

Married Adjustments Below On Java And Melayu Community In District Deli Serdang (Analysis Of Law No. 1 Year 1974 And Compilation Of Islamic Law)

* Pof. Dr. H. Nawir Yuslem, M.A. Prof. Dr. H. Pagar, M.Ag. Iwan, M.HI.
UIN Sumatera Utara, Indonesia Jl. Willem Iskandar Pasar V Medan Estate, Sumatera Utara, Indonesia
Corresponding Author: Pof. Dr. H. Nawir Yuslem

Abstract: With the existence of PMA No. 3 years 1975 is expected to be a solution of underage marriage but the reality in the field even if the government with the rules of legislation has set the age limit of marriage even provide solutions with marriage dispensation, but still found many marriage actors under age, especially in Kab. Deli Serdang with a variety of reasons, instead of creating a harmonious household but the higher divorce rate. The formulation of the problem in this research is how the form of underage marriage irregularities in the community of Java and Malay in Deli Serdang District, what is the social background of underage marriage irregularities in the community of Java and Malay in Deli Serdang regency, how the impact of marriage irregularities in the age of the people of Java and Malay in Deli Serdang Regency. The research model (mode of inquiry) of this research is qualitative. This research uses the theory of sadd az-zari'ah: preventif theory used in analyzing this research data and finally this research indicate that the age limit of marriage specified Compilation of Islamic Law has reason and purpose of arrangement of restriction so that husband and wife must have matured body soul to be able to marry, in order to achieve the goal of marriage well without ending in divorce and get a good and healthy offspring.

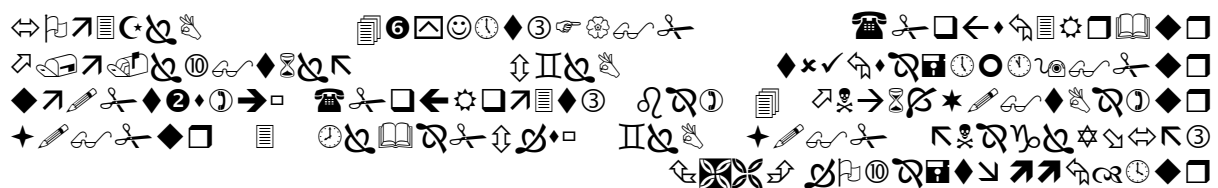
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I. Introduction

Basically, Islamic Law does not regulate absolutely about the age limit of marriage. The absence of religious provisions on the minimum and maximum age limit for marriage is assumed to allow humanity to regulate it. The Qur'an suggests that the person who is going to marry must be a ready and capable person. Allah's Word in the letter of an-Nuur: 32.



And marry those who are alone among you and the worthy (married) of your male slaves and your female servants. If they are poor, God will enable them by His grace. And Allah is All-Knowing (His gift) again Knowing.

The word (الصالحين) is understood by many scholars in the sense of "worthy of marriage" that is capable of mentally and spiritually to foster a household.¹ Similarly, the hadith of the Prophet Muhammad, which encourages the youth to marry on the condition of the ability. Al-qur'an and hadith admit that maturity is very important in marriage. The adult age of fiqh is determined by physical signs, ie, general signs of baligh, among others, the perfect age of 15 (fifteen) years for men, ihtilam for men and menstruation in women at least at the age of 9 (nine) years. With the fulfillment of baligh criteria it has enabled a person to marry.² So that one's maturity in Islam is often identified with baligh. The size of maturity as measured by these baligh criteria is not

¹ M. Quraish Shihab, *Tafsir al Misbah*, Vol. IX. (Jakarta : Lentera Hati, 2005), Cet. IV, hlm.335.

² Amir Syarifuddin, *Ushul Fiqh*, Jilid I, (Jakarta : Prenada Media, 2008), Cet. III, h. 394.

rigid (relative).³ if it is casually very urgent that both prospective brides should be married soon, as the embodiment of *sadd al-zari'ah* method to avoid the possibility of a greater *mudharat*.

The Civil Code (Civil Code) before the enactment of Law Number 1 Year 1974 regarding Marriage has set the age limit of marriage. The Civil Code of Article 29 states that men who have not attained the age of eighteen years and women who have not attained the age of fifteen full years can not enter into marriage. While the limit of a person's maturity under the Criminal Code of article 330 is age 21 (twenty one) years or has never been married. However, pursuant to the Closing Provisions of Law Number 1 Year 1974 concerning Marriage Article 66 that for marriage and all things related to marriage under this Act, then with the coming into force of this Law, the provisions of the Code The Civil Code is declared null and void.

