

Review of Islamic Law on Pemmali Kawing Kembar in Cening Village, West Malangke, North Luwu

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Abstract

This thesis discusses the Pemmali of Twin Marriages in Sibling Relationships Case Study of Cening Village, West Malangke District, North Luwu Regency. This study aims to determine and understand the implementation and review of Islamic law in the twin marriage contract of sibling relationships. This type of research is qualitative research with an empirical and historical juridical approach. The data sources used in this research are primary and secondary data. Then the data collection techniques in this research are observation, interviews, and documentation, data management techniques, namely using inductive methods, deductive methods, comparative methods and drawing conclusions. The results of the study found that the implementation of a twin marriage contract in a sibling relationship is the same as a marriage contract general; the only difference is that one of the brides does the marriage contract one day before the reception, and the other bride does the contract on the day of the reception because the people of Cening village believe that if the marriage contract is carried out simultaneously, it will result in problems from for one of the twin marriage brides. Meanwhile, in the review of Islamic law, pemmali twin marriages in sibling relationships are permissible, because based on the results of research in their implementation.

Keywords: Islamic Law; Pemmali; Twin Marriages.

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INTRODUCTION

Regional culture is one of the very interesting thing, be it typical foods, traditional foods, languages, behaviors, and regional myths. The closest word to myth is *pemmali* (Makassar Language). This *Pemmali* culture is indeed a little intriguing, not only in *regional culture*, it is a very interesting thing, be it typical food, or South Sulawesi games, tribes in Indonesia must have their own stories about *pemmali* as with traditional expressions, traditional expressions are words that express a certain meaning or intention with figurative language that contains noble values, morals, ethics and educational values adhere to the norms that apply in South Sulawesi and customs from generation to generation and are passed down in words (Iskarna et al., 2019).

In society, one of the expressions referred to as '*PEMMALI*'. *Pemmali* is an expression that contains a kind of prohibition or taboo to be carried out where in society *pemmali* has a position as well as functions as a social control for someone in saying, acting or doing an activity. On the other hand, *pemmali* is also an indicator in assessing whether a person is obedient and obedient to the rules made by society both in the context of religious teachings and social norms (KHULUD FADLULLAH, 2012). Islam as the religion of the majority of the Indonesian population, contains laws that regulate human relations with other humans in social life. Subtently, the teachings of Islam revealed by Allah Swt. to the

Prophet Muhammad saw. are divided into three choices, namely *aqidah*, *shari'ah*, and morality (Assaad, 2014).

Marriage according to language, the act of binding and according to *sharia'*, which is a contract that has been known and fulfills the pillars and conditions (that have been determined). Marriage can also be interpreted as a physical and mental bond between a man and a woman to fulfill the purpose of martial life as husband and wife who meet the conditions and harmony that have been determined by Islamic law (Choli et al., 2024). Marriage is a way chosen by God as a way for humans to have a legitimate sexual relationship between a man and a woman and a way to maintain their offspring. In life in this universe, all living things are related only to humans, but animals and plants are inseparable from marriage. This is the *sunatullah* (law of nature) for the survival of living beings in their development and for the preservation of the universe (ASYKAR WILDAN ZAID, 2016).

In the twin marriage contract has existed for a long time, namely since the time of the Prophet Adam (a.s.) that is why this is a taboo in itself that is still believed by the people of Cenning village, West Malangke District, North Luwu Regency. Basically, the prohibition in the twin marriage contract is closely related to the public's belief in myths related to the marriage. These myths come from the teachings and doctrines of their ancestors that are passed down from generation to generation. The people of Cenning

village believe that twin marriages in sibling relationships can bring disaster and disaster to married couples. Therefore, for those who continue to carry out this marriage, it is believed that one of the couples will experience bad luck in their married life (Maliki et al., 2023). To avoid these bad things, people believe that twin marriage can be done if one of the couples carries out the marriage contract the day before the marriage reception and the other partner carries out the marriage contract on the day of the marriage reception. In this way, they hope to avoid the potential disasters and bad luck that are considered associated with twins (Taslim, personal communication, 2025).

RESEARCH METHODS

This research uses field research, which is direct research into the field to find the object of research or research whose object is about the symptoms or events that occur in a community group by using a qualitative approach procedure that produces descriptive data about a person or a group of people through written or spoken words and observable behavior. Qualitative research is aimed at understanding social phenomena from the perspective of participants which are used to research on the condition of scientific objects where the researcher is a key instrument. Primary data is taken from interviews while secondary data is taken from books.

