



The Legal Status of *Nikka Sibateng* in Accordance with Islamic Law: A Study on the Bugis Bone Community

Status Hukum *Nikka Sibateng* Menurut Hukum Islam: Studi pada Masyarakat Bugis Bone

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ARTICLE INFO

Article history

Received : 28 March 2024

Revised : 14 April 2024

Accepted : 1 May 2024

Keywords

Islamic Law;

Nikka Sibateng;

Nikah Batin;

Spiritual Marriage;

Bugis Community.

ABSTRACT

This research explores the legal position of nikka sibateng (spiritual marriage) within the Bugis Bone community, particularly in Gareccing Village, Tonra District, Bone Regency. Nikka sibateng involves a secretive union conducted without witnesses, typically following a lawful Islamic marriage, and excludes religious institutions like the Office of Religious Affairs. Participants justify this practice as a means to solidify their bond, believing it ensures their union despite opposition from some community members. Critics argue that nikka sibateng can have negative repercussions, especially for children if one partner dies, as they believe the surviving spouse will soon follow. This view is rooted in local customs and culture. The research aims to understand the practice of nikka sibateng and its standing in Islamic law. Employing a qualitative descriptive approach, the study uses normative juridical, normative empirical, anthropological, and sociological perspectives. Findings reveal that nikka sibateng was once a tradition in Gareccing Village but is no longer practiced. Importantly, the study concludes that nikka sibateng, as a tradition in this community, does not contradict Islamic law or Indonesia's prevailing marriage laws.

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1. Introduction

The term "marriage" has its linguistic root in the word "marry," which reflects the act of uniting two individuals, typically of differing genders, in a formal partnership. The word is then suffixed with "age," indicating a stage or state of life, to form the complete

term "marriage." This linguistic construction underscores the concept of individuals joining together in matrimony, typically at a certain stage of their lives. According to Law No. 1 of 1974, marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the purpose of establishing a happy and enduring family (household), based on the belief in the Almighty God. The Islamic Law Compilation (ILC) also declares that marriage in Islamic Law is a contract, a *mitsaqon ghaliidhan* (strong covenant), with the intention to obey Allah's command and fulfill it as an act of worship.¹

Spiritual marriage is a type of marriage where a man and a woman engage in a union on the first night after formally solemnizing their marriage according to Islamic law. This marriage depicts the union between Prophet Adam and Eve, where Allah is the guardian and angels are witnesses, with the dowry being a *shahada* (two testimonial statements) intended to draw closer to Allah. Spiritual marriage is also a step towards perfecting a servant's deeds, both in terms of the Sharia and the essence. Through the spiritual marriage practiced according to Sharia, the husband and wife can harmonize their inner selves to form a household filled with peace, love, and affection². Spiritual marriage is also recognized in the life of the Bugis community as "*nikka sibateng*."

The Bugis community, or '*To Ugi*,' is one of the ethnic groups residing in the South Sulawesi region. The distinctive features of this ethnic group are their language and customs, which led Melayu and Minangkabau migrants seeking administrative positions and trade in the Gowa Kingdom since the 15th century to become integrated Bugis individuals. The Bugis people are also renowned for their diligence and success in developing the economy in previously underutilized areas. They cultivate agricultural land, excel in fish farming, and establish small enterprises.³

According to the Bugis people, customs influence all of their thoughts in relation to their surroundings, including the universe. Customs also form the basis of their socio-political life. For the Buginese, customs are not merely ordinary habits⁴. The center of this process is *Pangadereng*, where all systems foundational to *Pangadereng* are interconnected, and all parties have the obligation to adhere to the established statuses and roles.

¹ Syarifuddin Latif, "Fikih Perkawinan Bugis Tellumpocoe," *Jakarta: Gaung Persada*, 2016.

² Yusri Amir and Taufik Hidayat, "Praktik Nikah Batin Di Kabupaten Padang Pariaman," *Turast: Jurnal Penelitian Dan Pengabdian* 6, no. 2 (2018): 125–35.

³ Latif, "Fikih Perkawinan Bugis Tellumpocoe."

⁴ A Rahman Rahim, "Nilai-Nilai Utama Kebudayaan Bugis," (*No Title*), 1992.

