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**ENGAGEMENT: HOW FAR ENGAGEMENT CUSTOM IN
MALAY SOCIETY SUITS TO SYARA' NOWADAYS.**

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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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ABSTRAK

Di dalam penulisan projek ilmiah ini penulis telah membuat kajian mengenai tajuk “Sejauh Mana Adat Pertunangan dalam Masyarakat Melayu Memenuhi Kehendak Syariat Islam”. Di dalam penulisan projek ilmiah ini, penulis telah membuat kajian yang berpusat kepada kajian perpustakaan. Segala maklumat penulis telah perolehi dengan membuat kajian tentang buku-buku yang terdapat di dalam perpustakaan. Hasil dari kajian ini penulis telah membuat kesimpulan yang masyarakat melayu masih mengamalkan adat dan budaya nenek moyang sebagai menghidupkan kesan peninggalan turun temurun dalam lapisan masyarakat kita, di samping mengekalkan hokum syarak sebagai asset utama di dalam perlaksanaan pertunangan. Rentetan daipada pengalaman adat budaya tersebut masyarakat melayu turut mengkayakan lagi adat budaya pertunangan dalam istiadat perkahwinan melalui aturcara yang pelbagai rentak samada menurut ajaran dan budaya dari pengaruh Islam mahupun budaya dari penaruh hindu.

ABSTRACT

In this Academic Project, the researcher presented about “How Far Engagement Custom in Malay Society Suits to Syara’ Nowadays”. For this Academic Project, the writer made a research based on library study. The researcher also got all information from references in library. The findings indicate that, Malay community still practices their custom and culture inherited from their ancestors. The practice is to survive influence of ancestral custom in our community apart from maintain Syari’e Law as a main asset in implementing engagement. Therefore, our Malay community also to make varieties of the engagement custom in wedding day through variety ways either according to the Islamic influences for art and teaching or from the influence of Hindu culture.

ملخص البحث

يتحدث هذا البحث عن عادة الخطبة للملايويين في منظور الشريعة الإسلامية. وهذا البحث هو البحث المكتبي وللحصول على المعلومات المتعلقة بالموضوع يستخدم طريقة اطلاع الكتب المستملة للموضوع. فمن هذا البحث نجد أن الملايويين ما زالوا يعملون عادة أجدادهم القدامى وهي تعتبر عادة وراثية من جيل إلى جيل وبيقون أحكام الشريعة كالمبدأ في هذه الفعالية. والنتيجة من هذه العادة فكانوا يوسعون ويجعلونها أحسن وأجمل مستخدما عدة الطرق سواء منسجما بالشريعة الإسلامية أولا وهي أيضا يأخذون من عادة الأديان الأخرى.

CONTENT PAGE

CONTENTS	Pages
AUTHOR DECLARATION	i
ACKNOWLEDGMENT	ii
ABSTRAK	iii
ABSTRACT	iv
MULAKHAS AL-BAHTH	v
CONTENT PAGE	vi
GLOSSARY	ix
TRANSLITERATION	x
ABBREVIATION	xii
CHAPTER 1:	
1. INTRODUCTION	1
1.1 Background research	
1.2 Problem statement	
1.3 Research objectives	
1.4 Definition of terms	
2. LITERATURE REVIEW	5
3. METHODOLOGY	6
3.1 Data source	
3.2 Research design	
4. IMPLICATIONS AND LIMITATIONS	7
4.1 Limitations	
CHAPTER 2:	
DEFINITION	
Introduction	9
1. DEFINITION OF ADAT	9
1.1 Adat Diversity	
1.2 Islam and Custom in Malay Society	
2. DEFINITION OF ENGAGEMENT	12

2.1 Based of Malay Custom	
2.2 Based of Islamic Law	
3. CRITERION FOR SELECTION	13
3.1 What to look for in a man	
3.2 Characteristic of a Woman to be proposed	
4. THE PURPOSE OF MAKING A PROPOSAL	18

CHAPTER 3:

MALAY'S ENGAGEMENT	19
Introduction	
1. STEPS TO ENGAGEMENT	19
1.1 The Merisik	
1.2 The Merasi	
1.3 The Melamar	
1.4 The Peminangan	
2. THE ENGAGEMENT PROCESS	22
3. THE ENGAGEMENT RING	22
4. ENGAGEMENT PERIOD	23
5. PROHIBITION DURING ENGAGEMENT	25

CHAPTER 4:

ENGAGEMENT IN ISLAM	27
Introduction	
1.1 Rules of Engagement	
1.2 Types of Engagement	
1.3 Requirement for a Valid Betrothal	
2. THE RULES ON LOOK AT FUTURE FIANCE	33
2.1 The ethics of look at a future fiancé	
2.1 The Advantage to See the Candidate	
3. THE IMPORTANT AND ADVANTAGES OF ENGAGEMENT	36

CHAPTER 5:

1. PROBLEMS OF ENGAGEMENT	37
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1.1 Status the Gifts after the Null of Engagement	
2. DEDUCTION	43
3. RECOMMENDATION	44
4. CONCLUSION	48
BIBLIOGRAPHY	47

GLOSSARY

Al-Quran	The Holy Book Revealed By Allah s.w.t To Prophet Applied In Malaysia
Aurah	Parts of the Body That Should Be Covered By Muslims.
Hadith	The Tradition of Prophet Muhammad s.a.w
Hadji	A Minor Pilgrimage to Mecca Hambali.
Iddah	Waiting Concerning
Islamic Law	The Law of Islam as Provided for Administered and
Makruh	Blame Worthy
Mazhab(s)	Refers to One of the Four Recognized Islamic Schools Muhammad s.a.w
Nikah	Wedding Ceremony Of Jurispence Namely Hanafi, Maliki, Syafie and
Qanaah	Not Materialistic
Sunat	Commendable

