition to choosing a pious wife, it is also carried out regarding the origin of the wife's family, then through this process it will be known whether the woman to be proposed is of good descent or not or through this process the health of their families and children can also be known.

#### **b. Viewing Day and Date**

In the community in the village of Kemuningsari lor seeing the day and date before carrying out the engagement is something that must be done first before determining and choosing a prospective wife, because their perception of a prospective wife or fiancé is not only based on the origin of the offspring, but also

based on the day of the marriage. and date of birth with the help of a character or smart person.

The purpose of looking at the day and date of birth is so that later after carrying out marriage and building a household, they are given easy jobs and carry out the risks.

c. Giving Gifts on Hari Raya

The engagement that applies to the people of the village of Kemuningsari lor is a hereditary custom that is very thick and deeply rooted in the local population, in giving gifts to their fiancés on the holidays, and the giving of gifts varies, some in the form of clothes, rings, and money. , habits like this are started by the male fiancé who comes to the female side, after that the next day the female fiance and her family visit the male besan family to repay the good deeds they have done, this they continue to do during the engagement.

d. Shake hands with other than Mahram

Including one of the engagement habits in the village of Kemuningsari lor apart from giving each other gifts, the habit of shaking hands with other than the mahram they always do, be it with their fiancé, prospective in-laws, relatives, relatives, and neighbors, this is always done for every person who holds an engagement.

e. Take a walk with your fiancé

Usually a suitor who has asked for a woman will be given certain priority, to behave in the house of his prospective in-laws. Besides that, the prospective in-laws want to take a closer look at the character and whether or not there is compatibility with the prospective daughter-in-law so that one hour is not enough to know the nature and character of the prospective daughter-in-law, so that the prospective daughter-in-law is given the freedom to ride a ride or go alone with her fiancé.

f. Being alone in a lonely place (Kholwat)

The engagement tradition that occurs in rural Islamic families apart from shaking hands, they also get used to or it becomes a habit to always be alone, both inside the house or outside the house, things like this are common in the surrounding community without any worries and supervision from parents and leaders. which exists.

## 2. Engagement Tradition Among Rural Islamic Families Perspective of Islamic Law

a. Choosing a Match

Choosing a mate in Islamic law, someone who wants to choose a mate (wife) is based on four criteria: first because of her beauty, second because of her wealth, third because of her lineage, and fourth because of her religion, if the four criteria are difficult to obtain, because she is an ideal woman. which may currently be one in ten to find the criteria that have been determined, from the above in the women's fiqh book it is also explained that choosing a mate is recommended for four criteria including: First, a woman is religiously good and pious, second is easy to marry and has a dowry, third is fertile, fourth still a virgin, unless there is a greater benefit by marrying a widow. Therefore, the priority in finding a life partner is a woman who is devout in religion or a pious wife who is an ornament of the world that should be sought and aspired by every man.

b. Seeing the Origin

Looking at the origins of the descendants, it is intended that later in the implementation of the engagement which will continue into a marriage there will be no usurpation of the rights of others and the way regarding whether or not the woman may be made a fiancé. Because in Islamic law there are women who are forbidden to marry including: because there is a kinship relationship, because of marriage, and because of marriage.

As well as looking at the origins of offspring only to anticipate and ensure whether or not a disease is experienced by the family and their children, such as: epilepsy (epilepsy), lack of intelligence (not due to lack of education), mental illness (crazy), and infectious diseases such as shipilis and tuberculosis.

c. Viewing Day and Date

Seeing the day and date in the engagement process even though it does not conflict with Islamic law, to compensate for this, Islam encourages its people in choosing a fiancé (prospective wife), to ask Allah for guidance through the guidance taught by the Prophet, namely through Istikharah prayers, only to Allah alone. should surrender and ask for guidance so that a good candidate is chosen, because humans do not know for sure what will happen to themselves in this world, with a record that humans must always strive (try) and put their trust (surrender) to Him.

d. Giving Gifts on Hari Raya

In Islamic law, giving in the name of goods or others during the period of the fiancé is divided into two parts:

e. If the gift is related to the khithbah

If the gift has something to do with the fiancé, for example, a man gives a gold ring or something else during his fiancé with the hope or as a reward in the form of marriage to the woman who is betel nut, and it turns out that hope is lost and falls in the middle of the way the woman thwarts it, then in this case the man has the right to ask for it back in its entirety and if it is damaged or lost it must be replaced, unless there is a prior agreement.

