



# ***Kelakat* and Cultural Identity in Marriage Rituals: A *Maqasid Al-Shari'ah* Approach in Loloan Timur Muslim Traditions**

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## **Abstract**

This study aims to examine and analyze the phenomenon of the *Kelakat* tradition, which is still controversial because some parties prohibit it because it is contrary to Sharia and has implications for shirk. *Kelakat* is a tradition in marriage that is often carried out by the majority of the East Loloan village community. It is passed down from generation to generation and is believed to eliminate bad luck, and if the



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ritual is not carried out, it can cause problems for the bride and groom. This research uses a qualitative method with a case study approach in East Loloan village, the theory used with *Maqasid Al-Shari'ah* Jasser Auda. The result of this research is that the *Kelakat* tradition has become a habit that has been attached to the East Loloan community to make it survive amid Muslim communities in East Loloan village and does not conflict with Sharia law because there has been a revolution in its implementation so that it is under the objectives of Sharia.

**Keywords:**

Kelakat Tradition, Maqashid Al-Shari'ah, Cultural Identity, Islamic Law

**Abstrak:**

Penelitian ini bertujuan untuk mengkaji dan menganalisis fenomena tradisi kelakat yang masih menjadi kontroversi karena ada pihak-pihak yang melarang karena bertentangan dengan syariat dan berimplikasi pada kesyirikan. Kelakat merupakan tradisi dalam pernikahan yang sering dilakukan oleh mayoritas masyarakat desa Loloan Timur yang diwariskan secara turun-temurun dan dipercaya dapat menghilangkan kesialan dan jika ritual tersebut tidak dilaksanakan dapat menimbulkan masalah bagi kedua mempelai. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi kasus di desa Loloan Timur, teori yang digunakan dengan *Maqasid Al-Shari'ah* Jasser Auda. Hasil dari penelitian ini adalah bahwa tradisi kelakat sudah menjadi kebiasaan yang sudah melekat pada masyarakat Loloan Timur sehingga membuatnya tetap bertahan di tengah-tengah masyarakat muslim di desa Loloan Timur dan tidak bertentangan dengan hukum syariah karena telah terjadi revolusi dalam pelaksanaannya sehingga berada di bawah tujuan-tujuan syariah.

**Kata Kunci**

Tradisi Kelakat, Maqashid Al-Syari'ah, Identitas Budaya, Hukum Islam

## **Introduction**

*Kelakat* is one of the marriage traditions in East Loloan Village, Jembrana Regency, Bali. *Kelakat* is a tradition whose core process is to invite ancestors or ancestors to inform them that their relatives will hold a marriage (Admin 2012). This ritual is carried out as a form of respect for their ancestors who died hundreds of years ago (Diputra et al., 2022). Rituals in the *Kelakat* tradition have become a must to be carried out for some people because they believe that if this tradition is not carried out or violated something unwanted will happen (Rizal Fahmi 2024). Generally, this tradition is carried out by people who still have bloodlines with tigers and crocodiles (Usriah 2012).

Implementing the *Kelakat* tradition must use offerings and rituals to summon ancestral spirits. This proves that people's belief in animism cannot be released (Abd. Sattaril Haq 2021). Every region has a tradition carried out at every marriage, and each region has its uniqueness in carrying out a tradition. *Kelakat* is a tradition carried out in a traditional marriage.

In terminology, customary marriage is the customs and behavior of indigenous peoples in conducting marriage ceremonies, which later become favorable unwritten laws that only apply in specific communities and have sanctions in them (Nasrun Jauhari 2019). As a social being, there are five essential aspects in human life: birth, work, sustenance, marriage, and death (M Chairul Basrun Umanailo 2020). One of the perfect basic accesses to socializing in society is through marriage. Every typical human desires to build a house to form a happy and eternal family (household) based on the Almighty God, as stated in Law Number 1 of 1974 Article 1 concerning marriage (BIP Editorial Team 2019).

The procession of the *Kelakat* tradition, which is still related to offerings and rituals that are believed to be able to summon the spirits of noble grandmothers, then became the spotlight for several Muslim leaders and condemned the tradition as absolutely haram (Rizal Fahmi 2024). The ban is absolute without seeing any revolution in the *Kelakat* tradition carried out by the East Loloan community. In Islamic law, especially *muamalah*, most scholars agree that an illat (reason) causes the emergence of law, both haram, obligatory, and other laws (Yuhasnibar 2022). Regarding cultural prohibition, no law or Qur'anic text explicitly discusses customary marriage, but there is a letter that

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discusses customs as stated in the Qur'an Surah Al-Baqarah verse 170. Islam does not question the implementation of customs and traditions in community marriages as long as they do not conflict with the text (Muhammad Mustofa Zuhaili 2006).