ARABIC WORDS TRANSLITERATION SYSTEM
TRANSLITERATION TABLE

1. Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ا	a	آية	ayāt
ب	b	بليغ	baligh
ت	t	تعذير	ta'zir
ج	j	جلد	jalada
خ	kh	خلوة	khalwat
د	d	دية	diyah
ر	r	رجم	rajm
ز	z	زنا	zina
ش	sh	شرع	syara'
ط	t	طالب	talib
ظ	z	ظالم	zalim
ع	a	عامل	amil
ف	f	فقهاء	fuqaha
ق	q	قذف	qazf
ل	l	لعان	li'an
م	m	مكلف	mukallaf
ن	n	نسب	nasab
و	w	والي	wali
ي	y	يم	yamm

2. Short Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
----- ا	a	نسب	nasaba
----- ي	i	زنا	zina
----- و	u	فقهاء	fuqaha

3. Long Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ا	ā	آيات	āyat
ي	ī	حديث	hadīth

4. Diphthong

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ي	iy	شرعي	syar'iy
و	aw	نوم	nawm

5. Exemptions

5.1 Arabic letter ء (hamzah) found at the beginning of a word is transliterated to the letter “a” and not too ‘.

Example: أكبر transliterated to: akbar (not ‘akbar).

5.2 Arabic letter ة (ta’ marbutah) found in a word without ال (al) which is couple with another word that contains ال (al) at the beginning of it is transliterated to the letter “t”

Example: مكتبة الامام transliterated to: maktabat al-imam.

However if the Arabic letter ة (ta’ marbutah) found in a word with ال (al) in a single word or in the last word in a sentence, it is transliterated to the letter “h”.

Example: المكتبة الأهلية transliterasi: al-maktabah al-ahliyyah

قلعة qal’ah

دار وهبة dar wahbah

ABBREVIATION

Act	Akta
Sec	Section
Art	Article
a.s	alayh al-salam
<i>etc</i>	<i>et cetera</i> , and so on.
Ibid, ibid	<i>ibidem</i> , in the same place
i.e	that is to say
Juz.	Juzuk
MLJ	Malayan Law Journal
n.a	no author
n.d	no year
no.	number
n.pl.	no place
n.pb.	no publisher
p.	page
pp.	pages
SAW	salla Allah alayh wa sallam
Sdn. Bhd.	<i>sendirian berhad</i>
SWT	subhanahu wa ta ala
trans.	translator/translated by
vol.	volume

CHAPTER 1

INTRODUCTION

1.1 Background research

Indeed, nobody can deny the important of a marriage institution. It is very important to generate and integrate the happiness and produce an eternal family tie. Islam arrange carefully about the procedures for that start from asking, proposing, weeding ceremony and so on. These steps are by taken to ensure happiness in family.

Based on the above situation, the writer here wants to see whether the engagement custom in Malay society void in Islamic perspective or not.

It is sometimes said that ‘Engagement or betrothal is not known to Islam. Only the ceremony called nikah (marriage vow) is known for uniting husband and wife. However we can see the verses refer to engagement and khitbah being mentioned Quran as well as hadith.

It is stated in the Holy Quran to the effect:

If any of you die and leave widows behind they shall wait concerning themselves three months and ten days. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable manner and Allah is well acquainted with all what you do.

There is no blame on you if you make an offer of engagement (khitbah) or hold it in your hearts. Allah known that you cherish them in your hearts. But do not make a secret contract with them except in terms honorable nor resolve on the tie of marriage until the term prescribed is fulfilled. And know that Allah knows what is in hearts and takes heed of him. And know that Allah is Oft-Forgiving, Most Forbearing

[Surahal-Baqarah (2): 234-235]¹

¹ Al-Quran. Al-Baqarah 2: 234-235 (All Quranic translations in this writing are based on Abdullah Yusuf Ali. 1999. “*The Holy Quran, Original Arabic text with English Translation and Selected Commentaries*”. Saba Islamic Media.)

We have also a number of Hadith (saying of the Prophet) dealing with betrothal:

a) Ibn Umar reported that Allah's Messenger (peace be upon him) said:

A person shall not enter into a transaction when his brother had already entered into but not finalish and he should not make a proposal (khitbah) already made by his brother, until he permits it or until he gives it up.²

b) Uthman bin Affan reported that Allah's Messenger (peace be upon him) said:

A muhrim shall neither marry him self nor arrange the marriage of another nor shall he make a proposal of marriage.³

c) Abu Huraira reported:

I was in the company of Allah's Messenger (peace be upon him) when there came a man and informed him that he had contracted to marry a woman of the Ansar. Thereupon Allah's Messenger (peace be upon him) said 'Did you cast a glance at her?' He said 'No'. He said 'Go and cast a glance at her.'⁴

1.2 Problem statement

The Malay community sees the institution of marriage is a very great important institution. As such, the Malay Wedding is a regal affair. So, the issue for this problem about the Engagement, it is how far implementing the principle of Islamic in Malay custom society, based on engagement custom.