RESULTS AND DISCUSSION

Implementation of Twin Marriage in Sibling Relations in Cenning Village, West Malangke District, North Luwu Regency

The process of twin marriage is carried out in the same way as marriage in general. "The implementation of the *Pemmali* of the twin marriage contract is the same as marriage in general, namely the presence of the prospective groom, the existence of a marriage guardian, opening, marriage sermon, contract/*ijab qabul*, closing prayer. The only difference is that one of the twin bride and groom couples one day before the reception performs a marriage contract while the bride and groom perform a marriage contract on the day of the reception

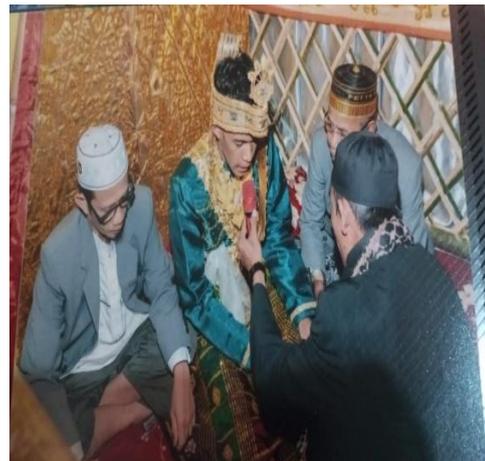


Figure 1. Implementation of the Twin Marriage Contract

Twin Wedding Reception

In Cenning village, there is a twin marriage with a brother, in the implementation of twin marriage is carried out like a wedding in general but the difference is that the marriage contract is not at the same time one of the bride and

groom carries out the marriage contract on a different day but the reception of the bride and groom is carried out at the same time and in the same place. The implementation of twin marriage in sibling relationships has been carried out for a long time, namely in the time of the prophet Adam (a.s), where the children of the prophet Adam carried out twin marriages but one of them was killed. That is why in the implementation of the twin marriage contract, the relationship between brothers in Cenning village is said *to be wrong* because some of the people believe that if the marriage contract is carried out at the same time, one of the bride and groom will experience misfortune or disaster such as divorce or death (Lukman, personal communication, 2023).



Figure 2. Sibling Relationship
Twin Marriage Restoration

Twin marriages in the siblings above are those who have sibling bonds, namely the bride, while the groom does not have a bond with the other groom. The bride's second contract is held on a

different day and the place of execution is at the bride's residence, but the reception is held simultaneously at the bride's residence.



Figure 3. Twin Marriage Reception
Sibling Relationship

Twin marriages in the above sibling relationships are those that have sibling bonds, namely the groom while the bride does not have a blood relationship with the other bride. The contract and reception of the bride and groom are held on different days and at the residence of the bride and groom, then the two couples carry out the reception (marola) at the same day at the groom's residence.

Twin Wedding Invitations

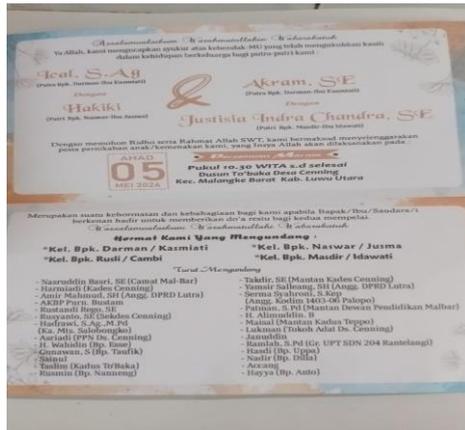


Figure 4. Twin Wedding Invitations

Islamic Law's View on Twin Marriage Restrictions on Sibling Relations in the Community of Cening Village, West Malangke District, North Luwu Regency

Islamic law is a law that is sourced from the Qur'an and hadith, which then develops into a product of legal thought the purpose of Islamic law is to establish a relationship between man and his god and return on the Day of Judgment.

Religious leaders in Cening Village, West Malangke District argue that: *Twin* marriages are carried out according to the review of Islamic law because the implementation of the twin marriage is in accordance with the conditions of marriage in Islam (Mustaming, personal communication, 2023).