The same research is written by Usirah who discusses the *Kelakat* tradition descriptively describing the walking process (Usriah 2012). Then, Ida Ayu Putu's research discusses *Kelakat* from the viewpoint of Hinduism (Sari and Artawan 2021). In addition, Gede Ngurah Okta et al. discuss the ethnomathematics in the *Kelakat* tradition (Diputra et al. 2022).

This research will discuss in detail the implementation of *Kelakat* in East Loloan village and the revolution of the *Kelakat* tradition that occurred. After finding this, then to examine the issue broadly, the researcher uses Jasser Auda's *maqasid al-shari'ah* theory as an analysis knife to create a more humanist law. Jasser Auda's *maqasid al-shari'ah* is classified as a contemporary *maqashid* with a system approach theory in analyzing the law.

The system theory initiated by Jaser Auda has six features that Jasser Auda optimizes as an analytical knife, namely cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness (Jasser Auda 2007). When viewed with the classical theory, a custom considered contrary to Religion will forever be prohibited. In *fiqh*, it is called '*urf fasid* (conflicting customs). Therefore, we need to see how contemporary theory views customs and traditions running in the community and whether they can continue to be preserved or should the tradition be eliminated because it is considered contrary to Islamic law.

## Methods

The type of research used in this study is qualitative, aiming to understand and describe in depth the *Kelakat* tradition in East Loloan village as the object of research. The research subjects in this case are credible informants reference books in Islam, which include the Qur'an, Hadith, and other works relevant to the research theme. There are two approaches in this research. First, a case study is an empirical and in-depth approach to the phenomenon of the *Kelakat* tradition in East Loloan village. Second, the literature study, which is an in-depth

study of Jaser Auda's *maqasid al-shari'ah* theory is then used as an analysis knife in this research. In collecting data, this research uses observation methods to the location, namely East Loloan village, direct interviews with East Loloan people who have carried out the *Kelakat* tradition to obtain valid data and documentation, either in the form of pictures or documents. The data that the above methods have collected is then analyzed using several techniques, namely data reduction (data reduction), data presentation (data display), and conclusion drawing (verification) to determine the results of the study.

## **Result and Discussion**

### ***Maqashid al-Shari'ah: Concept and History***

The understanding circulating about *Maqashid al-Shari'ah* is a linguistic interpretation of the wisdom and purpose of Islamic law. This kind of interpretation appeared in the classical era before finally, in the 20th century the term *Maqasid* became a special discussion (Alias et al. 2019). According to Ibn Ashur, *Maqasid al-Shari'ah* is the meaning and wisdom emitted by the *Shari'ah* in each of its rulings. This does not only apply to certain types of laws, including all the characteristics, general objectives, and meanings of Sharia contained in legal rules, including legal meanings that are not shown in some laws but are contained in other laws (Muhammad Tahir Ibn Ashur 2001).

Abdul Wahab Khallaf states that the *nash shari'ah* will not be understood correctly except by people who know *maqasid al-shari'ah* or the purpose of the law (Ahmad Deski 2022). Wahbah Zuhayli argues that after the era of the formation of the *madhhab* of *fiqh*, there is no longer an absolute/*mustaqil mujtahid*. In every era, there are only *mutajazzi' mujtahids*, namely Islamic law experts, who are competent in exploring the law on some issues or specific areas of law. They use *ushul fiqh* as a guide (Az-Zuhaily 1986). Jamal al-din 'Atiyyah agrees with Zuhayli, but he prioritizes the preparation of specialist *mujtahids* in Sharia or specific fields such as economics, medicine, and others (Muhammad Solikhudin, 2022).

The *maqasid al-shari'ah* methodology has moderate nuances. Jasser Auda defines *maqasid al-shari'ah* methodology as a way of working that arises from human reasoning with a method of thinking that starts from partial towards a holistic or comprehensive direction, also starting from classical reasoning to contemporary rationale, which

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is characterized by development, innovation, and novelty (Akmaludin Sya'bani 2016). The *maqasid al-shari'ah* methodology is a *wasathy manhaj* that tries to take the middle way between two mutually negating methodologies (Qardhawi 2000).