Engagement or a pre-wedding meeting is arranged between the bride and groom's families. Issues such as amount of dowry, venue of solemnization is discussed a decided at this meeting. This stage may take place as early as one year in advance, before the actual wedding date itself, so that there will be ample time to make further

² Al-Bukhariyy, M.I. n.d. *Sahih al-Bukhariyy*. Kitab al-Nikah. Bab la Yahgtibu ala akhiihi Hatta Yankihu au yadu' Juz 17: p. 105. #4817

³ Muslim. *Sahih Muslim*. Kitab al-Nikah. Bab Tahriimu nikah Al-Muharram, wa Kirahatu Khitbahtihi. Juz 3. pp. 201. #1409

⁴ Muslim. *Sahih Muslim*. Kitab al-Nikah. Bab.Nadbu Al-Nazaru ila wajhi al-mar'ah wa kaifiyatuha liman Yuriidu Tazawwajuha. Juz. 3. pp 210. #1424.

arrangements. Careful planning involves making sure that the wedding date picked is on a convenient weekend, and also the accommodation of guests from afar.⁵

Beside that, the researchers also need to elaborate in conscientious about, the views of Islamic about hokum and advantages engagement. The other problem, what the adat still implement until now days and also weakness and advantages in Malay engagement custom.

Betrothal usually takes place in accordance with the custom followed in the society. It may be regarded as a preliminary step towards marriage, and is encouraged so that the parties may be acquainted with one another before the marriage and then marriage takes place after the parties have seen and assessed one another.

The customary practices relating to betrothal can be followed so long as they are not contrary to Islam. It is a maxim of the Islam law that ‘custom becomes the principle of law’. In a Hadith it is reported that the Prophet (peace be upon him) said:

“A matter or deed which is regarded as good by the Muslim community, is also good with Allah.”⁶

(Hadith narrated by Imam Ahmad)

1.3 The Objectives of Research

1. The aim or objectives of this research are two fold. The first aim is to look about the cause that adat still implement until now days, and at the same time, to know what the benefits from that custom (Engagement).
2. The custom of Engagement can bring many benefits it helps to bring together all the members of a whole family. It also encourages those members to give presents to one another and it does help to increase respect and love among them.

⁵ n.a. 1997. *Malay Wedding*. <<http://www.Ana-hotels.Com/wedding/customs/malay.Htm> # Betrothal.

⁶Ahmad Ibrahim. 1997. *Family Law in Malaysia*. Kuala Lumpur: Malayan Law Journal Sdn.Bhd. p. 169

3. The researcher tried to search or suggest good suggestions to any adat, which has contradiction in the point view of Islam.

1.4 Definition of terms

The following definitions are provided to clarify the important terms used in the study:

Engagement

- According to the New Oxford Dictionary of English (1998)⁷, engagements mean a formal agreement to get married or the duration of such an agreement. Whereas according to the Collins English Dictionary (1998)⁸, engagement means a pledge of marriage; betrothal or an appointment or arrangement especially for business or social purposes.

Custom

- According to New Oxford Dictionary of English, custom is a traditional and widely accepted way of behaving or doing something that is specific to a particular society, place, or time.⁹ According to Collins English Dictionary, custom is a usual or habitual practice, typical mode of behavior.¹⁰

Malay

- Malay is a member of a people living chiefly in Malaysia and Indonesia who are descendants of Mongoloid immigrants; of or relating to the Malay or their language.

Society

- Society is the community of people living in a particular country or religion and having shared customs, laws and organizations. According to Collins English Dictionary, society is a system of human organizations generating distinctive cultural patterns and

⁷ Judy Pearsall. 1998. *The New Oxford Dictionary of English*. New York: Oxford University Press. pp 611

⁸ n.a. 1998. *The Collins English Dictionary*. Glasgow: Harper Collins Publishers. pp 512

⁹ Ibid. p.p 435

¹⁰ Ibid. pp 389

institutions and usually providing protection, security, continuity and a national identity for its members.¹¹

Syara'

- According a Dictionary of Islam, is the injunction of the law, is a term used for a command of God, which relates to the life and conduct of an adult Muslim.¹²

2.0 LITERATURE REVIEW

In his book *Marriage in Islam*, Dr Muhammad Abdul Rauf has a section on Engagement. He wrote: The boy having made up his mind and chosen a girl who he thinks will happily fit as his companion for life, a formal engagement is recommended.¹³

The custom is to send word to her father or other senior member of the family, whoever that may be, alluding to the boy's intention and indicating his desire to visit them at a given time in the company of some of his relatives or friends. The girl's family may invite some of their relatives or friend too. When the meeting is held at the agreed time, the boy or his father, brother or friend should reveal his intention.

The representative of the girl's family may then answer – indicating either acceptance or declining. It is customary to make a gift to the fiancée at this party. The gift used to be some kind of popular food but nowadays it is generally an engagement ring.

Engagement is a sort of moral binding. It does not give rise to the right of alimony and if broken it does not involve legal consequences, except the return of imperishable gift, if the giver does not cause the breach. Of course it is bad to break the engagement unless there is good for it.

