

Martuppak Tradition in The Marriage of Mandailing Tribe in Pasaman District from The Perspective of Islamic Law

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Abstract. *This research is motivated by the Mandailing tribe in Pasaman Regency considers that the practice of the Martuppak tradition is a form of debt and credit that is carried out when they want to hold a marriage. Then in the practice of the Martuppak tradition there is an obligation for someone to pay back the money that has been given. This is the cause and effect of the Martuppak tradition practice system, there is a reciprocal relationship between the giver of tuppak money and the recipient of tuppak money. Martuppak is giving some money to someone or to the suhut and then must be returned based on the amount given with an additional amount of at most 10% and at least 1% (sincerely). Therefore, researchers are interested in researching the problem, as for the formulation of the problem in this study is first, how is the implementation of the Martuppak tradition at the Mandailing tribe community marriage in Pasaman Regency. Second, what are the views of religious leaders, traditional leaders and the people of Pasaman Regency about the Martuppak tradition, third, how is the legal analysis of the Martuppak tradition at the Mandailing tribe community marriage in Pasaman Regency in the perspective of Islamic law? The aims of this research is to find out how the implementation of the Martuppak tradition at the Mandailing tribe community marriage in Pasaman Regency. To find out how religious leaders, traditional leaders and the people of Pasaman Regency view the Martuppak tradition and to find out the legal analysis of the Martuppak tradition at the Mandailing tribe's marriage in Pasaman Regency in the perspective of Islamic law. The method used is field research using interview techniques, then the data is analyzed using qualitative descriptive analysis methods. From the results of the analysis that the author conducted on the data, it can be concluded that every debt and credit that contains benefits is usury, and everything that contains usury is forbidden. Therefore, the Martuppak tradition practiced by the Mandailing tribe in Pasaman Regency is included in debts and credits that contain benefits and the tradition is a fasid tradition.*

Keywords: *Islamic; Tradition; Martuppak Mandailing; Tribe.*

1. Introduction

Each ethnic group has its own unique culture and set of traditions or customs, and Indonesia is also affected by various customs and traditions. The nation of Indonesia consists of several islands that are home to many tribes and nations. To create culture and tradition, the state of society and the surrounding environment play a significant influence in the process of idea generation.¹ Tradition is an old custom that has become ingrained in the life of a particular group of people, nation, culture, era or religion.²

One of the Indonesian ethnic groups is the Mandailing tribe who live in Padang Gelugur District, Pasaman Regency. The Mandailing community has unique marriage customs because it is a group that adheres to Islam and is a separate tribe from surrounding tribes such as the Minang tribe.

Latin defines tradition as something that is repeated or ingrained. A simple definition of tradition: An action that has been practiced for a long time and has become ingrained in a way of life. The most fundamental aspect of tradition is the knowledge that is passed down orally and in writing from generation to generation, as without this, a tradition risks extinction.

Tradition is also the soul of a civilization because without tradition, a culture cannot survive and endure. Interactions between individuals and society may be harmonious or calm thanks to tradition. Cultural systems will be robust if traditions are maintained, but if traditions are lost, it is possible that a culture will die at that point. However, religion also actively contributes to the prevailing cultural ideals, allowing it to coexist or even be accommodated with the cultural values it upholds.³

The definition given above indicates that tradition is a practice that is repeated by a person or group. However, when viewed from an Islamic perspective, tradition is referred to as '*urf*', which in human terms is a situation that has been established, accepted by good morals, and justified by reason. According to this definition, no word or behavior that is rarely used or that has not been adopted by a group of people can be called '*urf*'. Similarly, behaviors that have developed into habits but stem from lust, such as drinking alcohol and engaging in promiscuous sex and become group traditions, cannot be classified as '*urf*'. In other words, '*urf*' is not a custom that deviates from convention and law.

¹ Sri, (2018), *Ritual Tradisi Nampa Tahun Dalam Persepektif Islam Studi Di Desa Mulang Maya Kec. Kotabumi Selatan Lampung Utara*, Skripsi: Fakultas Usuluddin Universitas Islam Negeri Raden Intan Lampung, p. 3.

² Afiq Budiawan, (2021), Tinjauan Al '*urf*' Dalam Prosesi Pernikahan Adat Melayu Riau, *Jurnal An-Nahl* Vol. 8, No. 2, p. 115.

³ Mahfudlah Fajrie, (2016), *Budaya Masyarakat Pesisir Wedung Jawa Tengah Melihat Gaya Komunikasi Dan Tradisi Pesisiran*, Wonosobo: CV. Mangku Bumi Media, p.23.