First, *manhaj harfizahiry*, often also called the new *dzahiriyah*, rejects all new things in sociology we know it with the term cultural lag by shrinking the space for thinking about Religion and considering Religion as a religion of text (Fahd al-Ajlan 2011). Second, *manhaj tafkiki tarikhy* (liberal group), often referred to as the new *mu'tazilah*, melts Islamic history by giving birth to new things that are contrary to Islam. They assume Islam is a rational religion independent of the text and can be melted in any culture (Muhammad Al-Khoir Abdul Qadir 1999).

In practice, an idealism must be lowered to transform into wisdom. The theory of *maqasid shari'ah* also experienced a breakthrough when it entered the era of Muhammad Tahir Ibn Ashur, where he had a new view of *maqasid* as an independent science not only as the wisdom of law but also as a basis for creating a law and revision of *ushul fiqh* which was considered irrelevant (Ibn 'Ashur 1988).

**Table 1.** Comparison of Classical *Maqashid* theory to Contemporary *Maqashid* theory

No	Classical <i>Maqashid</i> Theory	Contemporary <i>Maqashid</i> Theory
1.	<i>Hifdz an-Din</i> (preserving Religion)	<i>Hifdz Al-Hurriyyah Al-iqtiqad</i> (Protection of freedom of belief)
2.	<i>Hifdz al-Aql</i> (Protection of Intellect)	The embodiment of scientific thinking or the embodiment of the spirit of seeking knowledge
3.	<i>Hifdz an-Nafs</i> (Protection of the Soul)	<i>Hifdz al-Huquq al-Insan</i> (Protection of human rights)
4.	<i>Hifdz an-Nasl</i> (Protection of Descendants)	<i>Hifdz al-Ussrah</i> (Protection of Family)
5.	<i>Hifdz al-Mal</i> (Protection of Property)	Realization of Social Solidarity

6.	<i>Hifdz al-'Ird</i> (Protection of Honor)	Protection of human dignity/human rights
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### **Contemporary *Maqasid al-Shari'ah*: Jasser Auda's Modern Thought**

The existence of Jasser Auda's *maqasid al-shariah* theory departs from Jasser Auda's anxiety about the classical *ushul fiqh*, which is considered too textual and ignores the purpose of the text. As a contemporary scholar, Jasser Auda initiated a new concept of *maqasid* as a form of revolution from the previous *maqasid* theory using system theory. Applying systems theory as an approach to Islamic law, Jasser Auda formed a set of features: cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness (Auda 2013).

#### 1. *Cognitive Nature*

Cognitive nature is the nature of knowledge that builds the Islamic legal system. This cognitive feature separates revelation and cognition, namely the separation between revelation and *fiqh*. This indicates that *fiqh* has shifted from being recognized as divine knowledge to cognition in human ratio understanding of sacred knowledge. So that humans, with their intellect can distinguish between Sharia and *fiqh* clearly, which in turn impacts the absence of practical *fiqh* opinions claimed as divine knowledge (Jasser Auda 2007).

#### 2. *Wholeness*

Wholeness, or what is called wholeness, this feature says that system theory views every correlation between cause and effect as part of the whole. The wholeness system tries to fix the weakness of classical *ushul fiqh* so far, which uses a reductionist approach and is also atomistic. The atomistic approach only looks at one *nash* in solving a case. This approach ignores other texts related to the case (Jasser Auda 2007).

#### 3. *Openness*

Jasser says that for legal reform, one needs to adopt Ibn Rushd's (Averroes) openness to all philosophical investigations and extend this openness to the theories of *ushul fiqh*. Jasser Auda believes that the Islamic legal system is an open system. According to Islamic law, this principle of transparency is essential. Arguments that say that the door to *ijtihad* is closed, then Islamic law will be static. While *ijtihad* is vital

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for *fiqh*, jurists can develop specific mechanisms and methods to address a new problem. The majority of *fiqh* schools agree that *ijtihad* is necessary for Islamic law, because the text has a specific and limited nature, while events are unlimited (Muhammad Baiquni Syihab, 2023).