¹¹ Ibid. pp 1457

¹² Thomas Patrick Huges. *A Dictionary of Islam*. Kazi Publications. Pakistan: Lahore. pp. 184

¹³ Muhammad Abdul Rauf. 1989. *Marriage in Islam*. Kuala Lumpur: Pustaka Antara. pp 23

According to Husein Muhammad Yusuf in his book “*Memilih Jodoh dan Tatacara Meminang dalam Islam*” he wrote: Engagement is a first way towards marriages binding. Engagement means showing a request to of a man to a woman or instead of it. The engagement is made via the medium of a trusted person. Therefore, it is important for the man before make the engagement to brace his intention and to confirm his right of choosing. This is because to deter any regretful and back out of the engagement because it will give effect to the women, break her heart and destroy her respective ness. This situation is contrary with our Islamic religion and good attitude.¹⁴

3.0 METHODOLOGY

3.1 Data source.

In other to measure about this case (*Engagement*) the researchers will survey in community and any person who had experience in the Betrothal or Engagement customary in Malays society, researchers also go to places has implements that adat, besides that the researchers also will use the secondary data for the department of statistics, any department of Islamic for each state and other agency relate for this case to support our analysis.

3.2 Research design.

Firstly, in the other to identify in this title, the researchers has using the two main method, the first method is the data collection, actually in this method the researcher was using also the documentation method, in this method it has shown to researcher how to collecting data with using some document which are relate for this research as well as the electronic media the source from internet an so on. Subsequently, the researcher also was using the copybooks from any books and brochures to get the some data that relate to the background for this topic.

¹⁴ Husein Muhammad Yusuf . 1987. “*Memilih Jodoh dan Tatacara Meminang dalam Islam*”. Kuala Lumpur:Thinkers Library Sdn. Bhd. pp 108.

The second method is data analysis, this data actually was helping researcher to analysis the data has collected, subsequently the researcher has done to make a conclusion from the data which has analysis, beside that the researcher also has using this data to analysis the items which relate to the cause and implication on the engagement.

4.0 IMPLICATIONS AND LIMITATIONS

The researcher has identified there have many implication form the Engagement custom which has analyzed from the researchers before this. And they also was decided the main implication in this problem is to collect the data its related with this topic, because to know what the decision from previous research and to gain the true information to put inside under literature review. For get the data we went to survey of Library and explore in Internet.

Besides that, researchers are made surveys in community to get information from them about what the effectiveness Engagement course. As we know in our society had various attitude of people, this was give effect to researcher to do research, but has of society voluntarily to help to do this research. For obtain the data, which researcher are try get the data from previous such as copybook, article, in website and others.

4.1 Limitations

The researcher has paced to select any references and enclosures relate to this matter or topic cause more from this reference has collects in Malay and Arabic language, subsequently make a more difficult to translate into English.

The researchers also pace to a many problem for using Internet such as a one source to collect a data. And the same time the researcher also suppose for waiting a turn to using it because there are many numbers of students using the internet program. Subsequently the researcher also spends more time and money to collect any data in many libraries.

Besides that also, the limitation on this research is to provide follow the data was decided, because look up to our other study which researcher must emphasize also. Therefore, this was given to researcher to provide a good research proposal, but researcher will try to provide a good research proposal.

CHAPTER 2

DEFINITION

Introduction

It interested to make a comparison study on how to hand on proposal under the Malay customary and the Islamic Law. Generally, the Islamic Law and a part of customary law were applied by Malay society in our country. Before entering the marriage life, it is important for each couple to know their future wife or husband. This can be done through an engagement. So based on the situation, someone must to understand the meaning of '*adat*' or custom according in Malay society.

In this academic project, the researcher would like to drive the meaning of engagement in the eyes of Islamic Law and custom. Besides that, the researcher wants to find out about weakness and advantages either in Islamic or custom perspective.

In addition, the researcher wants to highlight some approach in engagement according to the Islamic principles. There are some Muslims who are really hold the customs, until they neglect, the "*syarak*"

1. DEFINITION ADAT

Based, the Malay customary law is called *adat*, a word borrowed from the Arabic. *Adat*, in general, mean right conduct and in common usage, it stands for a variety of things all connected with proper social behavior. Thus it will connote rules of etiquette and the ceremonies prescribed for a particular occasion, such as engagement, marriage, as well as those customs, which have "legal consequences". It is in this last sense that the word is generally used in this paper.

It has been said:

A social norm is a customary mode of behavior – it is what people in a given society are expected by their fellow members to do, not only because such behavior is usual but also because it is deemed good. The man who upholds the norms will be rewarded by his fellows – with approbation, honors and the likes; these are positive sanctions. The man who does not uphold the norms will be punished by negative sanctions.

These may take many different forms ranging from minor social sanction, such as ridicule and refusal to interact with him, to the most extreme – that of ostracism by the community. Economic sanctions such as refusal to cooperate in economic activity and political sanctions such as the depriving of elected person of one's support and vote may be applied. Legal sanctions are those in which force may be used by a recognized authority.

Attempts have been made to redefine law so that the definition may cover customs, which have legal consequences. "A social norm," writes Hoebel, "is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting." S. Roy would define law as "a body of rules of human conduct, either prescribed by long established usages and customs or laid down by a paramount political power." Sir Arthur Goodhart defined it as "any rule of human conduct which is recognized as being obligatory." Dr. T. O. Elias attempted to improve upon the definition by suggesting that "the law of a given community is the body of rules which are recognized as obligatory by its members."¹⁵

1.1 Adat Diversity.

Malay society custom may be divided into four types, it is:

1. True Custom.

¹⁵ David C. Buxbaum. *Family Law and Customary Law in Asia: a contemporary Legal perspective*. n.p.l.: Martinus Nijhoff/ The Hague. pp 17

Custom as true custom it is nature rule that relate determine and unchanged caused and implication such as fire is hot. Allah SWT verified it to His creature since early of life and also known as Adat Nan Kawi.¹⁶

2. Customary custom

Customary custom is the acceptance custom or the adjustment customs that base on to the consensus govern to transcend tradition from one generation to next generation.