Law Number 1 Year 1974 regarding Marriage Article 7 paragraph 1 states that marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years. At that age, both men and women are assumed to have reached the minimum age to marry with all the problems. One of the principles adopted by Law Number 1 Year 1974 regarding Marriage is the principle of maturity of the prospective bride. The maturity of the prospective bride is implemented with the age limit of marriage. In the Compilation of Islamic Law Article 15 Paragraph (1) it is explained that for the benefit of families and households, marriage shall only be carried out by the prospective bride who has reached the age stipulated in Law Number 1 Year 1974 article 7 paragraph (1) a minimum of 19 years old and a future wife of at least 16 years of age. Law Number 1 Year 1974 About Marriage has a close relationship with the problem of population.

Basically setting the age limit of marriage is intended for the benefit and goodness especially for the prospective bride. In the General Explanation of Law Number 1 Year 1974 concerning Marriage Number 4 Letter (d) it is explained that the principle of the bride-to-be must cook the soul of the body is meant to achieve the purpose of marriage well without ending in divorce and get a good and healthy offspring. Therefore, underage marriage must be prevented.

In effect, early marriage also has a positive side. We know, currently dating done by young couples often ignore the norms of religion. Freedom that has exceeded the limit, where the consequences of freedom are often we encounter immoral acts in society. This fact shows how the morality of this nation has reached the level of concern. Author saving, early marriage is an attempt to minimize these negative actions, rather than falling into a more alarming association. Legal issues including marriage (*fiqh al-Munakahat*) always appear new things (actual), among the cases occurred is the controversy of young marriage or early marriage that many done by the Malay community in Deli Serdang regency. As the results of preliminary research from the author interview with some couples who perform the practice of underage marriage in the village of Bandar Khalifah Kec. Perci Sei Tuan Deli Serdang District. Which is taken from 7 couples, with several factors leading to such early marriage Economic factors, factors of personal will, family factors, educational factors.

In general, the marriage age limit that occurs in the community Kec. Perci Sei Tuan can be said minimum age is relatively young. The age limit of the marriage is too young to be seen from both physical and psychological conditions, because with such conditions it is difficult to realize the purpose of happiness of inner birth as the intention of Law no. 1 year 1974. In the human life of marriage is not temporary but for a lifetime. Unfortunately not everyone can understand the essence and purpose of a complete marriage that is, get true *kabahagiaan* in marriage. Actually a marriage with a very young age limit in today's technological age is a setback to the past, when education is still undeveloped. Young marriage does not only happen in the villages but also in big cities due to promiscuity that lead to pregnancy.

Ultimately, a very young age in marriage greatly affects the occurrence of divorce. The 2009 2009 to 2013 data proves that divorce rates in Indonesia are increasing: Divorce often results from economic factors, and individual incompatibility in their home travels as they maintain their respective ego and all of these can not be removed from the effects of married couples . Divorce is considered as one of the fastest choices that many couples take after feeling trapped in a situation that is becoming more tedious. He has not found anything more sought from his partner as expected before marriage. Perceptions that have changed and unfulfilled expectations also encourage the desire to divorce.

Despite the limit of age of marriage but there are still irregularities by marriage under age. Against this irregularity, the Marriage Law provides a way out of a marriage dispensation to the court. Based on the Regulation of the Minister of Religious Affairs No. 3 of 1975 that the Dispensation of the Religious Courts is the determination in the form of dispensation for prospective husbands who have not reached the age of 19 years and or the prospective wife who has not aged 16 years issued by the Religious Courts.

To find out the feasibility of a prospective bride who will hold a marriage under age, then conducted the trial with a brief event. In establishing a marriage dispensation, the judge considers, among other things, the ability, preparedness, maturity of the prospective parties of the bride and groom sufficiently well. The judge

³ Ahmad Rofiq, *Hukum Islam di Indonesia*, (Jakarta : Rajawali Press, Cet. VI, 2003), h. 78.

establishes the marriage dispensation should be based on rational considerations and makes it possible to provide marriage dispensation to the prospective bride. The Religious Courts after examining in the hearing and believes that there are matters which allow for dispensation of a determination.

With the existence of PMA No. 3 years 1975, is expected to be a solution of underage marriage but the reality in the field even though the government with the rules of legislation has set the age limit of marriage even provide solutions with marriage dispensation, but still found many marriage actors under age, especially in Kab. Deli Serdang with a variety of reasons, instead of creating a harmonious household but the higher divorce rate.