Openness has the function of deepening the scope of '*urf*/custom. In the past, '*urf* was meant as an accommodation of customs that differed from Arabic. At that time, the priority was time, place, and region. However, today '*urf* is prioritized on the worldview and scientific insight of the *faqih*. Thus, the impact on Islamic law is reduced literalism and opens up opportunities for the entry of social sciences, culture, and even natural sciences. Openness in Islamic law can also open up self-renewal to other sciences, for example the science of philosophy, which will shape the *faqih* into a competent person (Jasser Auda 2007).

#### 4. *Interrelated Hierarchy*

A system is usually characterized by having a hierarchical structure. A system is formed from smaller sub-sub. A network of interrelationships determines the achievement of a goal and function. Efforts in dividing the whole system into smaller parts include sorting out the differences and similarities of various parts. The smallest part represents the more significant part, and vice versa.

Jasser Auda argues that *maqasid* is a goal confronting one school in *fiqh* and another. That is where the area of convergence between fellow schools of *fiqh* is formed. So, approaching Islamic law through the *maqasid* method is a safe way to avoid being trapped in the *nash* alone or with certain opinions. However, it is guided by general principles that can unite one Muslim with another Muslim so that Muslims are considered to have the ability to solve problems that have been a common challenge. Jasser Auda divides *Maqashid* into three parts: *Maqashid al-Ammah*, *Maqashid al-Khassah*, and *Maqashid Juz'iyah* (Jasser Auda 2015).

#### 5. *Multidimensionality*

A system is not a singular entity but part of something interconnected. A system has a coherent structure within it. Because a system contains pretty complex parts, it has a range of dimensions that are not singular. Islamic law can be analogized to a system. Islamic law is a multidimensional system (Jasser Auda 2007).



Applying the multidimensionality feature to Islamic law will bring up two fundamental concepts in *ushul*, namely *qathi* (certainty) and *al-ta'arud* (contradiction), or even get criticized fundamentally (Jasser Auda 2015).

#### 6. *Purposefulness*

In systems theory, a goal is divided into purpose (*al-ghayah*) and goals (*al-halaf*). Purpose and goals are standard features in systems theory. A system will produce goals if it only produces goals in a constant situation, is mechanistic, and can only produce one goal. At the same time, a system will produce purpose (*al-ghayah*) if it can produce various goals in diverse situations. In this context, *Maqasid al-Shari'ah* is, in the sense of purpose (*al-ghayah*), not monolithic and mechanistic but diverse according to the situation and conditions (Jasser Auda 2007).

### ***Kelakat Tradition and Beliefs of East Loloan Village Community***

*Kelakat*, commonly called *ngelakat*, was previously a Hindu tradition. Medium elders used to expel the supernatural through trance and other disturbances. *Kelakat* is made of rectangular banana stems decorated with white, yellow, black, and red rice (Usriah 2012). The equipment is placed in a cone-shaped banana leaf, plus eggs and tobacco that is rolled (the process of rolling cigarettes manually) to resemble a cigarette. A lamp (oil lamp) is also placed, after which the *Kelakat* is floated to the river. The tradition was then adopted by the Muslim community in Kampung Loloan in the past (Rizal Fahmi 2024).

By changing the memorization of the prayers used. *Kelakat* is currently found is a *Kelakat* that is placed inside the house to ward off evil influences that can interfere with the smooth running of a marriage ceremony. *Kelakat* is a procession of inviting ancestors to inform them that one of their relatives will hold a wedding ceremony (Sari and Artawan 2021).

### ***Kelakat Tradition Procession in East Loloan Village***

Implementing the *Kelakat* Tradition occurs during the *Selamatan* or *Walimah* event on the first day. The ritual is before Maghrib precisely at 18.30 WITA, the most appropriate time when the ancestors come. The ceremony must be carried out before the marriage contract occurs or before the bride and groom meet. The traditional elders of East Loloan usually lead the ritual, or people call it "*Tukang Ngundang*," a

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person who is believed to still have the blood of Haji Usman's descendants.

Several things must be prepared before carrying out the Kelakat ritual, such as seating, *Aci-aci*, and *Santun*. Each piece of equipment has different contents. *Aci-aci* equipment contains white rice, red rice, yellow rice, black rice, betel leaves, *Katul* porridge, water, native chicken eggs, and red and white flags. Each of the contents of the *aci-aci* equipment amounts to one piece, then placed in woven bamboo or banana fronds formed to resemble *nyiru* or *Nampan*.