Abdul Wahab Khallaf defines *'urf* as everything that is known and tolerated by the community and practiced continuously, whether in the form of words, actions, or leaving something forbidden. Meanwhile, *Wahbah al-Zuhaily* defines *'urf* as everything that develops into a habit and is known by many individuals, both in the form of behavior that arises between them and in pronunciation that conveys a different meaning from what is said.⁴ *Al'urf al'amaliy*, or actual habits, and *al'urf al'qauliy*, or verbal habits, both fall under this definition.

Al-'Urf can be divided into two different categories based on its form, the first of which is *Al-'Urf 'Amali*, the custom of the people relating to past or present actions. For example, although contrary to basic law, it is common practice for people to buy and sell *ta'athi* without first obtaining clear and unequivocal consent. Secondly, *Al-'Urf Qauli*, which is an expression that people often use. As an illustration, the word *al-walad* which translates to *al-zakr* (male), does not include women (*untsa*). Another illustration is the word *lahm* which refers to meat, but does not include fish meat, but also meat. For example, fish is excluded if a person says he does not want to consume meat. He eats fish even though he swore not to eat meat because, in the eyes of *al-'urf qauli*, the mention of cows and fish refers to two separate things.

While the validity of *al-'urf* is divided into two parts by the scholars, namely: First, *Al-'Urf* is *shahih*, or something that is widely accepted by the community, does not contradict the claims of sharia, does not legalize what is prohibited, and does not cancel the obligation. Other examples that are not uncommon or considered good are the customs of the community regarding *istishna'* (inden), prioritizing or delaying the dowry in marriage, not socializing before the wife receives the dowry, and treating a man's gift of jewelry or clothing as a gift during the engagement period rather than a dowry or dowry. Secondly, *Al-'Urf* that is *fasid* and contradicts Islamic law or supports actions that are prohibited by Allah SWT and His Messenger, negates what is obligatory and is something that is known to the general public. Similar to the routine of people who often do evil deeds, such as the tendency to eat *usury* profits, make transactions that contain aspects of gambling, make various kinds of offerings, and so on. Everything that is prohibited by law or *shara'* is technically considered a haram habit.⁵

Naturally, as an indigenous community, the people of Sukamulia Village have various traditions that have developed into routines and habits in the fields of marriage, art and religion. The *Martuppak* event is one of the events in the premarital procession. This ritual has been carried out for a long time and has

⁴ Sunan Autad Sarjana, Imam Kamaluddin Suratman, (2017), Konsep 'Urf Dalam Penetapan Hukum Islam, *Tsaqafah Jurnal Peradaban Islam* Vol. 13, No. 2, 279-296, p. 282.

⁵ Winarno, (2020), Penerapan Konsep Al-'Urf Dalam Pelaksanaan Ta'ziyah, *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam*, Vol. 6, No. 2, p. 188-189.

been ingrained in the local culture; this can be seen in every wedding *walimah* that is carried out inseparable from the practice of the *Martuppak* tradition.

Martuppak is simply translated as paying a certain amount of money to the person who is getting married. However, in a broader sense, *Martuppak* is the giving of a certain amount of money to someone who is about to get married, not just for free or as a gift; in other words, it is the same as lending, with the law of returning it being obligatory for the person who gave it, provided that the person is getting married specifically for a son and not for a daughter and the marriage takes place. However, a daughter may be accepted if one does not have a son.

The *Martuppak* tradition has changed over time, so that some argue that *Martuppak* is a collection of customs in *walimah*, such as *walimah* for circumcision or marriage, and some even hold *walimah* for thanksgiving in which there is a custom to pay a certain amount of money to the temple expert whose type of contract is a written contract. The giving of money, which can be done by giving it to the wali nikah committee on condition that the *walimah* committee calculates the amount of money and then records it in the party book, is the written contract discussed here. It is only at the time of the *walimah* wedding that the local community gives the money.

The community views the practice of *Martuppak* as a form of debt incurred at *walimah* as a result of donating money. Then, as part of the *Martuppak* tradition, one is required to return any money given. The giver and receiver of money, or the organizer of the *walimah* and have a reciprocal relationship, this is the cause and effect of the *Martuppak* tradition system. Debt and debt can no longer be avoided because of the amount of capital that must be prepared by the *walimah* organizer, so the *Martuppak* tradition is one of the community's answers. In fact, some of the people who received the money have done a *Martuppak walimah* wedding. However, the giver of the money will also organize a *walimah*, which obliges the recipient to pay both the amount given and the additional amount. Therefore, the amount of money contributed to the *walimah* ceremony that is held at that time and exceeds the initial amount is considered a payment calculation.