And if it is from the male side, then he has no right to ask for it back.

f. If it is in the form of an ordinary Gift or Grant

If a man's gift is a pure gift without expecting anything, then if in the future there is an annulment then the man has no right to ask for it back, even if the man forces him to be asked back, this is a confiscation of other people's property, because since men the man gives to the woman, the item is already the property of the woman, and the woman has the right to do anything and anything with the item.

Therefore, in this tradition the intention is very decisive, if the gift of both parties is intended to be alms, then the act done gets a reward as the reward is alms.

g. Shake hands with other than Mahram

Talking about the law of shaking hands, most of the scholars based on the haraam of shaking hands according to the law of the law on the prohibition of seeing. If you see it, it's forbidden to even touch it. Al-Imam As-Sayyid Alawi bin Abbas Al-Maliki Al-Hasani rahimahullahu ta'ala has two opinions, First: that "Men are allowed to look at women (face and both palms) ajnabiyah, without worrying about their presence. slander" . Second: "It is forbidden to be punished, because the act of seeing is the origin of the emergence of slander."

From this it is very clear that the khithbah is only a muqoddimah of marriage, not marriage, thus all things that are forbidden for men to women who are ajnabi before marriage, such as holding hands and others, are forbidden to do, on the contrary with women, all the things that are forbidden for him against men, it is also forbidden to do. In this case, Sheikh Zainuddin Al-Malibari affirms:

النَّظَرُ الْمَسُّ، لَا أَجَةَ لِيْهِ (فتح المعين)

Does not include the meaning of watching (seeing the woman who will be in the khithbah) that is holding, so that is the law is haram because there is no intention or need.

Basically looking at ajnabiyah women (women who are not mahram) is haram, whether old men, elderly, or impetuous, moreover young people where the urge of lust is peaking, this is very forbidden. Unless there is an intention, for example: In order to ask for a hand for marriage, medical needs, in the context of examination (to obtain data on adultery) and other testimonials as well as their involvement in a trading business or work, all of these are permissible but are limited to (seeing) the face and palms. hand only.

Therefore, Islam restricts shaking hands with women who are not the mahram and a person, even though he is engaged, is not allowed to shake hands with his fiancée.

From the information above, according to Islamic law, it does not justify if someone who is still a fiancé shakes hands with his fiancé, as well as his prospective in-laws and relatives of the other sex, because they are not bound by a marriage. It is different with relatives who are not related by marriage, lineage and mahram, then it is forever forbidden because they are still included in other people.

a. Overnight and sightseeing with fiancée

A man who is engaged and spends the night at his fiancée's house if we look at it from the fiqh point of view, staying at someone else's house or his fiancée as long as he has obtained permission from the owner then there is no problem (that's okay) according to the verse of the Qur'an which reads :

أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ الْمُضَالِمِينَ وَلَا يُؤْمِنُوا إِلَيْهَا لَكُمْ لَعْنٌ

O you who believe, do not enter a house that is not yours before asking permission and greeting its inhabitants. that is better for you, so that you (always) remember.

It is permissible to enter someone else's house with the owner's permission, because the house is his. Thus, staying overnight is also allowed as long as you have obtained permission from the owner of the house. Thus, the law of staying overnight for the suitor at home (prospective in-laws) who already has permission from him, is okay.