Deli Serdang Regency is known as one of the 25 regencies / cities in North Sumatera Province. Districts that have a large diversity of natural resources so that is an area that has a promising investment opportunities. It used to be called Deli and Serdang Regencies, and its government was based in Medan City. Indeed, in its history, before the independence of the Republic of Indonesia, this region consists of two governments in the form of empire (sultanate) namely Deli Sultanate centered in Medan City, and Serdang Sultanate centered in Perbaungan.⁴

In the past, this region surrounded the three "municipalities" of Medan, which became the capital of North Sumatra province, Binjai city and Tebing Tinggi city beside the borders of several districts of Langkat, Karo and Simalungun, with a total area of 6,400 KM2 consisting of 33 subdistricts and 902 Kampung. This region, since its formation as a district until the seventies, has experienced several changes in its territory, since the city of Medan, Tebing Tinggi and Binjai in the border area some time ago requested regional expansion, thus the area reduced to 4,397.94 KM2.⁵

Deli Serdang Regency is populated by various ethnic groups such as Malay, Karo, Simalungun, Java, Batak, Minang, China, Aceh and adherents of various religions such as Islam, Christianity, Hinduism and Buddhism, with a total population of 1,686,366 Population Growth Rate (LPP) of 2.74 percent with an average density of 616 square miles. In its development motion, the motto of Deli Serdang Regency listed in the Regional Symbol is "Bhinneka Perkasa Jaya" which gives understanding; with its diverse peoples, religions, races and factions united in the diversity of kinship and mutual cooperation builds the spirit of togetherness, explores and develops the potential of its natural resources and human resources to become the strength and power to bring people to prosperity and glory throughout the ages. The availability of the number of educational facilities in Deli Serdang Regency can be distinguished from General Education and Religious Education. The total number of public education facilities in Deli Serdang District in 2016 is about 1,197 schools consisting of 772 units of elementary school, 213 junior high schools, 113 units of high school and 99 units of vocational high schools. Most educational facilities are located in Percut Sei Tuan Sub-district, which is 163 units of schools. While the smallest educational facilities in the District of Mount Meriah is as many as 8 units of schools.

II. Understanding Marriage

The word mating comes from the Arabic نكاح which is the masdar form of fi'il madhi نكح which is translated into Indonesian meaning mating, or marrying.⁶ Marriage according to the original meaning is sexual but according to the meaning majazi or the meaning of law is aqad or covenant that makes lawful sexual relationship as husband and wife between a man with a woman.⁷ All the lafadh an-marriage contained in the Qur'an means al-'aqdu except one verse, al-Baqarah (2): 230:



Then if the husband mentally (after the second Talak), then the woman is no longer lawful for him until he marries another husband. then if the other husband divorces him, then there is no sin for both

⁴ <http://wisatadanbudaya.blogspot.co.id/2010/10/kabupaten-deli-serdang.html>, diakses tanggal 7 Juni 2017

⁵ Ibid.

⁶ Atabik Ali, Muhammad Mudhor, *Kamus Kontemporer Arab Indonesia* (Jogjakarta: Multi Karya Grafika Pondok Pesantren Krapyak, 1998), h. 1943.

⁷ Moh. Idris Ramulyo, *Hukum Perkawinan Islam, Suatu Analisis Dari Undang-Undang Nomor 1 Tahun 1974 Dan Kompilasi Hukum Islam* (Jakarta : Bumi Aksara, 2002), h. Lihat juga Amir Syarifuddin, *Garis-Garis Besar Fiqh*, Cet.1, (Jakarta: Prenada Media, 2003) h. 74-75.

⁸ Departemen Agama RI, *al-Qur'an dan Terjemahnya*, (Bandung: cv Penerbit J-ART, 2004), h. 103

(former husband and wife) to remarry if both will be able to live the laws of God. These are the laws of God, explaining to the people who (want) to know.

So what is meant by lafazh an-marriage in the above verse is al-wath'u (intercourse).⁹ Meanwhile, according to the terms of a contract that set may have fun with a good idea with intercourse, touching each other, kissing and so forth. Or a contract that allows men and women to have fun.¹⁰ The jurists defined marriage with various definitions. The reason, every school has a special definition different.¹¹

The Hanafiyah cleric says marriage is a covenant organized for the purpose of obtaining the deliberate enjoyment of women. That is, to justify a man to get pleasure (special) from a woman. This definition avoids the confusion of the contract of sale (the woman), which means a contract of agreement made to have a female slave. Asya-Shafi'iyah scholars define, "marriage is a covenant agreement which contains elements allow intercourse by using lafazh" inkah "(I marry you oh fulan with fulanah) or" tazwīj "(I marry you oh fulan with fulanah). The Maliki cleric defines, "marriage is a covenant of agreement to justify enjoyment with non-mahram women, or female majusiyah, women of sciences through a pledge. The Hanabilah scholar said, the marriage contract means a covenant within which, there is a lafazh inkah or tawij or translation (in other languages) it is used as a guide.