2. Research Methods

Research methodology is one of the most important factors in conducting a research, because basically the research method is a scientific way to obtain data with specific purposes and uses. The research method is an attempt to discover, develop, and test the truth of knowledge in scientific ways. Therefore, the method used in a study must be appropriate. The method used is field research using interview techniques, then the data is analyzed using qualitative descriptive analysis methods.

3. Result and Discussion

3.1 Implementation of the *Martuppak* Tradition in Mandailing Tribe Community Marriages in Pasaman Regency

1. *Martuppak* Tradition Process

In living a daily life, of course, there are many needs that must be met with increasingly difficult economic conditions, the people of Nagari Padang Gelugur carry out a tradition for the need to carry out a marriage ceremony. *Islamic Sharia* views life as a unity and cannot be separated, therefore *Islamic Sharia* views a person's life as an inseparable part of community life, where one individual needs another individual.

Therefore, a customary practice that applies in the middle of society that grows and develops into customs until now is still maintained and maintained by the community in the form of local wisdom of an area. This custom is then present and develops in a community unit as a mixture of a community and territorial order, for example in Mandailing tribal culture, namely the *Martuppak* tradition.

Martuppak is a series of traditions in a *walimah* because of marriage in which there is a practice of giving a certain amount of money to the bait expert where the type of contract is a written contract. The written contract referred to here is the giving of money that can be done by giving it to the marriage *tuppak* committee provided that the *tuppak* committee calculates the amount of money and then records it in the *tuppak partahian* book. The local community will only pay the money at the wedding *walimah* held by the giver of the money.⁶

The community considers that this *Martuppak* practice is a form of debt and credit carried out at *walimah* because of the provision of money. Then in the practice of *Martuppak* there is an obligation for someone to pay back the money that has been given. This is the cause and effect of the *Martuppak* practice system, there is a reciprocal relationship between the giver of money and the recipient of money or the executor of the *walimah*. With the amount of capital that must be prepared by the *walimah* organizer, debt and credit are inevitable, so the *Martuppak* tradition is one of the solutions carried out by the community. Although at this time there is a lot of distrust between fellow communities. In practice, some people who receive money have held a wedding *walimah* in which there is a *Martuppak* practice. However, the giver of money will also hold a *walimah*, so the recipient of the money will pay the amount given plus an additional amount. So the calculation of the payment is seen from

⁶ Marasehat Ritonga, Traditional Leader of Sukamulya Village, interview in Pasaman, January 30, 2024.

how much money is given at the *walimah* event held at that time and is exceeded from the original amount, the amount given starts from 1% to 10.⁷

The time of the *Martuppak* process will be carried out a few days before the wedding or *walimah* is held, which usually takes one night and the tolerance time is up to three days in the future. Before the *Martuppak* is held, it has been notified to relatives and close family, then announced at the mosque as information to the local community and spread *tuppak* invitations to families and close relatives who are outside the village or village of Nagari Padang Gelugur. The *Martuppak* tradition will be carried out after relatives, relatives and the community have gathered at the home of the *Martuppak* event maker, *tuppak* money will be collected in the evening after the *isya* prayer until it is finished which is guided by a *tuppak* chairman with several members or *tuppak* committee. *Martuppak* has become a hereditary custom in the midst of the Mandailing tribe in Nagari Padang Gelugur which is carried out at the time of marriage or *walimah* only, while on other days this practice is not held and cannot be implemented because this *Martuppak* custom exists for *walimah* events only.

The general provisions of the *Martuppak* practice process are that invited guests will attend based on invitations that are delivered directly (*requested*) or given a special invitation by the *tuppak* organizer. The process of giving *tuppak* money begins with the arrival of families and invited guests to the *tuppak* event. Furthermore, invited guests will be called one by one to hand over *tuppak* money to the committee so that it is recorded in the *tuppak* recording book (*book godang Martuppak*). In handing over the *Martuppak* money to the committee, the *tuppak* will be called in the order of the immediate family starting from *kahanggi*, *anak boru*, *mora*, *mora nimora* and *pisang raut*, then followed by local community members and the last is invited guests from outside the village. After the end of the *Martuppak* tradition, the committee will announce to the people who attended the amount of *tuppak* money that has been collected and serve several kinds of drinks such as sweet tea, coffee and milk, food and cigarettes as a sign of gratitude to the people who attended the *Martuppak* process.