In addition to spending the night at the house of his prospective in-laws, traveling with fiancé is a tradition that is trendy nowadays, not only those who are engaged to go out together, but those who are dating also take part in this problem, even though they do not have any status. -what.

Engagement (khitbah) in principle is nothing more than a promise to knit the thread of love in family life, not a marriage contract. Thus, the engagement cannot be a sign of halal for each party. This means that before the marriage contract is held, the man and the woman are still other people (ajnabiyah) who are not allowed to have seclusion, touch and so on, including a ride, let alone overnight.

b. Being alone in a lonely place (Kholwat)

Islam as a religion that guides its people in order to achieve a happy life in this world and in the hereafter, feels the need to regulate the behavior of its people correctly and appropriately so that they do not fall into the abyss of humiliation (zina). While seclusion is a straight path to the abyss of humiliation. Thus, Islamic law prohibits seclusion as in the hadith of the Prophet:

لَا لَوْنٌ لِّ أَمْرٍ أَوْ لِمَعَاهِدٍ مَّحْرَمٍ أَفَانَا لِّشَّهْمَا الشَّيْطَانِ

So do not seclusion (together with a woman who is not accompanied by her mahram). Because the third person is the devil.

Based on the hadith above which has been patented by Islamic shari'ah, the male suitor and the woman who is asked for marriage are not allowed to kholwat (lonely together without the presence of others), even though both of them are engaged and are almost certain to marry.

Therefore, if the suitor wants to meet the woman who is being asked for just to talk, it must be in the presence or be attended by one of the women's family or mahram. This is necessary to protect each other's good name and protect themselves from gossip from the crowd. The bond in the proposal is not yet a solid legal bond, there are still possibilities that will cancel the engagement.

Because being alone with the opposite sex without being accompanied by a mahram (a mahram that can prevent something deviant from happening) and can create an unfavorable impression, especially for the public's view. And it has a very large chance of the occurrence of a husband and wife relationship outside of marriage.

As stated above, the violation that is often triggered by fiancées is that the prospective bride and groom are allowed to hang out more freely, they are both reluctant to get together, chat together and walk together.

**The Tradition of Engagement Among Islamic Families Viewed From 'Urf'**

The Islamic Shari'ah brought by Rasulullah SAW aims to organize human matters in worldly and ukhrowi life. Likewise, the problem of proposals which is a process towards a higher level, namely a marriage in which the problem of marriage is the scope of the fiqh area, which is a real and detailed picture of Islamic law.

For the purposes of the study described above, it is necessary for the author to put forward a tradition of the kemuningsari lor community in carrying out their tradition of carrying out the engagement process, because tradition is also a source of law that is outside the scope of the text, meaning that if in the text there is no legal provision. So, tradition can be used as a syar'i argument as long as the tradition does not conflict with the existing texts.

Such as the tradition of giving gifts on holidays, shaking hands with other than mahrah, spending the night and walking with the fiancé, and being alone in a quiet place (kholwat).

To formulate religious laws must also consider local needs, without having to change the law itself. Nor in the context of discarding norms just to maintain culture, but so that religious norms can accommodate the needs of culture by taking advantage of the opportunities presented by the various meanings of the texts. The tool for formulating laws is ushul fiqh which is often used as the argument for the above expression, namely the rule:



## مُحْكَمَةٌ

A custom (custom) can be used as a law.

Then what about the tradition that applies in the village of Kemuningsari lor about the habit of shaking hands with other than the mahram, speaking of the law of shaking hands, most of the ulama' allusion to the law that it is forbidden to see, if you see it is forbidden, let alone touching it.

But is shaking hands absolutely forbidden? Most of the scholars are of the opinion that shaking hands is absolutely forbidden, whether it causes lust or not, because it is feared that it will cause slander, if the size of shaking hands is slander, it is closely related to culture. It may be that certain regions or groups consider shaking hands as slander, but not according to certain regions or even become a habit as is the custom that occurs in the people of Kemuningsari lor Village who always shake hands when visiting relatives or family on Islamic holidays.