From some of the above understanding can the authors conclude that marriage is an inner bond between a man and a woman who is not muhrimnya to build an eternal and happy household based on shari'at religion. Living aloof without pairs (men without wives and women without husbands) is a dishonorable and unnatural act is also against the teachings of Islam.

The Legal Basis of Marriage

The basis of marriage in Islam is the word of Allah in the holy book of the Qur'an in them: In the letter an-Nur verse 32:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْنِهِمُ اللَّهُ مِنْ فَضْلِهِ
وَاللَّهُ وَاسِعٌ عَلِيمٌ

And marry those who are alone among you, and the worthy (married) of your male slaves and your female servants. If they are poor God will enable them with His grace. And Allah is vast (His grace) again Knowing. "(Surat an-Nur: 32)¹²

Based on the arguments underlying the disyari'atkannya marriage above, then the law of marriage is mubah.¹³ Whereas according to the scholars' agreement, that marriage is a disunnahkan.¹⁴ And in the opinion of some scholars of Islamic law, the origin of the law of marriage (marriage) is a mother, permissibility or lawful.¹⁵ However, based on illat or seen in terms of conditions of people who implement it and the purpose of implementing it, then the marriage that can change the law into sunnah, compulsory, makruh, haram and may (mubah).

Terms and Rukun Marriage

In Islam a marriage is considered valid if the marriage has been executed by fulfilling the requirements and the harmoniousness in accordance with the provisions contained in Islamic law. The term referred to in marriage is a thing that must exist in marriage. But it does not include one part of the essence marriage.¹⁶ Thus the marriage pillars must be fulfilled when the marriage contract is held, because it is not legitimate akadnya if not fulfilled rukun.¹⁷ Zainuddin mentions in his book Fath al-

⁹ Wahbah Az-Zuhaili, *Al-fiqh al-Islami wa Adillatuhu*, (terj. Ahmad Syahbari Salamaon), (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2009), h. 54

¹⁰ Yusuf Ad-Duwairisy, *Nikah Sirri, Mut'ah dan Kontrak Dalam Timbangan al-Qur'an dan as-Sunnah*, alih bahasa Muhammad Ashim, (Jakarta: Darul Haq, 2010), h.17-18

¹¹ Soemiyati, S.H, *Hukum Perkawinan Islam dan Undang-Undang Perkawinan (Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan)*, cetakan ke-7, (Yogyakarta: Liberty, 2007), h. 8

¹² Departemen Agama RI, *Al-Qur'an dan Terjemahannya* (Surabaya: asy-Syifa, 1992), h. 549.

¹³ Kamal Muchtar, *Asas-asas Hukum Islam tentang Perkawinan* (Jakarta: Bulan Bintang, 1993), h. 15.

¹⁴ Ali Ansori, *Al-Mizan al Kubra*, Juz II (Semarang: Toha Putra, tt.h), h. 108.

¹⁵ Sayuti Thalib, *Hukum Kekeluargaan Indonesia* (Jakarta: UI press, 1974), h. 49.

¹⁶ Abd al-Muhaimin As'ad, *Risalah Nikah Penuntun Perkawinan*, cet. I (Surabaya : Bulan Terang, cet. I, 1993), h. 33.

¹⁷ Kamil Muhammad Uwaidah, *Fiqh Wanita* (Jakarta: Pustaka Al-Kautsar, 1998), h. 405.

Mu'in that there are five pillars to marry the prospective groom, prospective bride, married guardian, mating witness and qabul ijab. The terms of marriage follow these pillars.¹⁸

Traditional Marriage Tradition of Java and Malay

1. Javanese Customary Marriage

Marriage is an important event in everyone's life history. Javanese people interpret the event of marriage by organizing various ceremonies. The ceremony starts from the introductory stage until the wedding. The stages are as follows:

1) *Nontoni*

At this stage much needed the role of an intermediary. This intermediary is a messenger from the groom's family to meet the family of the bride. This meeting is intended to watch, or see candidates up close. Usually, messengers come to the home of the bride and groom's family. In the house, the prospective bride can meet face-to-face even if only briefly. This fleeting encounter occurs when the bride takes out a drink and snacks as a banquet. Guests are welcomed by the bride's family of bride and groom parents, usually *pakdhe* or *paklik*.¹⁹

2) *Nakokake / Nembung / Nglamar*

Before proceeding to the next stage, the intermediary will ask you some personal questions as if there was a candidate for the prospective bride. If there is no candidate, then the envoy of the prospective groom informs that the prospective bridegroom wants to order. Then the bride is invited to meet with the groom to be asked her willingness to be his wife. When the bride agrees, it is necessary to take the next steps. The next step is to determine the day of the coming of the messenger to do the *rembag* (*peningset*).