Giving *tuppak* money in the *Martuppak* event is referred to by the community as debt and is obliged to return it, the *Martuppak* tradition is still being carried out and practiced by the people of Nagari Padang Gelugur. As for the example in Sukamulya Village, Padang Gelugur Nagari with Hj. Nur Hafni Nasution's mother holding her son's wedding *walimah* then inviting Mr. Muslim Pohan to come to the event then Muslim Pohan came with a sum of money of IDR.1,000,000, - which was to be given to Hj. Nur Hafni Nasution's mother, then over time Hj. Nur

⁷ Bosur Nasution, Traditional Leader of Sukamulya Village, interview in Pasaman, January 30, 2024.

Hafni Nasution again held a wedding *walimah* for his second child and again invited Mr. Muslim Pohan, after which Mr. Muslim Pohan came to the event with IDR.300,000, -. So during the *walimah* held by Mrs. Hj. Nur Hafni Nasution, she received IDR.1,300,000 from Mr. Muslim Pohan, namely the first *walimah* of IDR.1,000,000, - and the second *walimah* of IDR. 300,000, - Based on this, a reciprocal relationship arose, namely Mr. Muslim Pohan held a *walimah* for the marriage of his first child and then invited Mrs. Hj. Nur Hafni Nasution, then with the invitation came with IDR.1,500,000..500,000, - whereas the money given by Mr. Muslim Pohan to Mrs. Hj. Nur Hafni Nasution is IDR.1,300,000, - which is the calculation of all the money given by Mr. Muslim Pohan to Mrs. Hj. Nur Hafni Nasution during the first and second *walimahs* he held. So in this *Martuppak* tradition, the money that must be returned is in accordance with the money given at the time of the *walimah* and the additions according to our wishes, as announced when the *Martuppak* event was held and as a sign of gratitude.⁸

In the practice of *Martuppak*, the community only uses the term debt and credit, but the provisions for debt and credit are in the customary provisions based on kin (*sa anak sa boru*), poverty (*parsuadaan*) and helping (*rap marsitoguan*) or the principle of ta'awun. This means that debts and credits under customary law must have an obligation to pay. Then the debt also results in the right of the invited guest to collect it. Although this *Martuppak* practice is within customary provisions, there are customary sanctions applied if the money paid is not returned. The initial sanction is a warning and the final sanction is expulsion from *Martuppak* members.

Based on research conducted in Nagari Padang Gelugur, Pasaman Regency, the practice of *Martuppak* is included in debt and credit in customary provisions. Debt and credit in this case is the same as the provisions of debt and credit in Islam which are carried until death, then there is an obligation to pay. Even the giver of *tuppak* money has the right to collect it. This is concluded by looking at the implementation in the community which termed the practice of *Martuppak* with debt and credit with customary provisions. Debt and credit in customary provisions in Nagari Padang Gelugur is an agreement in the *Martuppak* debt and credit transaction which is carried out simply with the obligation to pay the debt. The implementation of this customary debt and credit is carried out only based on customary habits that occur among the community.

2. Reasons why people do *Martuppak*

Every action or action of a person has its own reasons, as well as the Mandailing tribe community living in Nagari Padang Gelugur who carry out a tradition known as *Martuppak*. Based on research conducted by the author in Nagari Padang Gelugur, the reason why people practice *Martuppak* is because there are still

⁸ Nur Hafni Nasution, Community Member of Padang Gelugur Subdistrict, interview in Pasaman, February 04, 2024

customs in a wedding ceremony or wedding *walimah*, this proves that the Mandailing tribe still maintains the values contained in the practice of the *Martuppak tradition*. By practicing the *Martuppak* tradition, the Mandailing tribe community does not forget the legacy of previous people and traditions which is an obligation to preserve and cultivate it, so that future descendants still do the same thing as their parents.

Furthermore, the local community considers that customs are a unifier for the community, especially the Mandailing tribe living in Nagari Padang Gelugur. In the implementation of traditional marriages which generally spend a long time and preparation can strengthen the bond of brotherhood among the Mandailing tribe community. This proves that the strong sense of kinship that exists between fellow communities. In addition, the selfless nature of mutual cooperation will remain firmly held. The continuation of the implementation of this *Martuppak* practice aims to preserve the cultural heritage of the ancestors so that it does not disappear by the times. Because along with the times culture can fade and change if it is not maintained its authenticity. Preserving customs is mandatory for Mandailing people even though they live in modern times. Traditional marriage shows the greatness of the position of the Mandailing indigenous people in the surrounding environment. No matter how simple a traditional event is, we as indigenous people must continue to ~~and~~ carry it out so that these customs are maintained and we as a society are not considered uncivilized.

By doing this *Martuppak* practice in *walimah*, the sense of kinship between fellow communities increases because in the *Martuppak* practice there is the principle of kin (*sa anak sa boru*), poverty (*parsuadaan*) and helping (*rap marsitoguan*) or the nature of *ta'awun*. An activity of mutual assistance is certainly without expecting strings attached, because in *ta'awun* it is not a question of who is helped and who helps and does not see the rank, degree or wealth of a person.

