

Matrilineal Marriage Tradition: A Study of the Customary Law of “Women Buying Men” in Padang Pariaman

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Abstract

Bajapuik is one of the traditions of women buying men, the marriage practice of the Minangkabau people who adhere to the matrilineal kinship system, especially in the Padang Pariaman area. Women's traditions have a dominant role, in the economic aspect and the determination of the social status of the family. This study aims to examine the existence of customary law that governs these practices, as well as how local cultural values are maintained amid the influence of modernity. Through a descriptive qualitative method approach by interviewing directly from relevant sources who have implemented the custom, this study found that the practice is still carried out with certain adaptations, and has implications for social relationships, inheritance rights, and family structure. The results of this study show that the law of adat in Padang Pariaman is dynamic and able to adapt without abandoning the core values of matrilineal culture.

Keywords: Marriage, Customary Law, Minangkabau Pariaman

INTRODUCTION

In the natural process of the development of human civilization, a nation has its own distinctive customs among each other. These differences are important values and can provide characteristics and identity of the nation concerned. Customs that have been attached to the community cannot simply disappear with the development of the times so that these customs are still visible in the midst of the progress of the times.

Marriage is an innate bond, between a man and a woman as a husband and wife couple with the aim of forming a happy and eternal household. In the Compilation of Islamic Law article 2 it is stated that “marriage according to Islamic law is marriage, which is a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carry them out is worship”. Then in article 3 of Compilation of Islamic Law explains, marriage aims to realize a *sakinah, mawaddah, wa rahmah* domestic life.

Tradition is a social custom of an area that is carried out between generations through socialization, reflecting the existence of its supporters. Tradition can also be called rules about what is right and wrong according to society.¹ West Sumatra Province is one of the provinces rich in culture and tradition. Minangkabau Nature presents various cultures and traditions in it. We can know that Minang customs are known to have very strong customs.²

The traditions and customs in Minang reflect a rich cultural heritage, providing an in-depth view of the life of the local community. The Bajapuik tradition that exists in the Padang Pariaman community, this tradition is very unique in the matrilineal kinship system that places women as a dominant role in the social structure, in the practice of marriage. The custom and tradition of proposing to men in the Pariaman area is a form of cultural heritage that is still carried out by the Pariaman people to this day,

¹ Koentjaraningrat, *Pengantar Ilmu Antropologi* (Jakarta: Rineka Cipta, 2009).

² R. Putri, “Bajapuik dalam Tradisi Perkawinan di Kota Pariaman” JOM FISIP, (2020). 7(1).

even though the Pariaman people live outside the Minangkabau, they still preserve their customs where they live. Some people outside West Sumatra may think that every Minangkabau person who was born, raised, and lives in West Sumatra automatically applies the customs and traditions of prempuan to propose to men (Bajapuik). But in reality, this tradition is only carried out by the people of Pariaman and Padang.³

The desire to dig and explore more deeply about the tradition of women proposing to men or can be called Bajapuik. In Pariaman, it is not solely departing from the ambition of the writer, but also as an effort to introduce the uniqueness of Pariaman to the Indonesian people. This Bajapuik tradition is one of the traditions that still survives in the Pariaman community, which is meant by Bajapuik is the giving of a number of assets from the female side to men in the marriage process. This practice reflects the matrilineal kinship system that places women as the center of social structure and inheritance.

The existence of the Bajapuik tradition in the Minangkabau society shows how traditional values persist even though the community is under the pressure of modernity and social change. This practice is proof that customary law still has an important place in regulating social relations, especially in domestic life. However, this practice also gives rise to various interpretations and perceptions, especially in the midst of a society that is beginning to adopt modern perspectives and new values. In reality, the practice of Bajapuik is now undergoing various modifications, both in form, value, and implementation mechanisms, so that a new understanding of the essence and position of customary law in the developing family law system is needed.

Based on this background, this study aims to trace how customary law and Islamic family law that govern the Bajapuik tradition are still carried out and how the underlying values are still maintained or even reconstructed. The approach used is a descriptive qualitative approach, by digging up data from informants who are directly involved in the customary practice, in order to get a complete picture of the implementation and the social dynamics that surround it.