Islam is a very universal religious teaching (Arif, 2018). Islamic teachings are the teachings of rahmatan lil alamin which have arranged all directions of individual activities from birth to death, and waking up to sleeping again, Islam is a reference and reference to

arrange all directions of the activities of its adherents about how to meditate, let alone the customs (Mufid, 2018). Life cannot be separated from customs, customs are everything that is passed on and inherited from the past to the present. Tradition in a narrow sense is a special social heritage that meets the requirements and is still strongly linked to today's life (Yahya, 2019). In the view of Islamic law, there are no verses and hadiths that prohibit the practice of twins, so some people are of the view that *the* practice of twins in a sibling relationship is permissible during the implementation process in accordance with the demands of the Prophet Shalallaahu Alaihi Wassallaam and does not contain elements that deviate from the teachings of Islam. Humans are created in pairs, whether marriage is done in two pairs at once or in pairs. As explained in the hadith:

"From Abu Tsa'labah Al-Khusyani, he said, "The Messenger of Allah (peace and blessings of Allaah be upon him) said, "Indeed, Allah Azza wa Jalla has ordained some obligations, so do not waste them. Allah has set some prohibitions, so do not transgress them. Allah has set limits, so do not cross them. And Allah does not offend many things because you have forgotten, so do not look for them." "This is the recitation that Ya'qub put forward". (al-Baghdadi, 2004).

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relationship is permissible during the implementation process in accordance with the demands of the Prophet Shalallaahu Alaihi Wassallaam and does not contain elements that deviate from the teachings of Islam. Humans are created in pairs, whether marriage is done in two pairs at once or in pairs.

In Islamic law, the concept of *'urf* (customs or traditions) plays a crucial role in integrating local customs with sharia. *'Urf* is defined as societal practices that are considered good (*ma'ruf*), accepted by common sense, and do not contradict Islamic teachings (Altsaury & As'ad, 2023; Arifin, 2015) (Arifin, 2018; Altsaury & As'ad, 2023). The fiqh principle "*Al-Adat Muhakkamah*" (customs can serve as a legal reference) is an essential principle that allows customs to be used as *hujjah* (legal evidence) under specific conditions (Altsaury & As'ad, 2023). For a custom to be recognized as *'urf* *sahih* and form the basis of Islamic law, it must meet several stringent criteria. First, the custom must be *muththorid* (certain and consistent), meaning it must be widely practiced and sustained within the community, demonstrating certainty and consistency (Altsaury & As'ad, 2023). Second, the custom must not contradict the *nash syara'*, which refers to the clear and definitive texts from the Qur'an and Sunnah, the most fundamental requirement (Altsaury & As'ad, 2023). Third, the custom must not legalize what is forbidden (*haram*) or annul obligations established by sharia, as discussed in Arifin's work

(2018). Fourth, the custom must not conflict with the clear meaning of language, unless there is a specific *'urf* that overrides the literal meaning of the language (Altsaury & As'ad, 2023). Furthermore, if there is a conflict between *'urf 'am* (general custom) and *'urf khash* (specific custom), the *'urf khash* takes precedence, unless its scope is very limited (Altsaury & As'ad, 2023). Additionally, *'urf* that is directly related to a statement or occurs relatively before the statement is prioritized over *'urf* that occurs after the statement (Altsaury & As'ad, 2023). The Indonesian Compilation of Islamic Law (KHI) widely adopts *'urf* as a legal basis, as seen in provisions for proposals, *ta'liq talaq*, and joint property (*harta gonogini*) (Arifin, 2018). This adoption is based on considerations of *kemaslahatan* (public interest) and because these customs do not conflict with the principles of sharia (Arifin, 2018).

However, in the case of "*pemmali*" in Cenning Village, which links simultaneous marriage contracts to misfortune, this custom, although strong and reinterpreted with religious nuances, cannot be categorized as *'urf* *sahih*. Thus, it contradicts the general permissibility of marriage.

Islamic law is a law derived from Islam, which is a law that Allah has revealed for the salvation of His servants in this world and in the hereafter. The word "revealed by Allah" in the above definition shows that Islamic law is the creation of Allah, not the creation of man. This is because the right and authority to make laws is Allah. God

has a porous right to make and create laws. That is, among other things, legalizing one thing and forbidding another. If the Prophet Muhammad saw. also legalized and forbidden something as Allah did, it is because Allah also gave him authority and Allah also commanded Muslims to obey him (Ichsan, 2015).