From the exposure to the data above, there is a rule that may be in line with the prevailing tradition, namely the rule:

ما رآه المسلمون حسنا فهو عند الله حسن

Whatever the Muslims think is generally good, then it is also good for Allah

Therefore, according to the writer, this fiancé has become a social reality that has become commonplace in society, and to eliminate such a culture is very difficult. But what is certain is how this reality is, not far from the values of Islamic law. So the most important thing is to give Ilsami's value to this sociological fact. And what needs to be emphasized to those who have the status of being engaged is that they must guard themselves so as not to fall into doing things that are clearly unlawful according to law.

In addition to the tradition of shaking hands, another tradition is to allow the daughter-in-law to spend the night and allow outings for lovers who are engaged.

From the previous data, the author has stated that a suitor who spends the night at his father-in-law's house is originally allowed as long as he has obtained permission from the owner of the house. Then if you look at the practice or events that develop in the community, it turns out differently, if the suitor spends the night at his father-in-law's house, there are many assumptions and even claim that the suitor (male) and the person being proposed (female) have done something wrong (violating the Shari'ah).

From the assumptions and some of the reasons above, it can be understood that staying overnight for the suitor at the house of the woman who is being asked for is permissible, with the slander above it is not allowed. It is different if there is no slander, for example, the woman who is asked for is not at home or for other reasons that indicate that there is no slander, then it is okay for the suitor to stay at his fiancé's house.

The prohibition above is a contradiction between something that wants (الْمُقْتَضِي) and something that hinders (الْمَانِع) its muqtadhi is that it has obtained permission from the owner of the house while the semen is the presence of slander. According to the rules of fiqhiyah, if there is a conflict between muqtadhi and mani', then the semen must take precedence. As the rule reads:

إِذَا تَعَارَضَ الْمُتَقَضِّي وَالْمَانِعُ قُدِّمَ الْمَانِعُ

If there is a conflict between something that wants and something that hinders, then the thing that gets in the way is something that gets in the way. (al-Suyuti, 1995, yy, 81)

Meanwhile, apart from spending the night at his future in-laws' house, traveling with his fiancé is a tradition that is trendy nowadays, not only those who are engaged to be traveling together, but those who are dating also take part in this problem, even though they have no status. anything.

In principle, engagement (khitbah) is nothing more than a promise to knit the thread of love in family life, not a marriage contract. So that it does not become a halal sign for each party, meaning that before the marriage contract is held, the male and female fiancés are still other people who are not allowed to seclude, touch and so on, including a ride, especially until they spend the night. Although as an object of law (almahkum fih) this behavior still depends on the intention or purpose and how they do it.

All human actions depend on their intentions, while the method must be considered because even a good goal does not necessarily allow all things. Walking together (piggyback) for engaged people if it is done in an inappropriate way, for example while touching, hugging and so on is clearly prohibited even if it is with good intentions. Likewise, if it is done in a good way but with the aim of visiting a place of immorality, of course this kind of thing is strictly prohibited.

Meanwhile, if it is carried out in a good, reasonable and polite manner and with the intention and purpose for goodness, then a ride like this can be tolerated or allowed. However, this permissibility still has to pay attention to the surrounding impact, meaning that if it is still feared that it will cause negative effects, bad feelings, then these actions should be avoided, in this context there are legal rules that deserve our attention, that:

الْحُكْمُ يُؤَرِّمُ أَثَرَهُ

Legal decisions depend on the effect it will have.

In the opinion of the author, all actions and actions can be judged as permissible if they will cause good, and can also be unlawful if it is estimated that it will lead to forbidden acts. The boncengan tradition carried out by the youth and women of the Kemuningsari lor Village community even though they are officially engaged and carried out with ethical goals and ways (politeness) are avoided as much as possible, especially until they spend the night and sleep with their fiancé.