This study is expected to contribute to the development of family law and customary law studies based on local values. Meanwhile, practically, this research is important as an effort to preserve cultural heritage and a reference in the preparation of legal policies oriented towards legal pluralism in Indonesia. Thus, this study not only enriches the scientific literature, but also strengthens the position of customary law within a national legal framework that is more responsive to cultural diversity.

METHOD

This study uses a descriptive qualitative approach with a focus on the study of the Bajapuik tradition in the Minangkabau community, especially in the Padang Pariaman area. The topic of this research is the existence of customary law in women's practice of buying men which reflects the matrilineal kinship system.

The research data was obtained through in-depth interviews with informants who are direct perpetrators in the implementation of the Bajapuik custom. The informant was selected purposively because they have experience and knowledge that is relevant to the customary practices being studied. The interview was conducted openly and flexibly to find out information about the background, implementation process, and values contained in the Bajapuik tradition.

Data analysis was carried out thematically, namely by identifying the patterns, meanings, and main themes of the interview results. The stages of analysis include data reduction, data presentation, and systematic conclusion drawn. To maintain the credibility of the data, the researcher re-clarified the information conveyed by the informant and carefully recorded the context of the conversation to avoid misinterpretation.

³ F. Amelia & F. Rahmania, "Tradisi Bajapuik dalam Perkawinan Masyarakat Minangkabau: Analisis Sosial Budaya." *Jurnal Sosiologi Reflektif*, (2019), 13(1).

RESULT

Based on the results of interviews conducted with resource persons who have experienced the implementation of the Bajapuik custom, it is possible to get an idea that this practice is still actively carried out in the Padang Pariaman area. The resource person is a woman from a Minangkabau family who upholds matrilineal traditional values and has undergone marriage by applying these traditions.

The results of the study show that the Bajapuik tradition is still actively carried out by the people of Padang Pariaman, West Sumatra, and has undergone social adaptation in its form and value. Based on interviews with traditional actors, the practice of Bajapuik is carried out by women as a form of respect for men who will enter the matrilineal kinship system of the wife's family. Bajapuik property is not a legal requirement for religious marriage, but a cultural symbol in order to bind the relationship between two extended families. The value is determined by deliberation and takes into account the family's economic conditions, so as to reflect the flexibility and principle of justice in the Minangkabau custom.

The implementation of *Bajapuik* does not contradict Islamic law because dowry is still given by men to women as stipulated in the Compilation of Islamic Law Articles 2-3. Thus, Bajapuik can be understood as a complement to customs that go hand in hand with elements of sharia, and is included in the category of *'urf hasanah* or good habits according to fiqh. In the context of *fiqh ushul*, this practice can also be seen through the *maslahah mursalah* approach, because it brings social benefits such as maintaining family honor (*hifz al-'ird*), safeguarding offspring (*hifz al-nasl*), and strengthening social structures based on deliberation and respect.⁴

From the perspective of national law, *the Bajapuik* tradition also does not conflict with Law No. 1 of 1974 concerning Marriage. Article 2 paragraph (1) states that marriage is valid if it is carried out according to the laws of their respective religions, and because Bajapuik does not affect the legal pillars of marriage, this practice remains valid in the state legal system. In fact, within the framework of Article 18B paragraph (2) of the 1945 Constitution, the state recognizes and respects customary law communities and their traditional rights as long as they do not conflict with the principles of the Republic of Indonesia. Therefore, *Bajapuik* is not only a cultural heritage, but also a form of legal pluralism that is alive and constitutionally recognized.

The involvement of *ninik mamak* in the process of implementing *Bajapuik* emphasizes that this tradition is still carried out in the corridor of deliberation, mutual cooperation, and togetherness, which is in line with Islamic values and the basic values of Pancasila. The change in the meaning of Bajapuik from a symbol of social status to a symbol of respect shows that Minangkabau customary law is dynamic and able to adapt to the development of the times without losing its substantial value.

Overall, the results of this study show that *Bajapuik* is a real example of how customary law, Islamic law, and national law can be harmonized. This tradition not only maintains local values, but also reflects the principles of justice, deliberation, and respect that are in line with the *maqashid shari'ah* and the principles of the Indonesian state of law. Thus, *Bajapuik* is proof that local wisdom can be integrated in a national legal framework that is responsive to cultural diversity and societal values.