3. Bookkeeping Contents of *Parsatahian Tuppak*

The tuppak parsatahian book is a bookkeeping of the *Martuppak* tradition which contains the names of people who participate or participate in the practice of *the Martuppak* tradition and is a record of the amount of *tuppak* money given to the *luhut* (the person who held the *Martuppak*) collected by the *tuppak* committee. In terms of the practice of the *Martuppak tradition* in Sukamulya Village, Padang Gelugur Nagari, Padang Gelugur District, Pasaman Regency, the one who manages it is the *tuppak* committee chaired by Muslim Pohan and four members, namely: Rudi Hartono Siregar, Sapiruddin Siregar, Salabi Harahap and Irfan Tanjung. The function and use of this *tuppak parsatahian* bookkeeping is as evidence if something goes wrong in the future and that it has handed over *tuppak* money to *luhut* (the person who held the *Martuppak*).

Table 1. Bookkeeping of *Parsatahian Tuppak*

Relatives	Local Community Residents	Invited Guests
<i>Kahanggi</i>		
<i>Anak Boru</i>		
<i>Mora</i>		
<i>Mora Nimora</i>		
<i>Banana Raut</i>		

Description of kinship terms (*partuturan nalima*) of the Mandailing tribe:

- Kahanggi* is the biological brother and son of an uncle.
- Anak Boru* is the husband of a sister and the husband of an uncle's daughter.
- Mora* is the wife's mother's and father-in-law's brother (*tulang* or *mamak*).
- Mora Nimora* is the father-in-law of the mother's brother (*tulang nitulang*).
- Pisang Raut* is the husband of the niece of the sister's son.⁹

That is the explanation of the terms of the *partuturan nalima* (five kinships) of the Mandailing tribe living in Pasaman, this term is usually used in traditional puDRoses such as when holding a wedding ceremony, then these terms will be used starting from the *partuturan kahanggi, anak boru, mora, mora nimora and banana raut*.

3.2 The Views of Religious Leaders, Traditional Leaders and the People of Pasaman Regency on the *Martuppak* Tradition

1. Religious Leaders' Views on the *Martuppak* Tradition

As with the background of the problem in this study about the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency. Therefore, the author will describe, answer and write the results of interviews in the field on February 7-8, 2024 with several religious leaders, how they view the *Martuppak* tradition in the perspective of Islamic law. Some of the religious leaders that the author interviewed include:

First, with Ustadz Ahmad Yani Siregar, M.Pd as a religious leader in Sukamulya Village Jorong Sentosa Nagari Padang Gelugur, Padang Gelugur District, based on the results of interviews with him on February 7, 2024 explained that the practice of the *Martuppak* tradition practiced by Mandailing tribe people in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency when viewed in the perspective of Islamic law. Initially he explained that *Martuppak* was a custom of a community that was passed down from generation to generation based on helping each other. But when viewed from Islamic law,

⁹ Marasehat Ritonga, Traditional Leader of Sukamulya Village, interview in Pasaman, January 30, 2024.

the *Martuppak* tradition is good if it is in accordance with its implementation and there are no elements with things prohibited by Islamic law, but unfortunately this tradition has something wrong in the return process. He explained that if the return is added to the amount of the principal amount then it falls into usury, because the *Martuppak* tradition is included in debt and any debt and credit that contains benefits then the law is usury. As Allah's word in surah Ar-Rum verse 39 means: *and whatever Riba (extra) you give so that He increases in people's wealth, then that Riba does not increase in the side of Allah. and what you give in the form of zakat that you intend to achieve the pleasure of Allah, then (who do so) are those who multiply (their reward)*. However, if the *Martuppak* process is not preceded by an announcement by the *tuppak* committee that there should be an addition to the principal amount, then the law is permissible.¹⁰

Second, with Ustadz Muzakkir Dalimunte as a religious leader in Bangun Sejati Village, Nagari Panti, Panti District, Pasaman Regency, based on the results of an interview with him on February 7, 2024, explained that the practice of the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency when viewed from the perspective of Islamic law. Ustadz Muzakkir Dalimunte said that the principle of *Martuppak* is competing in kindness in terms of helping to provide financing for marriage.

As Allah's word in surah Al-Maidah verse 2 means: "And help you in (doing) virtue and piety, and do not help in sin and transgression. And fear Allah, surely Allah is very severe in His punishment." This verse on helping each other gives a very clear message that help should be shown in the areas of goodness and piety. And conversely, do not help in bad things such as sin and disobedience. Therefore, a Muslim should know very well that the purpose of helping must lead to the value of goodness, not badness.