3. Formed custom

It means a usual practice that derived age by age without receive any changing.

4. Traditional custom

It mean customary performance that be practiced in form of ceremony or arranged custom with was officially shape.¹⁷

1.2 Islam and Custom in Malay Society:

Old Malay Custom or Adat was practice a long time ago until nowadays. It true some people said, the Malay is Muslim strongly practice Islamic teaching. However, they not really practice all Islamic principle.

Nevertheless, somebody will ask, “Why the Malay people not take all matter in Islamic teaching?” or, “What the reason not whole Islamic teaching practice in Malay society?” few have answered to the questions above. Firstly, have some general Malay attitude toward Adat. Even though either they from aboriginal in Malay state like ‘Semang’, ‘Jakun’, and so on or either they are immigrants from Indonesia, India, Arab or other state in this world, they set in their mind that Adat is more value other than every thing.¹⁸

¹⁶ Muhammad Ariff Ahmad. n.d *Bicara Tentang Adat dan Tradisi*. n.pl:Pustaka Nasional. p. 3

¹⁷ Ibid. p 3.

¹⁸ Othman Ishak .1997.*Hubungan antara undang-undang Islam dengan undang-undang Adat*, Kuala Lumpur:DBP. pp 98.

The Islam decided the Adat also have in Islamic Law sources especially the Adat not contrary with Al-Quran and As-Sunnah, and this is call the true Adat(صحيح). Then, the contrary Adat with Syaria't is call Fasid Adat (فاسد).

2. DEFINITION OF ENGAGEMENT

2.1 Based of Malay Custom.

There is no precise definition of engagement according to the Malay custom. The Muslim enactment only focuses on marriage, divorce, maintenance and custody of child. Engagement is not included in The Family Law Enactments.

Engagement can be done orally or in a written form either through a matchmaker or between the couple themselves.

2.2 Based of Islamic Law

According to Islamic perspective, engagement is from the word the Arabic (الخطبة) meaning talking or engaged. The root word for (الخطبة) is based word (خطب) or talk. From the meaning of (خطب) as talking, we could say that engagement is a verbally statement in the beginning of marriage it named the engagement.

“Khitbah” is making propose or engaged, while, Thalabi ‘I-ma ‘rati li ‘zawaaj is asking a woman for a hand in marriage. Khataba ‘Imara’ ata khitbah, mean propose a woman for marriage. In general, “khitbah” or engagement is a way to get to know closer about the woman so that the man will learn and understand more about the woman either physically or her behavior.

According to Wahabah Al-Zuhaili in his *Fiqh Kitab and Islamic Law*, making a proposal mean to express one’s intention to get married. This intention must be

expressed to the wanted woman or her guardians. Making a proposal can also be done through a matchmaker or middleman.¹⁹

The agreement is tied up when the woman accepts the man and this couple will be bound to the laws and ‘hukum syarak’.

It is clear that engagement is the first site toward a marriage life. Before a marriage, the man and woman should know each other during their engagement period.

According to Mimi Kamariah Majid in her book “*Islamic Family Law in Malaysia*”, engagement is a contract or agreement before the marriage. Engagement is the time for men and women to get to know each other.²⁰

Besides that, engagement is the duration for men and women to analyses his or her fiancée’s characteristics or traits, which is eligible under the Islamic Law. Once they have understood and can tolerate with each other, than the marriage must take place. Marriage is an eternal knot whereby the couple will live harmoniously and will long for each other in their marriage.

3. CRITERION FOR SELECTION²¹

3.1 What to look for in a man.

Aside from those qualities that differ from person to person and are particular to each potential couple, one should look for specific virtues. In a man party these are: -

- i) Piety
- ii) Sufficient and *halal* (lawful) income to support his household.

¹⁹ Wahbah Al zuhaili. 2000. *Fiqh Perundangan Islam*, Kuala Lumpur: Dewan Bahasa dan Pustaka pp 18

²⁰ Mimi Kamariah Majid. 1992. *Undang2 Keluarga Di Malaysia*. Pulau Pinang: Butterworth pp 18

²¹ Hedaya Hartford. 2000. *Initiating and Upholding an ISLAM MARRIAGE Staring of on the Right Foot*. Syria: Darr A Fikr Damascus.

- iii) Basic Islamic knowledge, since Allah says: “Protect yourself and your family from the fire”²²
- iv) Capacity to understand and think soundly.
- v) Maturity.
- vi) That he comes from a decent, stable family.
- vii) Contentment.
- viii) Generosity
- ix) A forgiving nature, tolerance, and an even temper.
- x) Good appearance and bodily cleanliness. (The intended bride may look at the man that wishes to marry her as many times as she needs to make her decision.)
- xi) Responsibility, protectiveness, and cooperation.

3.2 Characteristic of a Woman to be proposed.

Choosing a wife is the important thing before someone builds a household. A wife is a place that husband can get a peaceful and share his life together forever a wife also as a place that husband is really attract and to express his feeling and problem, as a place to get a baby, manage food, attire house also a teacher for children.

Choosing a right wife must be done very carefully so that can have a perfect marriage. Islam is very concerned about an eternal marriage. A perfect marriage will be achieved if the involved parties make the right choice.

As we all known, religion and nobleness are very important criteria's to guarantee a successful marriage. It cannot be denied that good in religion helps to strengthen a good relationship between the husband and wife especially when they grow older, whereas good characteristic can help to overcome weaknesses and challenges in life.