Peningset is a symbol that the bride has been unlawfully bound by the groom. *Peningset* usually in the form of *kalpika* (ring), some money, and gifts in the form of regional specialties. This *penisanet* can be accompanied by a *tukon* supply event, which is the provision of goods such as *banana sanggan* (banana kind of king *setangkep*), a set of clothing for the bride, and *upakarti* or assistance when the wedding ceremony will soon be held such as rice, sugar, vegetables, *bumbon*, and some money. When all is running smoothly, then determined the date and day of marriage. Usually the determination of date and day of marriage adjusted with *weton* (birth day based on the calculation of Java) both bride and groom. It is intended that the marriage will bring happiness and prosperity for the whole family.

3) *Install Tarub*

When the date and day of marriage has been approved, then performed the next step is the installation of *tarub* before the wedding day. *Tarub* is made from coconut leaves that have been previously woven and given a skeleton of bamboo, and *ijuk* or *welat* as rope. For the installation of this *tarub* survived, performed a simple ceremony in the form of serving the full *tumpang* rice. Along with the installation of *tarub*, also installed *tuwuhan*. What is meant by *tuwuhan* is a pair of banana trees that are being fruited, which is installed in the right-hand side of the entrance. Banana trees symbolize greatness and contain meaning in the hope that this new family will be quite a wealth and descent. Usually on the right side of the entrance is also given the leaves of *Moringa* who intend to drive out all the evil influences that will enter the place of the ceremony, as well as the *janur* which is a symbol of greatness.

4) *Midodareni*

The series of ceremonies begins with *midodareni* ceremony *siraman*. The ceremony was performed before the *midodareni* event. Places to spray are made in such a way that it looks like a spoon surrounded by multicolored plants. Perpetrators are the elderly people who numbered seven starting from the parents who then followed by other elders. After the splash, the bride wipes the face (Javanese term: *raup*) with the water jug brought by her mother, then the jug is immediately slammed

¹⁸ Zainuddin bin Abdul Aziz al-Malibary, *Fath al-Mu'in* (Surabaya: al -hidayah, tt.h), h. 99.

¹⁹ Suwarna Pringgawidagda, *Tata Upacara dan Wicara Pengantin Gaya Yogyakarta*, (Yogyakarta: Kanisius (Anggota IKAPI), 2006), h. 35

/ broken down while saying the words: "the light is now broken like a full moon". After that, the prospective bride immediately carried by his father to the dressing room. After changing clothes, followed by a haircut performed by the bride's parents. After being cut, hair is buried in front of the house. After the hair is buried, followed by the show "dodol dawet". Who sell dawet is the mother of the bride with a groomed by her husband. Money to buy dawet made of kreweng (shatter tiles) are formed round. Dhawet dodol ceremony and how to buy with kreweng has meaning in the hope that someday if already living together can get a lot of fortune such as cendol in dawet and without difficulty as symbolized by kreweng around us. Stepping on the next series of ceremonies are midodareni ceremony. Derived from the word widadari, which means angel. Midadareni is a ceremony that contains hope to create the atmosphere of a prospective bride like widadari. That is, both expectant candidates like widadari-widadara, behind the day can be sustainable, and live harmonious and prosperous.

5) Marriage Agreement

Marriage is the essence of marriage. Usually the marriage contract is done before the reception. The marriage ceremony is witnessed by the elders / parents of both the bride and the elder. The implementation of the marriage contract is done by officers from civil records or religious officers.

6) Sophisticated

The ritual ceremony begins with the twin mayang exchange, the kalpataru dewadaru which is the means of the series of the stage. After that proceed with the ballast, do not endhog, and mijiki.

7) Balangan suruh

Balinese ceremony performed by the bride and groom in turn. The chant that was brought to be thrown into the bridal son by the bride of the princess is called gondhang of love, while the gantal held by the bridegroom is called gondhang said. The meaning of the beak order is a hope that all the covetous will disappear and away the consequences of throwing the cushion. Gantal made of betel leaf that bent to form a sphere (Javanese term: dilinting) which then tied with white / lawe thread. Betel leaf is a symbol that the two brides are expected to unite in creativity, intention, and work.

8) Ngidak endhok

The endhog ceremony begins with the interpreter paes, the person in charge of bridal makeup and wearing the bridal clothes, by taking the egg from the bowl, then diusapkan on the forehead of the groom who then the groom is asked to step on the egg. No endhog has a sexual meaning, that both brides have broken prestige.

9) Wiji dadi

The ceremony is performed after the show ngidak endhok. After the event did not endhog, the bride immediately washed the feet of the groom using water that has been given cotton flowers. This foot washing symbolizes an expectation that the "seed" that will be lowered away from danger and become a good descendant.