The practice of *Martuppak* that occurs in the villages of our people (*halak hita*) Mandailing Panti District Pasaman Regency carried out by the community includes debt and credit in the provisions of Islamic law. Furthermore, in the practice of *Martuppak* there is something unfortunate, namely that there are elements that are contrary to Islamic teachings, namely including debt and credit and every debt and credit that contains benefits, the law is usury.¹¹

From the explanation and explanation of the results of interviews with religious leaders above, it can be concluded that the *Martuppak* tradition practiced by Mandailing tribe communities in Pasaman Regency is included in debts and

¹⁰ Ahmad Yani Siregar, M.Pd, Religious Leader of Padang Gelugur Subdistrict, interview in Padang Gelugur Subdistrict, Pasaman Regency, February 05, 2024.

¹¹ H. Muzakkir Dalimunte, Religious Leader of Panti Sub-district, interview in Panti Sub-district, Pasaman Regency, February 5, 2024.

credits that contain benefits and every debt and credit that contains benefits is usury.

2. Traditional Leaders' Views on the *Martuppak* Tradition

With the background of the problems in this study about the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency and to answer the formulation of this research problem. Therefore, the author will describe, answer and write the results of field interviews starting on February 30, 2024 with several traditional leaders, how they view the *Martuppak* tradition in the aspect of customary law. Some of the traditional leaders that the author interviewed include:

First, with Harajaon named Marasehat Ritonga as a traditional leader in Sukamulya village, based on the results of interviews with him on February 30, 2024 explained that the practice of the *Martuppak* tradition practiced by Mandailing tribe people in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency when viewed from the point of view of customary law that the implementation of *Martuppak* in Padang Gelugur District, especially in Sukamulya Village and several other villages is still being implemented and maintained. *Martuppak* is a tradition in this *huta nitaon* (our village). With this *Martuppak* tradition, it can create an atmosphere of mutual help between one another. This activity can foster bonds of brotherhood among Mandailing tribes in social life. In this activity there is deliberation together by the community, *hatobangon line*, *harajaon rap suhut dihuta* (community institutions) starting from *kahanggi*, *anak boru*, *mora* and *mora nimora* (close family).

The existence of *Martuppak* is caused by someone who will pick up the bride (*mambuat boru*) or the woman who will be picked up by the man (*marbagas*), so a *martahi* event is held. This *martahi* event will be attended by all community institutions whose agenda is to discuss *mangalap boru* (picking up the bride) or vice versa. Usually only the *kahanggi* and *anak boru* are present.

Based on the information from the traditional leader informant above, the implementation of *Martuppak* is carried out with the following rules. All elements of the closest family will hold small deliberations only for small families such as fathers, mothers, and children, this meeting is called *pokat sabagas* (one house deliberation). This meeting is called a *pokat sabagas* (one-house meeting). This meeting will discuss who the *hatobangan* and the elements that will be invited are, then the invitation is extended to the entire community by announcing it in the mosque. When the day arrives, all the people who have the opportunity to attend will gather at the house of the *suhut* (party owner). The next event is to speak to the *suhut* who is invited by the head of the *tuppak* to convey what the celebration is why invited. Finally, the *suhut* will convey all the

aims and objectives, including talking about his son who will hold a wedding, therefore all attendees can provide assistance both materially (giving money donations) and non-material (energy, thoughts) to make the intended event a success. This event will usually be attended by harajaon, hatobangon, religious scholars, village officials, in order to give legitimacy to the celebration and provide reinforcement in the *Martuppak* event. This is a summary of the implementation of *Martuppak* which is still being carried out in Nagari Padang Gelugur.¹²

Second, with Harajaon named Salabi Harahap as a traditional leader in Sukamulya village, based on the results of interviews with him on Monday, February 5, 2024, explaining that the practice of the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency when viewed in terms of customary law, he explained that the *Martuppak* tradition is an activity commonly carried out by the local community which has been carried out for generations when someone wants to hold a marriage ceremony. The *Martuppak* tradition has three principles so that this custom runs and lasts until now, the first principle is the principle of *saanak saboru* (both consider that other people's children are our children too), the second is the principle of *parsuadaan* (inability in economic terms) and the third is the principle of *help marsitolongan* (mutual help). In this *Martuppak* tradition will take place with the direction of the *tuppak* chairman and his members.¹³

From some of the explanations and explanations of the results of the interviews above, it can be concluded that the *Martuppak* tradition in Padang Gelugur District until now continues to run well in accordance with the traditions carried out by previous traditional leaders. *Martuppak* tradition exists to help or help, ease the burden and difficulties of fellow community members, this *Martuppak* tradition is caused by *parsuadaan* (inability) in terms of marriage financing that the groom cannot afford.