Furthermore, the *Santun* equipment has fillings such as one shell of brown sugar, rice, two combs of bananas, and two coconuts. The equipment is placed in a *ceper* or basin. The equipment will be equipped with burning *bukhur* (Arabic incense) to summon the ancestral spirits. After all the requirements are met, the Kelakat ritual is carried out in three different places: *aci-aci* in the *pare-pare* while *santun* in the kitchen and bridal room. While putting the *aci-aci* and *santen* equipment, the *Tukang Ngundang* will burn Arabic incense while saying the mantra "*Assalamu'alaikum Warahmatullahi Wabarakatuh Saye disini sekarang ni nak ngundang pare leluhur semuenye, gaan saye nak meri'i tau kalo' dekat rumah ni ade acara kawenannye si Fulan dan si Fulanah, saye harepi leluhur semue berkenan ngejage'i acare ni nyampe ndur, gaan dijauhi dari segale yang muat celake*" (Encu Saidah, n. d.)

Translation from the researcher: "*Assalamu'alaikum Warahmatullahi Wabarakatuh, now I am here to invite all the ancestors. I also want to inform you that in this house, there is a wedding ceremony for so-and-so and so-and-so. I hope that all the ancestors will take care of this event until it is over and hopefully be kept away from everything that makes harm*". However, nowadays, the element of wishing for protection from the ancestors has been removed and only the summoning mantra is retained, along with a request for protection to Allah alone.

### ***Kelakat Tradition in East Loloan Muslim Village: A Review of Jasser Auda's Maqashid Shari'ah***

The cultural phenomenon in society is a system that does not stand alone but consists of various sub-systems as a complete framework (Muhammad Sholokin 2010). *Kelakat*, once made to complement rituals

and forms of respect, is now also used to reject lousy luck or seek salvation. This is done with full hope in the God of the universe through an act of gratitude (Rizal Fahmi 2024). These actions are applied in the form of prayers, charity, and forms of giving to others as an expression of gratitude. Indirectly this makes the effect of awareness in socializing, from the initial personal-individualistic to social-communalistic (Roibin 2013).

If analyzed using *Maqashid Shari'ah* Jasser Auda using his system theory, the following conclusions are drawn:

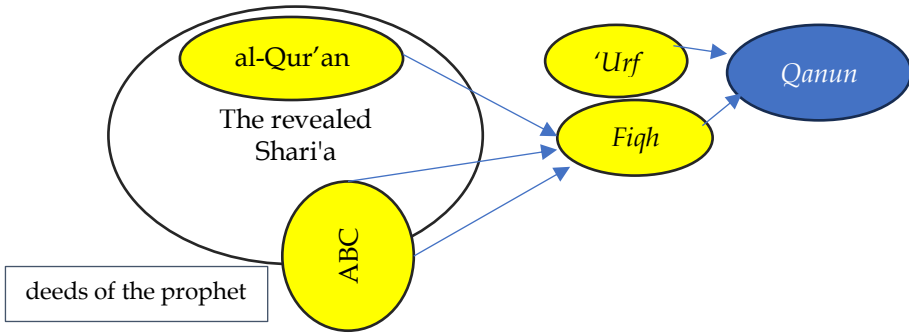
1. *Cognitive Nature*

Intellect is a spiritual power that has the function of understanding the truth by using the heart to understand the metaphysical, spiritual, and mind to understand the physical material dimensions (Ach. Syaikhu 2010).

Cognitive or human reason is an essential component. In this case, the difference between mental and *Nash* must be distinguished. Each human mind has different capabilities and levels related to knowledge and experience (Auda 2013). Therefore, the understanding of each *Nash* that is interpreted cognitively produces distinct expertise, and the cognitive results of the *Nash* itself are undoubtedly different from the *Nash* (Hilmy Pratomo 2019). Fiqh is part of the Sunnah, a human cognitive expression of Sharia. In other words, human reason is prioritized in understanding and exploring Sharia law rather than Sharia itself because Sharia is not a final provision but according to time and conditions (Jasser Auda 2015).

The *Kelakat* ritual, as a means of rejecting lousy luck, is a value that will continue to develop in society. The *Kelakat* ritual is a cognitive product of local ancestors, by adopting religious and spiritual values to convince the community. The existing habits in the community in serving certain dishes or offerings as a symbol of their obedience. Later, a new reasoning and reflection on the text is given to discover the hidden meanings following religious teachings without eliminating the main principles of Islam. This thought, which results from a mujtahid's thinking, makes Islam acceptable in peace by considering social culture, religious practices, and local culture, which is ultimately known as syncretic Islam.