10) Timbangan

The weighing ceremony is usually done before the two brides sit on the aisle. The scales ceremony is done in the following way: the bride's father sat between the bride and groom. The bridegroom sits on the right foot of the bride's father, while the bride sits on her left foot. Both hands of father are summed up on the shoulders of both brides. Then father says that both are balanced, equally heavy in a connotative sense. The meaning of ceremonial scales is a hope that between the bride and groom can always be balanced each other in taste, inventiveness, and intention.

11) Kacar-kucur

The way the groom pours the rich king from the cloth bag, while the bride receives it with a sindur cloth placed on his lap. The bag of cloth contains dhuwit coins, yellow rice, kawak pea, dhele kawak, kara, and telon (rose, jasmine, kenanga or kanthil). The meaning of the scales is that the groom will be responsible for earning a living for his family. The rich king who poured it should not

fall in the slightest, meaning that the bride is expected to have the trait, nastity, surtini, and careful in regulating the fortune that has been given by her husband.

12) Dulangan

Dulangan is a ceremony performed by the way the two brides feed each other food and drinks. The meaning of return is as a sexual symbol, give each other and receive.

13) Sungkeman

Sungkeman is a ceremony performed by the way the two brides sit jengkeng by holding and kissing the knees of both parents, both parents of the bridal son and the parents of the bride of the daughter. The meaning of sungkeman ceremony is a symbol of the realization of children's respect for both parents.

14) Kirab

Ceremonial ceremony in the form of procession consisting of domas, cucuk lampah, and close family to pick up or accompany the bride who will come out from where the call or will enter the place of call. Kirab is a symbol of respect to the two brides who are considered as the king of the day who is expected to be able to lead and nurture the family well.

15) Jenang Sumsunan

The marathon ritual ceremony is performed after all marriage ceremonies are completed. In other words, the jenang is an expression of gratitude because the event went well and survived, there is nothing lacking any one, and all in good health walafiat. Usually the jenangs are held at night, the next night after the wedding.

16) Boyongan / Ngunduh Manten

Called boyongan because the bride of the daughter and the bride of the son escorted by the family of the bride to the family of the bridegroom son together. Ngunduh manten held in the groom's house. Usually the event is not complete at the event held at the bride's place although it can also be done as complete as a regular show usually. This depends on the wishes of the groom's family. Typically, ngunduhh manten is held as after marriage ceremony.

Malay Customary Marriage

In order to determine the policy and direction of Malay civilization, the Malay society based it on a generic institution called adat. In order to face and popularize globalization, the Malays have made their cultural strategies. This strategy is directed in Malay customs. Malay customs are based on the teachings of Islam, which is conceptualized as a custom of syarak and bersarak bers bers bers bersinggikan sitabullah kitabullah. The meaning of syarak is Islamic law or Islamic civilization. On the other hand kitabullah means the Holy Book of God (Al-Qur'an), or referring further and deep is the revelation of Allah as the guide of man in filling his culture. In doing the cultural direction the Malays decided to apply four customary areas. According to Lah Husni (1986) customs on ethnic Malays are covered in four varieties, namely: (1) true adat customs; (2) adat that is solidified; (3) customs, and (4) customs.²⁰ These four areas of adat are mutually bersinerji and intertwined along in guarding the polarization of Malay culture in general. Whatever the Malay do should be based on these adat teachings.

In the modern era, the archipelago has produced a number of exegetical works written by Indonesian interpreters. Namely: Tafsir al-Azhar by HAMKA, Tafsir an-Nur by T. M. Hasbi as-Siddiqie, and Tafsir al-Mishbah by M. Quraish Shihab. They ave different scholarly tendencies and backgrounds. It would be very interesting to see their interpretation of important themes, such as the matter of marrying the polytheists, to discover for its urgency for contemporary world.

This article examines the interpretation of archipelago's interpreters on marrying with of the polytheists. Particularly, the interpretation of HAMKA, T. M. Hasbi as-Siddiqie, and M. Qurasih Shihab will be discussed on Q.S. al-Baqarah/2: 221 as the verse which defines the law of marrying of the polytheists. The content of that verse is Q.S. al-Baqarah/2: 221 "do not marry unbelieving (idolaters), until they believe: A slave woman who believes is better than an unbelieving woman, even though she allures you. Nor marry (your girls)

²⁰ Muhammad Takari Bin JilinSyahril, *Adat dalam Peradaban Melayu*, (Penelitian: Program Studi Etnomusikologi, FIB USU dan Majelis Adat Budaya Melayu Indonesia, 2015), h. 4

to unbelievers until they believe: A man slave who believes is better than an unbeliever, even though he allures you. Unbelievers do (but) beckon you to the Fire. But Allah beckons by His Grace to the Garden (of bliss) and forgiveness, and makes His Signs clear to mankind: That they may celebrate His praise.” This article discusses their interpretation of the verse contained in their exegesis which analyze through the method of content analysis.