3. People's Views on the *Martuppak* Tradition

To answer the formulation of the problem of this research, as with the background of the problem of the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency. Therefore, the author will describe, answer and write the results of field interviews starting on January 29 to January 31, 2024 with several community members, how they view the *Martuppak* tradition. Some of the community members that the author interviewed include:

¹² Marasehat Ritonga, Traditional Leader of Sukamulya Village, interview in Pasaman, January 30, 2024.

¹³ Salabi Harahap, Traditional Leader of Sukamulya Village, interview in Pasaman, January 5, 2024.

First, with Mrs. Hj. Nur Hafni Nasution as a community member in Pasar Tapus, based on the results of interviews with him on January 31, 2024 explained that the practice of the *Martuppak* tradition practiced by the Mandailing tribe in Nagari Padang Gelugur Jorong Sentosa, Padang Gelugur District, Pasaman Regency. He said that the *Martuppak* tradition is giving a certain amount of money to someone or *suhut* and then must be returned based on the amount given with an additional amount that is not determined. The process will be guided by the head of the *tuppak* at night until it is finished where the results of the *tuppak* will be recorded in the *tuppak* book along with the people who paid the *tuppak* as a sign and proof. The social impact of the *Martuppak* tradition is to strengthen friendship and brotherhood, while the impact of the economy is to fulfill and help with the cost of the marriage of the *suhut*.¹⁴

Second, with Mrs. Anni Lubis as a community member in Pasar Tapus based on the results of an interview with her on January 30, 2024 explained that the practice of the *Martuppak* tradition practiced by the Mandailing tribe in Pasaman Regency. He said that the *Martuppak* tradition is to clear other people when they want to hold a marriage ceremony (*mangalap boru* and *marbagas*). The process will be guided by the head of the *tuppak* at night until it is finished where the results of the *tuppak* will be recorded in the *tuppak* book along with the people who pay the *tuppak* as a sign and proof. The social impact of the *Martuppak* tradition is to strengthen friendship and brotherhood, while the impact of the economy is to fulfill and help the marriage costs of the *suhut* who are unable to afford the costs.¹⁵

From the author's explanation above from the views of religious leaders, traditional leaders and the community, the law of the *Martuppak tradition* and the process of the *Martuppak* tradition can be concluded that every debt and credit that contains benefits is usury, and everything that contains usury is haram. Therefore, the *Martuppak* tradition practiced by the Mandailing tribe in Pasaman Regency is included in debts and credits that contain benefits. Therefore, when viewed from the theoretical basis that the author uses in this study, the *Martuppak tradition* that applies in the middle of the Mandailing tribe in Pasaman Regency is a wrong tradition or *al 'urf al fasid*. Because *al 'urf al fasid* is something that is known to the community, but contradicts *Shara'* or legalizes what has been forbidden by Allah SWT and His Messenger. In terms of implementing the practice of *Martuppak* tradition, do not prioritize the principle of ta'awun rather than Islamic law, the principle of ta'awun should be used in things that do not violate the principles of Islamic law itself. To change from a *fasid* tradition to a *shahih* tradition is to change the system of practice of *the*

¹⁴ Nur Hafni Nasution, Community Member of Padang Gelugur Sub-district, interview in Pasaman, February 04, 2024.

¹⁵ Anni Lubis, Community Member of Padang Gelugur Subdistrict, interview in Pasaman, January 30, 2024.

Martuppak tradition itself, namely by removing or eliminating the rules that require the return of *tuppak* money with a minimum addition of 1% to a maximum addition of 10%.

3.3 Legal Analysis of the *Martuppak* Tradition in Mandailing Tribe Community Marriages in Pasaman Regency in the Perspective of Islamic Law

Therefore, the *Martuppak* tradition carried out by the community in Padang Gelugur Subdistrict cannot be separated from muamalah because the *Martuppak* tradition contains a *qard* (debt-debt) contract that is realized by the community in Padang Gelugur Subdistrict. Therefore, from the case that the researchers mentioned in the previous chapter, there is a problem, where the *Martuppak* practice violates the rules of applicable Islamic law, namely debt and credit that contains benefits. And every debt and credit that contains benefits is usury.

Allah says in Surah Ali Imran verse 130 which means "O you who believe, do not eat usury with double and fear Allah so that you may have good fortune." And it has been explained by scholars from the traditions of the Prophet Muhammad such as Ibn Hajar said in talkhish al Habir Hadith:

ان النبي صلى الله عليه وسلم نهى عن قرض جر منفعة

The Prophet Muhammad (peace and blessings of Allaah be upon him) forbade debts and credits that generate benefits.