**Figure 1.** The process of Qanun formation in Islam



The chart above is a process flow of a qanun transfer or local policy that shows that a region must have different policies according to various aspects of community life. *Fiqh*, considered a final law, is wrong because the law must always pay attention to multiple elements to be universal. The source of law in *fiqh* is not only the Quran and Sunnah but also must pay attention to 'urf or the customs of the local community (Murfi and Fitriyani 2018). Thus, not only looking at the formal law side but also the informal law side to achieve the objectives of Sharia (Afrinald Rizhan 2024).

## 2. Wholeness

The holistic approach is introduced in modern Islam to be applied as a form of thematic interpretation. As stated by Hasan Turabi, the holistic or unification approach demands a complete relationship with all components that influence it (Hasan 1998). Therefore, a comprehensive cause-and-effect relationship will give birth to a complex series with the same purpose and not particulars. This is seen as closer to the reality of life in the surrounding community and even the world. If it only relies on individual arguments, it will undoubtedly impact uncertainty because later, only one *Nash* is relied upon in seeking certainty (Ilham Mashuri 2020). Islamic law must be universal and prioritize the public good over individuals, as stated in the *fiqh* rules below:

المصلحة العامة مقدّمة على المصلحة الخاصّة

“Public good takes precedence over private/individual good” (Ali 2021).

The existence of the *Kelakat* tradition, which is based on social, divine, and religious verses, becomes a tradition that is feasible to implement and also has a role in contemporary issues so that it becomes a constant principle by continuing to legitimize local culture coupled with the assumptions and arguments of Islamic values so that it can be accepted and absorbed by the general public following the intent and purpose of the nature of the *Kelakat* tradition.

*Kelakat*, which used to be just thrown into the river, has now shifted to sharing the contents of the offerings with others or making food that can be shared as thanksgiving. This is a form of alms and *Kelakat* has experienced a shift in value to Humanistic theology. Almsgiving is part of the value of *Kelakat*, which is attached to the culture of the community so that it can prevent the community from *bala'* and calamity, which is one of the functions of alms itself (M.Thobroni 2007). In addition, alms can make other people's hearts happy and cause social sensitivity between the giver and the recipient. as narrated by Ibn Abbas RA:

“The noblest worship than *ibada* for sixty years is to put happiness into the hearts of others.”

If the *Kelakat* is seen from several components above, it will produce the purpose of Islamic Law, which is to introduce God without coercion and can be fully lived. Therefore, it is not right to punish a tradition with one law. It must consider the existing conditions to give birth to flexible thinking that is not harsh but firm.

### 3. *Openness*

An open system is a system that always interacts with the conditions and environment outside it (Nasuka 2005). Islamic law is part of a living and dynamic system. Therefore, Islamic law is required to make updates as the *fiqh* rules below:

تَغْيِيرُ الْفَتَوَى وَاحْتِلَافُهَا بِحَسَبِ تَغْيِيرِ الْأَزْمَنَةِ وَالْأَمْكَانَةِ وَالْأَحْوَالِ وَالنِّيَّاتِ

وَالْعَوَائِدِ

It means: “Fatwas (can) change and differ according to the times, places, circumstances, intentions and customs” (A. Dzajuli 2019).

Law must continue to make updates to deal with all societal problems that continue to spread. In the holistic approach system, a system must maintain openness and metamorphosis to stay alive and cover society's needs. The *Kelakat* tradition, which is the result of a combination of three cultures (Balinese, Bugis, Malay), is known as a symbol of offerings to God, creatures, and the surrounding nature. Therefore, some people's beliefs are difficult to divert, let alone interfere with or divert to interpret the symbol.

So the ulama' as the spreaders of Islam at that time, incorporated divine values that were following Islam through these symbols. This is a form of *ijtihad* of the ulama' in changing the values of society that are not following religious teachings. The attitude of the ulama' is the result of deep consideration and is quite tricky, but is considered sufficiently understood by the general public (Auda 2011). This style of cognition is the mental framework of an ulama' and his reality as a human being observing and interacting with the outside world or the surrounding community (Bukido et al., 2022).