Therefore, this is where the proposition contained in the science of ushul fiqh applies with the term Al-Urf where AL-'Urf here is interpreted as given by the ulama' ushul, namely everything that is known to every human being, because it has become a habit or a good tradition of deeds. , words or in relation to leaving certain actions.

Usul scholars divide Al-'Urf into 2 (two) parts, namely: Al-'Urf As-Sahih and Al-'Urf Al-Fasid. What is meant by Al-'Urf As-Sahih is everything that is known to every human being and does not conflict with the propositions of syara' law, and does not justify what is unlawful and forbids what is lawful and does not abort human obligations. Meanwhile, Al-'Urf Al-fasid is everything that is known to every human being, but it is against the syara' law or justifies what is forbidden.

According to the ulama' ushul that everything in the form of Al-'Urf As-Sahih must be preserved in the framework of the formation of law and the judicial process, because everything that is mutually understood by humans and is considered as a benefit of the people and does not contradict the syara'. Meanwhile, regarding Al-'Urf Al-Fasid, the ulama' ushul forbid it to be maintained and preserved, because maintaining against Al-'Urf Al-Fasid means opposing all forms of syara' law that already exists.

## CONCLUSION

From several descriptions of the discussion regarding the engagement process, two things can be concluded. These include the following:

1. Proposal is a muqaddimah of a marriage and engagement status cannot occupy marital status because engagement status only binds prospective wives so that they cannot be proposed or married by other people, while traditions that occur are: choosing a mate, considering the day and date, seeing the origin proposals, conveying winds, the habit of giving gifts on holidays, shaking hands on holidays, visiting each other between the two parties on Islamic holidays, spending the night and traveling with one's fiancé, and being alone in a quiet place (khalwat).
2. According to the view of Islamic law, the habits that occur in the Kemuningsari lor community are not all contrary to existing Islamic law, in the sense of being allowed. Meanwhile, what are prohibited, such as seclusion, spending the night and traveling with one's fiancé, should be avoided and shunned because they are not in accordance with Islamic law.

## BIBLIOGRAPHY

- Abdurrahman, 1992, *Kompilasi Hukum Islam di Indonesia*, Jakarta, Akademika Pressindo, edisi pertama.
- Al-Qur'an Al-Karim dan Terjemahannya*. 1996. Karya Toha Putra. Semarang.
- Amir Syarifuddin. 2009, *Hukum Perkawinan Islam di Indonesia antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Jakarta, Prenadamedia Group, cetakan ke-3.
- <http://nurtaufik73.blogspot.com/2012/12/pacaran-taaruf-dan-khitbahmeminang>.
- Ibnu Rusyd, 1990. *Bidayatul Mujtahid (di terjemah oleh, Abdurrahman & Haris Abdulllah)*, Semarang : CV. Asy-Syifa'. Cet. Ke-1.
- Kompilasi Hukum Islam buku 1 Pasal 1 ayat a,
- Miles dan Huberman dikutip Sugiono. 2013. *Metode Penelitian Kuantitatif*
- Mohammad Fauzil Adhim, 2004. *Kupinang Engkau Dengan Hamdalah*, Yogyakarta: MITRA PUSTAKA. Cet. Ke-11.
- Muhammad Tholchah Hasan, *Dinamika Kehidupan Religious*, Cetakan Kedua-Revisi, PT. Listafariska Putra, Jakarta Utara, April 2004.
- Sahal Mahfud, Ketua Pengurus Besar Nahdlatul Ulama' (PBNU), sekaligus pengasuh Pondok Pesantren Maslakul Huda Kajen-Pati, merupakan Ulama' termasyhur dengan tasawwuf sekaligus fuqoha' masa kini, fatwa dan petunjuk beliau sangat di ikuti oleh masyarakat nahdhiyyin Nahdlatul Ulama'. Perjuangan beliau dalam mengembangkan NU hingga akhir hayatnya.
- Sugiyono, *Metode Penelitian Kuantitatif dan R & D*, (Bandung: Alfabeta, 2008),