In another narration:

كل قرض جر منفعة

Any debt or credit that yields a benefit is riba.

Narrated by al-Bayhaqi in ma'rifah from Fadhalah ibn Ubayd in mauquf with the following words:

كل قرض جر منفعة فهو وجه من وجوه الربا

Any debt or credit that results in a benefit is a form of riba.¹⁶

Imam Abu Ishaq Ash-Shirazi in Kitab Al *Tanbih fi fiqih shafi'i*:

ويجوز أن يشترط فيه الرهن والضمين ولا يجوز شرط الأجل فيه ولا شرط جر منفعة

Meaning: *In borrowing and lending, it is permissible to stipulate conditions of guarantee and guarantor, and it is not permissible to stipulate conditions of delay, and it is not permissible to stipulate conditions of benefit.*¹⁷

¹⁶ Abdul Qadir Syaibah, (2007), *Syarah Bulughul Maram*, Jakarta: Darul Haq, p. 267-268.

In al Mughni Ibn Qudamah quoted from Ibn Mundzir (may Allah have mercy on him):

أجمعوا على أنّ المسلّف إذا شرط على المستسلف زيادة أهديةً، فأسلف على ذلك، أنّ زيادةً على ذلك ربا

Meaning: "The scholars are unanimously agreed that if the lender requires the borrower to give something extra or a gift, and he gives the loan on that condition, then taking the extra is riba." ¹⁸

And in debt and credit even with the consent of both parties, but in accordance with the opinion of Imam Abi Ishaq Ash-Shirazi in the book *Al Tanbih fi Fiqh Shafi*:

ويجوز أن يشترط فيه الرهن والضمين ولا يجوز شرط أجل فيه ولا شرط جر منفعة

Meaning: *In borrowing and lending, it is permissible to impose conditions of guarantee and guarantor, and it is not permissible to impose conditions of delay, and it is not permissible to impose conditions of benefit.* ¹⁹

From the explanation above, starting from the Qur'an, the Prophet's hadith to the explanation of the scholars, it states that every debt and credit that contains benefits is usury, and everything that contains usury is forbidden. Therefore, the *Martuppak* tradition practiced by the Mandailing tribe in Pasaman Regency is included in debts and credits that contain benefits. Therefore, when viewed from the theoretical basis that the author uses in this study, the *Martuppak* tradition that applies in the middle of the Mandailing tribe in Pasaman Regency is a wrong tradition or *al 'urf al fasid*. Because *al 'urf al fasid* is something that is known to the community, but is contrary to *shara'* or legalizes what has been forbidden by Allah SWT and His Messenger and cancels the obligatory. Such as the customs of the people of many vices in associations, their habit of eating the proceeds of *usury*, transactions that contain elements of gambling, performing various forms of offerings and so on. Strictly speaking, the prohibited customs are those for which there is a ruling or *shara'* that prohibits them.

4. Conclusion

Based on the research conducted by the author and based on the description in the previous chapters, in this concluding chapter the author concludes that the implementation of the *Martuppak* tradition practice is a series of traditions in a *walimah* in the middle of the Mandailing tribe community due to marriage which in the event there is a practice of giving a sum of money to the *suhut* (bait expert) where the type of contract is a written debt and credit contract. The

¹⁷ Abi Ishaq Ash-Shirazi, (1992), *Al-Muhadzdzab Kunci Fiqih Syafi'i*, juz-2 Semarang: CV Ash Shfa, p. 304. 304.

¹⁸ Ibn Qudamah, *Al Mughni*, juz 6, p. 436.

¹⁹ Abi Ishaq Ash-Shirazi, *Al Tanbih fi Fiqh Shafi'i*, p. 99

written debt and credit contract referred to here is the provision of money that can be done by giving it to the marriage tuppak committee provided that the tuppak committee calculates the amount of money and then records it in the *tuppak partahian* book. As for the legal analysis of the practice of the *Martuppak* tradition, that every debt and credit that contains benefits is usury, and everything that contains usury is forbidden. Therefore, the *Martuppak* tradition practiced by the Mandailing tribe in Pasaman Regency is included in debts and credits that contain benefits. Therefore, when viewed from the theoretical basis that the author uses in this study, the *Martuppak tradition* that applies in the middle of the Mandailing tribe in Pasaman Regency is a wrong tradition or *al 'urf al fasid*. Because *al 'urf al fasid* is something that is known to the community, but contradicts *Shara'* or legalizes what has been forbidden by Allah SWT and His Messenger.

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