The openness and reforms carried out by the scholars to shape people's beliefs as part of their *ijtihad*. This correlation between communities produces a custom called *'urf* (Shabana 2010). The urgency of *'urf* is an effort to accommodate things that are different from the customs of Arab society, which are considered contrary to the people of East Loloan village. Using this worldview is an expansion in accommodating the transformation of *'urf* to fit local customs as long as the traditions in East Loloan are not antithetical to Al-maqashid Al-Shariah.

#### 4. *Interrelated Hierarchy*

This hierarchically interrelated system is expected to develop two dimensions of Al-Maqashid Shariah, first, developing the scope of Al-

Maqashid Shariah, where previously classical Al-Maqashid was actual to modern Al-Maqashid which is multidimensional. Jasser Auda has divided Al-Maqashid into three parts. First, *Maqashid Ammah* includes discussing all universal sharia issues such as equality, justice, benefit, obligation and tolerance (Sahidin and Kamaludin 2023).

Second, *Maqashid Al-Khassah* only assesses the goals and benefits of specific chapters of Islamic law, about Sharia law, or in short, only discusses scientific chapters. Third, *Maqashid Juzziyyah* or Partial Al-Maqashid which is aimed at examining the *maslahah* and wisdom or secrets that exist in the law of purpose that are interrelated (*al-ghayah*) with the reasons (*illat*) behind specific legal texts. Second, human development achieved by Al-Maqashid, this hierarchical feature is compatible with modern *Maqashid* if *Maqashid* is still individual in contrast to modern *Maqashid*, which is multidimensional (Jasser Auda 2015).

Al-Maqashid Al-Ammah is included in the classic Al-Maqashid category, which is *dharruriyyah*. Thus, based on the results of the researcher's analysis, the purpose of marriage is *Hifdz al-hurriyyah al-i'tiqad* (protection in freedom of belief), *Hifdz al-usrah* (protection of the family), *Hifdz al-huquq al-insan* (protection of human rights) will still be realized by carrying out the *Kelakat* tradition because it indirectly protects the family from unwanted things, gives freedom of belief to someone, and allows one's rights to be fulfilled, namely getting protection from any *dzahir* or *ghaib* things.

5. *Multidimensionality* (towards *ushul fiqh* with multidimensionality)

The Al-Maqashid approach combined with multidimensionality is a proposal for conflicting arguments. Broadening the horizons by making Al-Maqashid a matra against conflicting propositions will always support achieving meaningfulness. Jasser Auda has an assumption that the interpretation of the Prophet's words is not something that is finished. However, it has a particular context, intending to follow the conditions at that time (Ilham Mashuri 2020). Environmental, political, and economic factors are behind it, which are then supported by *ra'yu* or cognition of a mujtahid. As the dialog between the Prophet and Mu'az bin Jabal when he was sent to Yemen:

Asked the Prophet to Mu'az, "How do you try to determine a law when you are faced with a case that requires a ruling?" Mu'az replied, "I rule according to what is in the book of God (the Qur'an)." The

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Prophet asked "When you do not find it in the book of God (the Qur'an)?" Mu'az replied, "I rule according to the Sunnah of the Prophet." The Prophet asked, "If you do not find it in the Sunnah of the Prophet?" Mu'az replied, "Then I will make ijihad, and I will not be careful with my ijihad" (Amir Syarifuddin 2014).

Using *Maqashid* as a consideration will resolve conflicting arguments and support each other in achieving the purpose. Some considerations are as follows:

- a. The Prophet implemented specific ritual movements as a convenience and advocated flexibility. Such as Prayer movements, Hajj procedures, the implementation of *Kafarah*, etc. Just as the Ulama did by allowing existing traditions to continue, with the aim that Islamic values are easier to understand. *Kelakat*, as a symbol of prayer is a form of ease in understanding the prayer itself.
- b. When there is a case similar to the evidence, there are differences in the law following the community's circumstances at that time. Like the culture in Village Muslim Loloan Timur, although the process practice has similarities with the customs of other regions, it still has different historical values. The *Kelakat* tradition practiced in East Loloan has a philosophy, meaning, values, and a history of Islamization in the village. This syncretic religious disposition is based on the reasoning of various texts and openness to other things. It is not hasty in accusing apostasy in one case or considering it as one thing that is polytheistic.