However, people nowadays are not really fond of all these things. They are more interested in searching for a wealthy, beautiful, woman from a good descent. They do

²² Al-Quran. At-Tahrim. 66:6.

not really realize that these characteristics do not last long and it does not guarantee a happy marriage.

The prophet s.a.w says in his hadith:

"تنكح المرأة لأربع : مالها, وحسابها, ولجمالها, ولدينها, فاظفر بذات الدين ترب يداك"²³

Mean: "A woman must be married because four factors: her wealth, her background, her beauty and religion. Choose a religious one and your hand will fertile".

In this hadith it explains the criteria's of a woman to get married. It comprises of factors. There are property, descent, good looking and religion. But, the most important are religion because the happiness of a household depends on it.

People nowadays leave these religion characteristics behind. Therefore, the Prophet Muhammad s.a.w calls upon all Muslims to find a woman with a great religion basic. They have to get this kind of woman at once without hesitation otherwise they will meet with disaster.²⁴

The Prophet Muhammad s.a.w clearly forbids all the males to be married to a non-religious based woman. The prophet Muhammad reminded his followers of the negative result from a materialistic marriage.

The environment can also be a great influence on choosing a right woman. Beautiful woman who are brought up in negative manners should not influence men.

However, according to Al-Duruqutni and Daylani in Abi said (marfii):

²³ Abdul Hamid, Muhammad Mahyuddin. *Sunnan Abi Daud*. Kitab An-Nikah. Bab Ma Yu'maru bihi min Tazwij zaati An-Din. Al-Arab. Darr Ahya' Al-Thuras. Juz' 1:pp. 219. # 2047

²⁴ Musifin As'ad H. Salim Basyanali. 1992. *Perkahwinan dan Masalahnya*. Jakarta Timur: Pustaka Al-Kautsar. pp. 42

The Prophet says: You have to be careful with green plants, which grow in a dirty place. The friends asked the prophet (s.a.w) what he means by the green plants. The Prophet says: “Those beautiful women brought up in negative environment”.

This hadith clarifies that a person must ensure the right choice to get a future wife. For example don't look for a beautiful only, but he must know where she from is.

According to Al-Daruqutni,²⁵ there are certain sources, which opine that this hadith is not valid. We have to be careful, in choosing a right partner. This is the most important decision aspect in order to lead a tranquility of household life, thus to produce well-grounded children.²⁶

There are a few criteria's for a good wife. Imam Syafies and Hambali state that this criteria's are “sunat” (commendable).²⁷

- i) A woman, who has a strong religious basis, so chose this kind of woman.
- ii) A woman who can give birth. This is based from a hadith, which says: Be married to a caring and who can give birth. I am so proud of having many mankind's' in the hereafter.
In hadith it proves that a caring woman and able to give birth. Is a very important factor to on increase and mankind in the hereafter?

A woman whom her sister can give birth surely can breed.

- iii) A virgin. This is based from the prophet's Hadith, which is stated by Jabir: “Why don't you marry to virgin so that you can make love to her”.
This hadith encourage taking a virgin as a future wife. It's to confirm the couple to get happiness in life after marriage.

²⁵ Wahbah Al-Zuhaili, 2000. Ibid pp 32

²⁶ Ibid pp 32

²⁷ ibid.

- iv) Besides that, the criteria of a good wife are those who come from a religious family and qanaah (not materialistic). This kind of family produces an obedient Muslim.
- v) A woman to be married must also come from a clean background so that she can produce children same as her ancestors. In this case, a man should not get married to an illegitimate child, or those who are living on the streets without knowing whom their parents are. Marrying this type of woman is discouraged.
- vi) A beautiful woman is encouraged to get married. This is because the beauty of woman can make the man feel calm and relaxed. They also can give their love wholeheartedly. This is proven why men are advisable to see the woman's face before they get tied up.
- vii) Besides that, it is advisable to marry a woman who is not a relative in order to produce clever children. According to Arabic proverbs intelligent children can be produced if you marry to a woman who lives outbound of your area and you need a lot of patience if marry your cousins. Divorce can happen at any time and to anyone even if you marry to a relative. Imam Al-Raffi seconds the opinion and he debates it with the prophets hadith:
- viii) Do not marry more than one wife if one is enough. This is to avoid from men being disloyal. Many men who practice polygamy behave unfairly towards his wives. Allah say:

"ولن تستطيع أن تعدلوا بين الناس النساء ولو حرصتم"²⁸

"And you will treat your wives unfairly even though you really want to"

²⁸ Al-Quran. An-Nisa 4:129

4. THE PURPOSE OF MAKING A PROPOSAL

The purposes of an engagement are:

- 1) Agree to tie a not. Engagement is like a token or agreement between the man and woman. Once a proposal is made, automatically an agreement is tied up.
- 2) To strengthen the relationship between two families,²⁹ the member of the two families must have a good report during the engagement period. They also have to understand each other and co-operate in preparing the wedding.
- 3) To decide the dowry and other matters. During engagement period the future bridegroom can have more time to prepare the dowry, food and beverages. During this time the couple will also learn how to manage their financial wisely.
- 4) To make an announcement. Engagement is made in order to announce the people surrounding that the woman belongs to somebody. This will warn other men not to take the woman as his wife.
- 5) To decide a date and place of wedding. During the engagement period the couple can decide the date, and place of their wedding ceremony. They have to decide it well enough in order to have a smooth wedding ceremony.
- 6) To inculcate a reasonable budget between the two families.³⁰ Once an engagement is done both parties must manage their financial matters well. They are only to spend their money on essential things. This is important in order to prevent from being over budget or wasting. On the couple's part, they also have to save money in order to use it for their wedding.