DISCUSSION

The Bajapuik tradition that is still carried out by the people of Padang Pariaman is one of the characteristics of Minangkabau culture that is quite different from the customs of other regions. If in general in marriage the male party gives dowry or property, then in Pariaman it is the woman's family who gives a number of assets to the future husband. However, based on the results of interviews with the source, Bajapuik is not considered a dowry from a religious perspective, but as a symbol of respect and acceptance for the prospective groom.

Within the framework of Islamic Law, as stipulated in the Compilation of Islamic Law Articles 2 and 3, marriage is a valid contract if it is carried out in accordance with Islamic law, including the

⁴ Compilation of Islamic Law, Presidential Instruction Number 1 of 1991, Articles 2 and 3.

necessity of dowry from men to women.⁵ In the practice of Bajapuik, dowry is still given by the groom, while Bajapuik is a form of appreciation from the woman. Therefore, Bajapuik is not contrary to Islamic law, because it does not replace the function of dowry that has been determined by *syara'*. Rather, it goes hand in hand as a manifestation of local cultural values that do not deviate from religious principles. This is also in accordance with the concept of *urf hasan*, which is a community habit that is considered good and does not contradict sharia principles.⁶

In the context of National Law, the practice of Bajapuik does not contradict Law Number 1 of 1974 concerning Marriage, especially Article 2 paragraph (1) which states that marriage is valid if it is carried out according to the laws of their respective religions.⁷ Because the Bajapuik tradition does not affect the terms and pillars of marriage according to religion, it can be accepted in the national legal system as part of the implementation of customs. Even in the spirit of Article 18B paragraph (2) of the 1945 Constitution, the state recognizes and respects customary law communities and their traditional rights as long as they are alive and do not contradict the principles of the Republic of Indonesia.⁸

From the speakers' statements, it is known that the implementation of Bajapuik is carried out on the basis of agreement and the ability of each party. There is no obligation to give a certain amount, so this tradition is not burdensome. This is in line with Islamic values that prioritize the principle of convenience (*taysir*) and mutual willingness (*taradhi*) in every family affair, including marriage.

This tradition can also be categorized as *urf*, or the custom of the local community that as long as it does not contradict religious teachings, can be justified in Islamic law. Many scholars view that local customs such as Bajapuik include *urf hasanah*, which is a good habit and can be preserved as long as it does not deviate from the principles of justice, equality, and willingness of both parties.

Bajapuik also serves as a form of appreciation for men who will be part of women's families. In the Minangkabau matrilineal system, men do not bring their wives into their homes, but enter the wife's family. Therefore, the giving of Bajapuik is considered an expression of respect for the role and responsibility that will be carried out by the husband in the family.

Although Islamic law regulates lineage in a patrilineal manner, the principle of justice to women's rights and roles is still recognized. So, even though the social system is different, the values held are still mutually supportive. This Bajapuik tradition shows that women in indigenous peoples have an important and strategic position, both economically and socially.

The *Bajapuik* tradition in Padang Pariaman, West Sumatra, is a unique form of matrilineal kinship system that regulates the practice of marriage by giving a dominant role to women, including in economic aspects and social status. In this tradition, the woman gives a number of property to the man in a series of wedding processions. This phenomenon illustrates how customary law survives and adapts to the times, and plays an important role in maintaining the social structure of the Minangkabau community. Although in societies outside this tradition can be perceived differently from the general norms of Islam, the practice of Bajapuik can be studied in depth through the approach of *fiqh maslahah mursalah* and the theory of legal harmonization, which allows the integration of customary law and sharia values.

In the context of *fiqh*, *maslahah mursalah* is an important concept in *ushul fiqh* which refers to benefits that are not explicitly regulated by *nash syara'* but are still recognized for their validity if they meet the principles of *maqashid al-shari'ah*. According to al-Ghazali, *maslahah mursalah* is acceptable if it does not contradict the Qur'an, hadith, and *ijma'*, and brings general benefits.⁹ The Bajapuik tradition, although not known in classical *fiqh*, does not contradict the basic principles of Islam, and even supports the achievement of sharia goals such as maintaining family honor (*hifz al-'ird*), safeguarding posterity (*hifz al-nasl*), and maintaining social stability. In the matrilineal system, Bajapuik is a form of respect and responsibility for the family's female for generational sustainability. Thus, when

⁵ Compilation of Islamic Law, Presidential Instruction Number 1 of 1991, Articles 2 and 3.