But please note that some experts and perpetrators of Malay culture, mentioning only three categories of customs, not up to four namely customs. But there are also mentioned in four categories. Clearly all four have synergistic and mutually reinforcing relationships. But if judging from the point of view, then the first category is the most basic, holistic, thorough, While the second category, third, and fourth is the derivative of the first. So also the third is the derivative of the first and second. Also the fourth is a derivative of the first, second, and third. The first category is absolute and absolute according to the law created by God. The second, third, and fourth categories are the development of space and time within the culture, whether it be social activity, as well as cultural objects or artifacts. The marriage culture in Malay customs and society is sacred. Once the sacrality of this ceremony so that it is the most important part in the rites of the passage (rites of the passage). This is as seen in the following description.

1) *Merisik*

This activity is done by the parents of men to choose the appropriate wife candidate with their child. This activity is done when the boy is already ready and established to get married. This activity is also conducted to determine the background of the prospective son-in-law, his purity and personality. This is usually done by the men. Nowadays, this activity is rarely done.

2) *Meninjau*

This activity is done to know the place of origin of their spouse and personal partner and done by woman and man side by side by sending trusted representative. This activity is done to see the personality of the prospective partner more deeply. Establishment, maturity, speech, and behavior are the most valued aspects of each potential partner.

3) *Merasi*

This activity is done to predict the future of couples marriage relationship to be arranged. This activity is done to predict the future of married couples.

4) *Melamar*

This activity is done by the representatives of the men to ask the woman's willingness to marry by the represented men. Generally, the woman will ask for a few days to give an answer so as not to impress "sell cheap".

5) *Meminang*

The term "woo" is derived from betel fruit used in the procession of wandering along with betel and other ingredients. Hard areca nut becomes the symbol of man and betel leaf become the symbol of woman. Betel and betel fruit become symbols of united and inseparable men and women. The analogy, it is impossible people eat betel nut without betel.

6) *Pertunangan*

The engagement can occur when the betel vessel brought by the male representative is returned and the application is accepted. The man's representatives will put the ring on the ring finger of the female symbol he is engaged to the man.

7) *Preparation Toward the Day of Marriage*

Preparation to the wedding day is done by dividing the task between the men and the women. Generally, they build wards for cooking first. The host party is obliged to provide food for gotong royong activities so that the work can do its job well.

8) *Barzanzi and Jamuan*

Barzanzi reading activity is done after the prayer isya and followed by people who have worked together one day and night invited guests. On barzanzi activities are also served dishes and banquet.

9) *Marriage Ceremony*

Forms of Underage Marriage Under Age in Java and Malay Community in Deli Serdang.

As explained in Chapter II regarding the age limit of the pernikahan in the teachings of Islam (fikih classical / tradisional) that there is basically Islam does not provide a minimum age definition of marriage definitively. The age of marriage is the age of the ability to do and receive the right. Just as the example of the Civil Code book is in chapter XVI in terms of maturity "That with the maturity of an underage child may be matured, or to him may be granted specific rights of an adult."²¹ For more details, if the child is already showing adult attitude when the child is still under the age of six then the child may have a marriage under age. Provided that the child knows about what household life is like, and his mental and physical state is ready to run his own household life. So the conclusion in the view of the jurisprudence of marriage has no age limit, provided that if the child is ready to run a household, then it is fine, and his mental and physical condition must have shown maturity to him. However, the minimum age requirement for marriage is currently regulated in the Marriage Law is also contained in Article 15 paragraph (1) KHI by revealing a clearer purpose that for the benefit of families and households, marriage may only be done by candidates who have reached the age that has been stipulated in Article 7UU. 1 Year 1974, ie prospective husband at least aged 19 years and prospective wife at least aged 16 years.²²

Arrangement of age limit which has been arranged in Compilation of Islamic Law, apparently in practice in society not yet fully implemented or still found marriage practices that deviate in provisions (KHI) that apply. Deviation in the marriage in question is still the discovery of underage marriage in the community Deli Serdang District. As the case tabulation is accepted and decided upon.

III. Conclusion

Some conclusions as the answer of this paper, namely Deviation of marriage / underage marriage in Deli Serdang District, done deliberately manipulate or falsify the birth data and age of a person, with the aim that can immediately hold a marriage. This is done with the cooperation between the people in Deli Serdang District with the village or village person, plus the strong sense of solidarity and tolerance in the local community. Marriage of sirri: to conduct underage marriage, local people sometimes do irregular marriage irregularities conducted by marriage sirri / marriage without recorded by the KUA, of course this marriage is a marriage that is not considered by the state. From the reality in the field that the people of Kec. Labu Beach, Kec. The Sei Tuan and the Kec. Patumbak still found irregularities in melaksanakan marriage that is contrary to the Compilation of Islamic Law.