²⁹ Wanda Idris. 2003. "Pertunangan – Hikmahnya Debaranya". *RIAS*. Kuala Lumpur. April. pp 136.

³⁰ Wazir Johan Karim. 1990. *Emotions of Culture A Malay Perspective*. Singapore: Oxford University Press. pp. 34

CHAPTER 3

MALAY'S ENGAGEMENT

Introduction

The Malays are well known for their custom and culture that had been passed by their ancestors from generation to the next generation. One of the Malay's customs that still gain its importance in their life is wedding custom. Before the wedding ceremony, the Malay's community usually will hold engagement ceremonies, which have unique way of its own.

1. STEPS TO ENGAGEMENT

1.1. *The Merisik*

Merisik is done when guy is attracted to a girl whom he is not familiar or no known to him. Malays consider *merisik* is important because with this step, the guy will get a way to know whether the girl has someone else in her heart or not. This step also will let the guy know about the girl behavior,³¹ her manners to the old ones and Islamic education background like whether she had finished reading the Quran or not. These characteristics will be the scales to judge about the girls in overall view.

The one who act on behalf of the guy usually will come from those who have any blood relation with the man's family directly. They will go to the woman's house informally to have a chat and discuss related matter with the girl's parent.

1.2. *The Merasi*

Merasi is the fortune telling practice to for cast destiny;³² it has been forgotten owing to forbidden in Islam. Usually, it is done to the partner who has never been dealing each other and for those who has difficulty to know heart filling. The custom will

³¹ Amran Kasim. 2001. *Perkahwinan Melayu*. Kuala Lumpur: DBP. pp 6

³² Amran Kasim. Ibid.

ascertain whether the partner is adequate or not. It is occasionally done by shaman and midwife .A long time ago; noble people as a reign of their status, creed and custom practiced it.

1.3. *The Melamar*

After all matters *merisik* and *meninjau*, were totally carried out and the partner was claimed as ideal couple propose will be done to ask women willingness. Obviously, the woman will be asked directly regarding her personal matter whether she has a partner or not. If the willingness is stated then an agreement to accept man presence will be decided. After the verification is made would be carried. The man will bring a propose ring to woman called as “inquire ring”. Moreover, both of parties will discuss a few matters it is about: the formal engagement day, the number of man’s delegation, *hantaran*, and also the 'burn payment' (*belanja hangus*) will be decided or not in the period of the engagement.

1.4 *The Engagement*³³

When come the right time, the setup of propose will begin. In Malay, the word proposes (*meminang*) is base from areca (*Pinang*). Probably this term “*meminang*” been applied, because Areca Nut (*buah Pinang*) is the major ingredient beside betel leaves and other material when this ceremony take place. Areca nut, is a sing of a man, it shows the man’s behavior and attitude which rougher and tougher compare to a woman, which has a grace and nice natural habit. Betel (*sireh*) is a symbol of a woman. For a dish, betel and areca cannot be detached. In addition, it is imperfect if munch a betel without areca. It is like man and woman, who cannot be separate and they need each other.

In Malay marriage custom betel (*sireh*) become, the customs head, in all steps from engagement until marriage. “*Tepak sireh*” must convey by the leader and must lead supplementary gift. As a tradition, the delegates must be welcome by “*tepak sireh*” and the head of *tepak sireh* must be ahead to the delegation leader. If the tail of “*tepak sireh*” be ahead first, this act will consider as rude.

³³Amran Kasim. Ibid. pp 20

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Base on Malay custom “*tepak sireh*” must complete and be arrange follow the procedure. The incomplete of “*tepak sireh*” can raise anger from the woman side. For them it shows the virgin o not virginal.

In the perfect day, both family are ready to send and accept the propose delegation officiate. The man’s delegation must consist a number of aged woman and man and have close relation with man’s family. Among them, there must be an experience person to be a leader.

In most places present the “passing goods” there will be refreshment begin with ‘*doa selamat*’.³⁴ Among the gifts (*hantaran*) commonly present by man’s side

- *Sirih junjung*
- *Sebentuk cincin*
- *Satu set bahan persolekan*
- *Bunga rampai*
- *Kuih-muih tradisional*
- *Buah-buahan*

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In certain places, clothes, towels and *telekung* will include in gifts (*barang hantaran*).

Passing goods will be lead by *pahar* which content betel,³⁵ and commonly bring by the delegation leader and the other gifts (*barang hantaran*) will be put on *pahar*, which carried, by other delegation. Always the ‘pahar’ must in uneven number. There is no specific reason why they must be in uneven number. Certain people believe the even number will give a bad implication to the wedding. Today this belief does not be practice anymore but the gifts (*barang hantaran*) is still in uneven number. Maybe 3, 5, 7, 9, 11 and continues depend on men’s ability. The usual numbers is 7 or 9.

³⁴ Ibid

³⁵ Ibid

2. THE ENGAGEMENT PROCESS

After known between of both, representative from the woman will begin this ceremony by ask representative from the man about who own 'sireh' in front of them. Man's representative will tell the name of the man. Then, woman's representative asks again for whom the man and man's representative will tell the name of the woman to make propose. It does begin with '*istiadat*', and the session of dialogue will be proceeding. The voice of both parties will be loudly to make the others hear the discussion.

