

ABSTRAK

Nama : HEFNI AFRIZAL, NPM: 71190212002 Judul : PERKAWINAN ADAT MANGALUA PADA PERSPEKTIF HUKUM ISLAM DI DESA KARING KECAMATAN BERAMPU KABUPATEN DAIRI

Perkawinan mangalua terjadi disebabkan karena tidak terpenuhinya mahar yang memberatkan salah satu pihak karena beban adat, menurut hemat penulis dalam konteks dan perspektif Islam dibenarkan, sebab konteks perkawinan mangalua tetap dinikahkan syah secara agama di luar desa kedua mempelai maupun secara agama. Namun apabila pernikahan mangalua dilakukan karena sebab sengaja kawin lari karena tidak adanya persetujuan kedua orangtua atau kawin lari dan diam-diam karena telah melanggar ajaran agama seperti terjadinya hamil di luar nikah tentu menyalahi dalam syariat Islam. Oleh karena itu perlu dilakukan penelitian dan dianalisis menurut Hukum Islam, sehingga dapat diketahui bahwa tradisi Adat Mangalua status hukumnya menurut Hukum Islam. Berdasarkan permasalahan atau fenomena-fenomena di atas, maka penulis merasa tertarik untuk meneliti tentang kasus ini yang akan penulis tuangkan dalam bentuk karya ilmiah yang berjudul Perkawinan Adat Mangalua Pada Perspektif Hukum Islam Di Desa Karing Kecamatan Berampu Kabupaten Dairi. Tujuan penelitian ini adalah untuk mengetahui pelaksanaan tradisi “mangalua” dalam adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi. Untuk mengetahui dampak yang ditimbulkan dari Tradisi “mangalua” dalam Adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi. Untuk mengetahui tinjauan hukum Islam tentang tradisi “mangalua” dalam adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi. Metode penelitian ini menggunakan metode *field research* (Study Lapangan) dalam bentuk wawancara. Hasil penelitian ini adalah Pelaksanaan tradisi “mangalua” dalam adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi adalah perkawinan yang dilaksanakan di luar desa dengan dan tanpa persetujuan dari orangtua kedua belah pihak. Mangalua karena menghindari syarat adat yang berat tapi izin orangtua, mangalua tanpa izin orangtua, mangalua karena hamil di luar nikah. Dampak yang ditimbulkan dari pelaksanaan tradisi “mangalua” dalam adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi ada dua yaitu dampak adat dan dampak social atau keluarga. Dampak adat adalah dikucilkan bahkan tidak diterima ditengah-tengah masyarakat. Dampak social atau keluarga biasanya kalau tanpa izin keluarga akan menjauhkan hubungan keluarga. Tinjauan Hukum Islam tentang pelaksanaan tradisi “mangalua” dalam adat Batak Toba di Desa Karing Kecamatan Berampu Kabupaten Dairi bila mangalua dengan izin orangtua karena menghindari ketentuan adat maka tidak ada masalah karena memenuhi syarat dan rukun. Tapi haram bila tidak izin kedua orangtua dan pergi tanpa mahram bahkan lebih berat mangalua karena hamil di luar nikah.

Kata Kunci : Perkawinan Adat Mangalua dan Perspektif Islam

ABSTRACT

Name : HEFNI AFRIZAL, NPM: 71190212002 Title : MANGALUA TRADITIONAL MARRIAGE IN THE PERSPECTIVE OF ISLAMIC LAW IN KARING VILLAGE, BERAMPU DISTRICT, DAIRI DISTRICT

Mangalua marriages occur because the dowry is not fulfilled which is burdensome for one of the parties due to customary burdens, according to the author in the context and perspective of Islam it is justified, because the context of mangalua marriages is still legally married outside the village of the bride and groom and religiously. However, if a mangalua marriage is carried out due to deliberately eloping because there is no consent from both parents or eloping secretly because it has violated religious teachings such as getting pregnant out of wedlock, it is certainly a violation in Islamic law. Therefore it is necessary to conduct research and analyze it according to Islamic Law, so that it can be seen that the Mangalua Adat tradition has legal status according to Islamic Law. Based on the problems or phenomena above, the writer is interested in researching this case which the writer will write in the form of a scientific work entitled Mangalua Traditional Marriage in the Perspective of Islamic Law in Karing Village, Berampu District, Dairi Regency. The purpose of this study was to determine the implementation of the "mangalua" tradition in the Toba Batak custom in Karing Village, Berampu District, Dairi Regency. To find out the impact of the "mangalua" Tradition in the Toba Batak Customs in Karing Village, Berampa District, Dairi Regency. To find out an overview of Islamic law regarding the "mangalua" tradition in the Toba Batak custom in Karing Village, Berampu District, Dairi Regency. This research method uses the filed research method (Field Study) in the form of interviews.

The results of this study are the implementation of the "mangalua" tradition in the Toba Batak custom in Karing Village, Berampu District, Dairi Regency, namely marriages carried out outside the village with and without the consent of the parents of both parties. Mangalua for avoiding strict customary requirements but parental permission, mangalua without parental permission, mangalua for getting pregnant out of wedlock. There are two impacts arising from the implementation of the "mangalua" tradition in the Toba Batak custom in Karing Village, Berampu District, Dairi Regency, namely the customary impact and social or family impact. The impact of adat is that it is ostracized and not even accepted in the midst of society. Social or family impact usually if without family permission will distance family relationships. Review of Islamic Law regarding the implementation of the "mangalua" tradition in the Toba Batak custom in Karing Village, Berampu District, Dairi Regency, if mangalua is with parental permission because it avoids customary provisions, there is no problem because it fulfills the requirements and gets along harmoniously. But it's illegitimate if you don't have the permission of both parents and go without a mahram, it's even more difficult for you to become pregnant out of wedlock.

Keywords: Mangalua Traditional Marriage and Islamic Perspective