There are several verses that hint at the purpose of marriage which is based on the understanding of a number of nas, verses of the Qur'an and sunnah. A number of nas that talk about the purpose of marriage include: Aiming to build a *sakinah*, *mawaddah* and *warahma* family. As Allah says in QS Ar-rum/30:21 which reads:

"And among the signs (of his greatness) is that he created for you couples of your own kind so that you may be inclined and at peace with him, and he makes love and affection among you. Verily, in such a thing there are signs (of the greatness of Allah) for the people who think (Kementerian Agama RI, 2023).

From the explanation above, the author can conclude that humans were created in pairs, whether marriage is done in two pairs at once or in pairs. Therefore, some people are of the view that *the marriage of* twins in a sibling relationship is permissible during the implementation process in accordance with the demands of the Prophet Shalallaahu Alaihi Wassalaam and does not contain elements that deviate from the teachings of Islam.

Life cannot be separated from customs, customs are

everything that is passed on and inherited from the past to the present. Tradition in a narrow sense is a special social heritage that meets the requirements and is still strongly linked to today's life (Yahya, 2019). In the view of Islamic law, there are no verses and hadiths that prohibit the practice of twins, so some people are of the view that *the practice of* twins in a sibling relationship is permissible during the implementation process in accordance with the demands of the Prophet Shalallaahu Alaihi Wassallaam and does not contain elements that deviate from the teachings of Islam. Humans are created in pairs, whether marriage is done in two pairs at once or in pairs.

The word "*pemmali*" is one of the cultural expressions to convey a message of prohibition from facing something. However, so far the author has not found the results of research that reveal when the word *pemmali* existed and was known and believed by the public. Because in its development, after the entry of Islam, the word *pamali* was often used as a synonym for the word *haram* in the sense of something that is prohibited by religion which is then considered a sin if it is done. Thus, things that are categorized as *pemmali* that originate from customs or ancestral beliefs that do not originate from religion will be considered and categorized as sins when they have been given the *pemmali stamp*.

Pemmali is one of the Bugis-Makassar tribal cultivation experiments but *Pemmali* is also a message that has a different effect with a very pressing volume of

violations, because it is followed by Sanki (although the form is sometimes supernatural) for example, we explain as below: "*Pemmali Pura Manre Nappa Matindro, Menre I' Salompongngge*". "*Pemmali mengngesso ase riwettu makkumpe' na ulengngge*" "*pemmali tawwe matindro moppang, magatti i' diwelai indo' "endre manekko ana-ana nasaba mangngaribini, enrara i setangngge"* "*temmepedingngi tawwe tudang riolona tange e' monrono lalo bangko*" in the past society this trait of *pemmali* is generally applied well because it is a scale that is istemewa in influencing the emotional interlocutor (receptor/audience) so that it becomes a must not to be willing/forced follow. The word *pamali* is closely related to the culture of the Bugis tribe because the existence of *pemmali* has existed since the time of the ancestors of the Bugis people.

The Bugis people believe that the violation of *the Pemmali* will result in a reward or curse. The Bugis people's trust in *the Pemmali* is always upheld. The main function of the *Pamali* is as a handle to form a noble person. In this case, *pemmali* plays a role as a media for ethical education (KHULUD FADLULLAH, 2012). A marriage contract is a shari'i bond between a married couple. With the existence of a marriage contract, the married couple has entered into an agreement and agreement to build a household as stipulated and guided by religion. For people who succeed in carrying out this marriage, it is not permissible to waste it, damage it responsibly, and throw away the word divorce and

so on. In the compilation of the law article 1 sub c, it reads that the marriage contract is a series of *ijabs* pronounced by the wali and *qabul* pronounced by the groom or his representative witnessed by both witnesses.

A marriage contract is a statement of agreement from the prospective husband and the wife-to-be to bind themselves to the marriage bond. Through this statement, it means that both parties have calmed down and agreed to carry out the marriage and are willing to follow the religious provisions related to the rules of marriage (MUSLICH, 2022).

CONCLUSION

Based on the presentation that has been described about the practice of twin marriage in sibling relationships (case study of Cening Village, Kecamatan West Malangke, North Luwu Regency), the study concludes that. The implementation of the twin marriage *pammali* that occurred in Cening Village, West Malangke, North Luwu Regency. Where the *mapimaliang* community which means prohibition or prohibition which is called twin marriage because the community believes that if you do twin marriage, one of the bride and groom will experience problems such as divorce, and death.

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