⁶ Rizka, M., & Ramdan, A. (2022). Kebiasaan Lokal sebagai Urf Hasanah dalam Fikih Perkawinan: Studi terhadap Tradisi Bajapuik. *Jurnal Hukum Keluarga Islam*, 6 (2).

⁷ Republic of Indonesia Law Number 1 of 1974 concerning Marriage, Article 2 paragraph (1).

⁸ The 1945 Constitution of the Republic of Indonesia, Article 18B paragraph (2).

⁹ Al-Ghazali, *Al-Mustashfa min 'Ilm al-'Usul*, Beirut: Dar al-Kutub al-Ilmiyyah, 1993, p.286–289.

viewed from the value of benefits, this practice reflects the adaptation of local culture to broader and more flexible Islamic principles.¹⁰

Furthermore, in the perspective of the theory of legal harmonization, developed by figures such as Hazairin and Hilman Hadikusuma, customary law and Islamic law do not need to be opposed, but can be functionally combined.¹¹ This theory states that as long as customary law does not conflict with Islamic law, then it can be used as a legal basis in people's lives. In this case, the Bajapuik tradition is a manifestation of the rules of *fiqh al-'adah muhakkamah* which means that customs can become law if they have been generally applied and do not contradict sharia principles.¹² This kind of harmonization reflects an inclusive approach of Islamic law to local culture, as affirmed in *maqashid al-shari'ah* which respects the benefit of the ummah and contextualizes the law. Thus, the existence of the Bajapuik tradition is not only a cultural heritage, but also a real example of how Islamic law can adapt and coexist with customary law in a plural society like Indonesia.

On the other hand, Bajapuik also strengthens the relationship between two extended families. In Minangkabau culture, marriage not only unites two individuals, but also becomes a bridge of friendship between families. This value is also found in Islam, where marriage is encouraged to strengthen social ties and build a harmonious family, as mentioned in the Qur'an. Ar-Rum verse 21.

People who migrated from Pariaman outside the region still maintain this tradition as part of their cultural identity. In overseas life, Bajapuik not only serves as a traditional ritual, but also as a symbol that they remain attached to their cultural roots, despite living in a different social environment.

However, the Bajapuik tradition can be understood and accepted normatively if studied through a progressive and contextual approach to *fiqh*. This practice is not a form of deviation from Islamic law, but rather an example of the harmonious legal dynamics between custom and sharia. Through the application of the principle of *maslahah mursalah* and the theory of legal harmonization, customary law such as Bajapuik can function as part of a national legal system that is responsive to cultural diversity and local values, while strengthening the position of Islamic law that is contextual, humanist, and adaptive to social realities.¹³ The implementation of *the Bajapuik* tradition is not only a cultural preservation, but also reflects the success of the integration between Islamic customary law, and national law in forming a legal system that is contextual, inclusive, and in accordance with the reality of plural Indonesian society. *Bajapuik* is clear proof that customary law is not only a legacy of the past, but can be part of today's legal solutions, as long as it is able to adapt to Islamic and national values.

Overall, Bajapuik is an example of how customary law and Islamic law can go hand in hand. This tradition not only maintains cultural values, but also shows that indigenous peoples are able to carry out religious values while maintaining their identity. This is one of the forms of harmony between Islamic sharia and local wisdom that deserves to be maintained.

CONCLUSION

Based on the results of research on the Bajapuik tradition in the marriage of the indigenous people of Padang Pariaman, it is suggested that indigenous peoples maintain and preserve this practice as part of the local cultural identity that is firmly rooted in the matrilineal social structure. However, the preservation needs to be accompanied by educational efforts that emphasize that Bajapuik is not a form of commercialization of marriage, but a symbol of respect and family deliberation.

For traditional stakeholders (*ninik mamak*), it is important to continue to be a mediator in the process of implementing Bajapuik so that this tradition does not deviate from traditional values and is not misunderstood by the younger generation. Values such as deliberation, mutual respect, and moderation need to be emphasized more than their material aspects.

¹⁰ Wahbah al-Zuhaili, *Usul al-Fiqh al-Islami*, Damaskus: Dar al-Fikr, 1986, p.474.