In certain place, the marriage proposal will begin the men's delegation, they will clarify their wish use with symbolic and implicit terms and language, and woman's delegations also give their feedback with the symbolic and implicit language. 'Sireh junjung' still be use as an open ceremony material. After start with 2 or 3 'seloka', then they used ordinary or standard language for ask question.³⁶

If both parties agreed with each other, steps to specifically deliver the proposal ring will follow.³⁷

3. THE ENGAGEMENT RING

After the end of the open ceremony, woman's entrust will return '*tepak sireh*' to man's side while give answer to the man's side, accept or not. Subsequent to the marriage proposal the man's entrust will meet the future bride in hers room to present a ring to hers '*jari Manis*'. The ring will be present to hers finger by one of the future bridegroom closest family such his sister or s own mother.

In several states, for this virtual the future bride will come out. After that she will shake hand (*bersalam*) with the future bridegroom representation, especially with a few women from man's delegation.

³⁶ Amran Kasim. Ibid Pp.24

³⁷ Rusnah Abu Bakar. 2001. *Perkahwinan Mengikut Adat*. Perkahwinan. Oktober. p.p. 50

The propose ring has a sentimental value for a woman. It is a sign, for a woman who will move out from hers family to be a wife to a man. She will give her soul and what she has to hers husbanded. Usually the ring has uneven number of ruby.

After asking process the decision is making and woman parties received a ring from man parties and man parties also receive a ring from woman parties. So the engagements are occurred between them.

After see eye to eye, they will sit together and discuss about the wedding include gifts (*hantaran*), dowry (*mahr*), and date wedding, money expense (*wang belanja kahwin*) usually decide by woman's side. It base on her family's woman's usually higher than unemployed and an educated woman. '*Wang hantaran*' usually reasonable and the future bridegroom can afford it. The discussion might be delay if the man's delegation cannot give their answer on the spot. Sometimes, the man's delegation bargain to reduce '*wang hantaran*'. If this happen, the negotiation will be end because the woman's side cannot give tolerate to the man's side.

4. ENGAGEMENT PERIOD

Commonly, there is no specific time for engagement period. All of that is depend on certain circumstance. Compare to today, engagement in previous time is shorter. Maybe today perceptions to spinster (*anak dara tua*) also change.

Actually, today's engagement period is depending on the individual who involve in it. Maybe, the couples only engage only in a moth or will marry earlier than that, because the bridegroom will further his study a broad and want to bring his wife along or a soldier who transferred to Sabah or Sarawak. Since, the men want to further his study and want to concentrate on it and he also does not to jump in marriage world for a while, the engagement period may with 4 years.

Beside all above, they also discuss about the wedding ceremony such either the simple ceremony or extreme ceremony, '*jumlah hantaran*' and the number of people

who will accompany bride and bridegroom and more to talk about to assure the ceremony progress.

Definitely, the custom that practices in engagement can bring many benefits. The benefit as below:

1. To make close relation between both parties.

The custom that practice in engagement started on asking that can enter a cle relation between both parties. Visit custom during asking time from man parties before proposes is important to make a close relation and increase an amicable relation. When make propose at east a several months, we can know our future fiancé and his family. The parties will feel close with their family.

The comparison with the couple that not makes an engagement may be some people will shock and fell not comfortable when they know the situation of this or her family. Nevertheless, the couple that not makes engagement really is not happy. It is depend to the congeniality of the couple and an engagement is the right time to know and see about the congeniality. The close relation both of parties will generate the peaceful situation between both of them.

Besides that also, the engagement will void from slender especially Malay society that concern and take important bout the custom.

2. Encourage the parties to give the present of them.

The engagement also can encourage both of parties to give the present for them. This custom we can see when the parties will give the present during the engagement such as a man pares will bring the ring to give for a woman parties as a symbol that they have made a relation. A woman party will reply with the ring also and another present such as clothes, food, garnish, and so on. This custom becomes a habitual since formerly. This custom is including in engagement that can generate the respect and loving feeling between both of parties. When the engagement braid between both of parties indirectly both of

family will generate the respect and loving feeling into themselves because they will become a family.

In engagement custom also, sometimes has a promised between the parties. If a man parties fail to fulfill their promise and can't make a marriage he can't make a demand of gifts. But, if woman parties fail to fulfill her promises, she must pay twice money or gifts from a man party. Nevertheless, this custom is opposed with Islamic principles because can generate the deception or '*gharar*' and can make a parties get twice of gifts and also a woman parties will keep the gifts from a man party.

5. PROHIBITION DURING ENGAGEMENT³⁸

After finish the discussion of engagement between two parties and they are satisfied, they will eat together and sometimes 'imam' will pray to Allah for safeness. In this time, the woman's party will bring out their passing goods (*hantaran*) to the man's party. '*Pahar*' that consist of the goods will be change by themselves without follow the number of '*pahar*' that had given by the man's party.

After that, the man's entourage asks permission to go back their home and the woman's party will give their 'passing goods' to that particular entourage.

Furthermore, after the man's entourage go home, the woman's party will discuss about the duty that will be do, especially if they have a short time to prepare for the wedding day. Besides that, the woman's family will invite their relatives to come for the wedding day.

For the man's entourage, they will send news, regard from the woman's family to their relatives, and assemble to see the gifts (*hantaran*) that had been given by the woman's party. They also discuss when is suitable for wedding day.

³⁸ Amran Kasim. Ibid. pp 26