Social background of underage marriage irregularities in Javanese and Malay communities in Deli Serdang District: Through research results in Kab. Deli Serdang there are some social backgrounds of underage marriage in Java and Malay society, including. Economic Factors: Parents marry off their children who are under age because of economic factors that is to meet the needs or lack of living costs of their parents. In addition, parents assume that by marrying off their underage children will reduce the family's economic burden. Because by holding a marriage that is still under age will receive donations in the form of staples such as rice or a sum of money from handai taulannya which can then be used to cover the cost of daily needs in some time duration. The Low Factors of Awareness of the Importance of Education: Parents marry off children who are still young age not only because of economic conditions that are less able, but the low awareness of parents to the importance of children's education became one of the triggers of a marriage. With the education of parents who only graduated from elementary school even some who do not go to school at all (illiterate) it is easy to immediately establish a marriage to her children. Because parents who do not understand or understand an ideal marriage, a parent who only graduated from elementary school or did not go to school at all (illiterate) he just saw a child who was so big that he thought it was time to get married. Parental Concern Factor: A family with a girl is older but has no companion (parent) then parents feel uneasy, parents feel anxious, and anxious. If the girl does not have a companion

²¹ Niniek Suparni, S.H, *Kitab Undang-Undang Hukum Perdata*, (Jakarta: PT. Rineka Cipta, 2005),h. 133

²² Abdul Ghani Abdullah, *Pengantar Kompilasi Hukum Islam Dalam Tata Hukum Indonesia*, cet.ke-1, (Jakarta: Gema Insani press, 1994), h. 82

(boyfriend) then the parents immediately find a mate for his son, although the mate for his son was not necessarily his son agreed. But parents always try hard to find a companion (girlfriend) for his son. Parents feel afraid their children become old maids, parents feel ashamed of the neighbors, the same people around will not be sold and so forth. Environmental Factors Where They Live: Parents marry off children not only because of economic circumstances, poor parental awareness of education, and parents' concerns but the environment in which they live also greatly affects their paradigms (parents and children). Families who have girls and boys, especially girls do not have a companion (boyfriend) to see a child whose age already has a companion (girlfriend) let alone married then the parents feel anxious, and anxious, he tried to find a companion (girlfriend) for his son.

How is the impact of underage marriage irregularities in Java and Malay communities in Deli Serdang District There are several impacts of underage marriage irregularities in Java and Malay communities in Deli Serdang Regency, including, Psychological impacts that result in divorce (a household that does not last long): Psychological is a science of phenomena and soul activity. Teenagers who married under age in the community of Deli Serdang district are found in general are still unstable, emotional levels are still high and emotions are raised very difficult to stop it. Therefore, if teenagers undertake underage marriages, men who have not reached the age of nineteen and women who have not reached the age of sixteen, are feared and sometimes referred to as households will result in prolonged disputes ending in divorce. Impact on the problem of infidelity: reality in Kab. Deli Serdang that a complicated problem to be studied is the problem of infidelity committed by married couples young wife. because many underage marriages are not harmonious because of sex dissatisfaction, married under the age of many who likes to keep changing partners. After they divorced they remarried, divorced to remarry and so on. c. Reproductive health: in the event of marriage in the teenage years will cause immaturity in the issue of reproduction. This is caused by immaturity of the sex organs of teenagers, both men and women, although they can conceive and give birth, because the sequence of childbirth is nurturing it. Islam teaches us that one of the aims of marriage is to produce a legitimate offspring, and the descendants are the offspring who have good physical qualities amupun mental.

So the result of the study of the age limit of marriage specified Compilation of Islamic Law has a reason and the purpose of the regulation of restrictions so that the husband and wife must have cooked the body soul to be able to establish marriage, in order to realize the goal of marriage well without ending in divorce and get a good offspring and healthy. For this reason, it should be prevented from marriage among married couples who are still under age and of course this is appropriate and in line with the rules of Islamic law through the theory of prevention / preventif; sadd az-zari'ah against the marriage age limit.

Pof. Dr. H. Nawir Yuslem. "Married Adjustments Below On Java And Melayu Community In District Deli Serdang (Analysis Of Law No. 1 Year 1974 And Compilation Of Islamic Law)." International Journal of Humanities and Social Science Invention(IJHSSI), vol. 6, no. 10, 2017, pp. 27–36.