¹¹ Hazairin, *Tujuh Serangkai tentang Hukum*, Jakarta: Bina Aksara, 1981, p.93–95.

¹² Hilman Hadikusuma, *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*, Bandung: Mandar Maju, 2000, p.112.

¹³ Asy-Syatibi, *Al-Muwafaqat fi Usul al-Shari'ah*, Beirut: Dar Ibn 'Affan, 2001, p.58–60.

For local governments and religious institutions, it is necessary to carry out appropriate socialization so that the Bajapuik tradition can be understood in its entirety within the framework of Islamic law and national law. Thus, this tradition is not an object of stigmatization, but is seen as a form of harmonization between customary law and Islamic values that live in society.

Further research is also needed to examine similar practices in other customary territories, in an effort to strengthen the customary law map in Indonesia and enrich the approach to legal pluralism recognized in the constitution.

This research contributes to strengthening the paradigm of legal harmonization in Indonesia, especially between customary law, Islamic law, and state law. The findings in this study show that local traditions such as Bajapuik do not always conflict with formal laws, and can even be an effective social instrument in maintaining family integrity, strengthening relationships between communities, and fostering social justice values.

The practical implication of this study is the importance of a contextual approach in looking at the implementation of customary law in the community, without directly judging from a purely juridical-formal point of view. Meanwhile, theoretically, this research enriches the treasures of social fiqh and contemporary Islamic law, especially in the application of *maslahah mursalah* and *urf* as the basis for acceptance of local cultural practices.

For policy makers, this result is a consideration in formulating legal policies that are not only legalistic, but also pay attention to the social reality and cultural diversity of Indonesian society. That way, national laws will be more inclusive, adaptive, and in accordance with the values of people's lives.

REFERENCE

- Koentjaraningrat. (2009). *Pengantar Ilmu Antropologi*. Jakarta: Rineka Cipta.
- Schoeneborn, D., Kuhn, T. R., & Kärreman, D. (2019). The communicative constitution of organization, organizing, and organizationality. *Organization Studies*, 40(4).
- Taufik Abdullah, *Adat dan Agama dalam Kebudayaan Minangkabau*, Jakarta: Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial (LP3ES), 1971.
- Amelia, F., & Rahmania, F. (2019). *Tradisi Bajapuik dalam Perkawinan Masyarakat Minangkabau: Analisis Sosial Budaya*. *Jurnal Sosiologi Reflektif*, 13(1).
- Koentjaraningrat. (2009). *Pengantar Ilmu Antropologi*. Jakarta: Rineka Cipta.
- Putri, R. (2020). *Bajapuik dalam Tradisi Perkawinan di Kota Pariaman*. *JOM FISIP*, 7(1).
- Rahayu, S., & Mulyana, D. (2023). *Transformasi Tradisi Bajapuik dalam Perantauan: Studi Identitas Etnis Minang di Perkotaan*. *Jurnal Komunikasi Budaya*, 10(2).
- Rizka, M., & Ramdan, A. (2022). *Kebiasaan Lokal sebagai Urf Hasanah dalam Fikih Perkawinan: Studi terhadap Tradisi Bajapuik*. *Jurnal Hukum Keluarga Islam*, 6(2).
- Taufik Abdullah. (1971). *Adat dan Agama dalam Kebudayaan Minangkabau*. Jakarta: LP3ES.
- Undang-Undang Republik Indonesia. (1991). *Kompilasi Hukum Islam* (Instruksi Presiden No. 1 Tahun 1991). Jakarta: Pemerintah Republik Indonesia.
- Yunus, M. (2018). *Hukum Adat dan Pluralisme Hukum di Indonesia: Kajian Teoritis*. *Jurnal Hukum dan Kebudayaan*, 5(1).
- Hazairin, *Tujuh Serangkai tentang Hukum*, Jakarta: Bina Aksara, 1981.
- Hilman Hadikusuma, *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*, Bandung: Mandar Maju, 2000.
- Asy-Syatibi, *Al-Muwafaqat fi Usul al-Shari'ah*, Beirut: Dar Ibn 'Affan.
- Al-Ghazali, *Al-Mustashfa min 'Ilm al-Usul*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Wahbah al-Zuhaili, *Usul al-Fiqh al-Islami*, Damaskus: Dar al-Fikr.