#### 6. *Purposefulness*

The law is the product of the ijihad of the scholars and certainly has specific goals and objectives. The application of the law also varies according to the situation and conditions in society. Besides, the existing behaviors and actions have different purposes and implications in determining Islamic law. Customs that are part of the body of culture are considered part of the Prophet's mission to perfect human behavior (Ach. Syaikhu 2010). The *Kelakat* tradition as a cultural product is deemed to be in line with the Prophet's mission which is continued by his heirs, namely the ulama' in perfecting

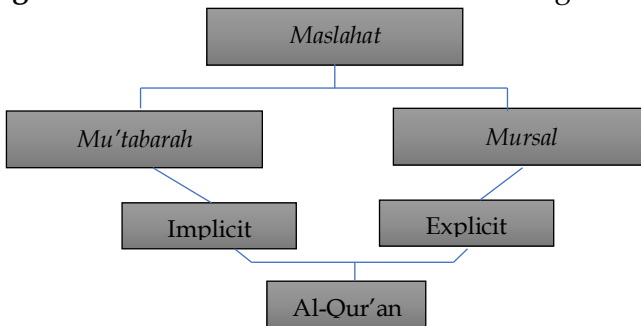


human morals, especially in the East Loloan community so that it shows the existence of *Maqashid* universally in the *Kelakat* tradition.

The expansion of the understanding of *istishab* is a concept proposed by Ath-Turabi, where the value of kinship, justice, and even rituals are practiced in society following their sincere character, even legal and standard values (Jasser Auda 2015). The *Kelakat* tradition is assessed using *istishab* from a *Maqashid* perspective, where *istishab* itself is a logical argument or human cognition based on the assumptions of scholars adapted to the conditions of society at that time. *Kelakat*, as part of Islamic law, aims to maintain the intention of justice, nobility of character, and freedom for the people of East Loloan.

According to some fuqaha *Maqashid* induced by the *Nash*, a law can be validated based on the *Nash*. Therefore, the benefit expressed by the *nash* (*Maslahat Mu'tabarah*) and *maslahat* that is not described by the *nash* (*Maslahat Mursalah*) becomes part of the category of benefits stated in the *nash* as long as the benefit achieves *Maqashid* in Islamic law (Jasser Auda 2015).

**Figure 2.** Classification of *Maslahat* according to *Nash*



When viewed from the chart, *Kelakat* has a benefit based on the symbolic *Nash*. Although the *Nash* is not spontaneously explained. However, the philosophical values contained in the *Kelakat* tradition, which have religious nuances, make it part of the *Nash* itself because it is seen as having benefits for traditional actors and the surrounding community. The existing culture was created as a cultural actualization of the *Qur'an*. Indirectly, the values contained in the *Qur'an* will always coexist with the community's behavior (Department of Religion of the Republic of Indonesia, 2013).

## Conclusion

Based on the research results described above, it can be concluded that the *Kelakat* tradition is a tradition carried out to invite or notify ancestors or ancestors that their relatives will soon carry out a wedding as a form of respect for their ancestors who died hundreds of years ago. The *Kelakat* tradition is the result of a fusion of three cultures: Balinese, Bugis, and Malay. The uniqueness of each melted into one called *Kelakat* which means offering. This *Kelakat* tradition is carried out before sunset during the implementation of *selametan* or before the marriage contract takes place. Direct traditional elders lead the implementation, or the community calls it *Tukang Ngundang*. Implementing this *Kelakat* tradition is complemented by offering *aci-aci* and *Santun* offerings, which are then placed in the Pare-pare, Bridal Room, and Kitchen with their respective meanings on each plate. There is a traditional revolution, namely eliminating the mantra of supplication to ancestors with prayers to Allah SWT.

Jasser Auda's *Maqashid Shari'ah* view of the implementation of the *Kelakat* tradition in East Loloan Muslim Village using the realization of Al-Maqashid through the point of view of this system theory that maintaining this *Kelakat* tradition is the result of *ijtihad* of *ulama'* figures hundreds of years ago to introduce Islam more effectively and achieve *al-Maqashid* Islamic law. From the results of the analysis found by researchers based on Jasser Auda's system theory, the *Kelakat* tradition can continue to be implemented while still upholding Islamic values and eliminating *mufasadat* and *mudharat* in the tradition because the *Kelakat* tradition is a customary habit in the East Loloan Muslim Village which does not conflict with Islamic law.

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