With the acceptance of Islam as a core element of *Pangadereng*, it becomes an individual's personal responsibility to harmonize the existing requirements within Islam. Simultaneously, customs have established respect and regulations as efforts to maintain attitudes and behaviors as communal possessions. Prior to the arrival of Islam, the Bugis society was already familiar with *dewata seuwae* (the one and only God). This shared view with the beliefs of Islam facilitated the acculturation between the two cultures. The existence of Bugis culture predates Islam, yet the Bugis community has embraced Islamic law into their socio-cultural life, marked by the recognition of Islam as the foundation of *Pangadereng*.

Legal systems within societies possess their distinct characteristics, including the legal system in Islam. Islamic law, often referred to as "sharia" in Arabic, encompasses related terms such as "fiqh," "ushul fiqh," and Islamic law itself. Western writers, especially orientalist, have frequently employed the term "Islamic law" in their works from the mid-20th century onwards. Even English-writing Islamic legal experts use this term in their writings. In Indonesian, the term "Islamic law" is often used to refer to Islamic jurisprudence (*al-fiqh al-Islami*).

Common terms frequently found in legal literature in Indonesian include Islamic law, which encompasses sharia and fiqh, and sometimes even ushul fiqh. Therefore, the terms Islamic sharia and Islamic fiqh are also often utilized in this literature to avoid confusion when using the term Islamic law as an equivalent to both of these terms.

In the Gareccing Village community, there exists a practice of spiritual marriage, known as "*nikka sibateng*," conducted discreetly and without witnesses, involving only the husband and wife. Previously, this couple had undergone a legitimate marriage according to Islamic jurisprudence, yet without involving religious institutions such as the Office of Religious Affairs. The process of *nikka sibateng* adheres to the prescribed procedures. The rationale behind this practice lies in the growing affection and a strong desire to remain together, even if they do not wish others to be aware of it.

However, several residents in Gareccing Village reject engaging in such spiritual marriages because they consider it equivalent to a marriage until death. When one partner passes away, whether it is the husband or the wife, the community believes that the other partner will also pass away shortly thereafter. This raises concerns, especially for the surviving individual, particularly the children. Therefore, the researchers are intrigued to

delve further into investigating the marriage tradition within the Bugis Bone community, especially in the context of *nikka sibateng*.

2. Legal Material and Methods

This research employs a field research approach that is both descriptive and qualitative in nature. Qualitative research is a type of inquiry that does not derive findings through statistical analysis or other mathematical calculations. The research was conducted in Gareccing Village, Tonra District, Bone Regency. The selection of this location was based on specific characteristics relevant to the researched issue, namely the Bugis community in Gareccing Village, Tonra District, Bone Regency. Additionally, this location was chosen for its good accessibility in terms of human resources, funding, and time efficiency.

The perspectives utilized in this research encompass normative juridical, normative empirical, anthropological, and sociological perspectives. Furthermore, the techniques for data processing and analysis include data reduction, data display, and conclusion drawing. Through these data processing procedures, research findings revealing various occurrences, facts, situations, and phenomena will be obtained. Subsequently, these results will be presented in a narrative format using qualitative descriptive methods to facilitate data display.

3. Results and Discussion

3.1. The Practice of *Nikka Sibateng*

In principle, marriage is an official agreement that legitimizes a relationship, governs rights and obligations, and involves mutual support between a man and a woman without any familial ties.

In Islam, there are provisions regarding the conditions and requisites that must be fulfilled for a marriage to be considered valid. These conditions play a crucial role in determining the legality of a marriage and establishing rights and obligations for the married couple. If these conditions are not met, the marriage is deemed invalid. Furthermore, if a couple engages in sexual relations without a valid marriage status, this act is considered adultery.⁵

⁵ Sudarsono, *Hukum Perkawinan Nasional* (Rineka Cipta, 1991).

The concept of *nikka sibateng*, which is in a larger context commonly known by Indonesian society as "*nikah batin*," is sometimes not fully comprehended by some individuals in terms of its actual purpose. The intentions behind engaging in *nikah batin* include:

- 1) Attaining happiness in life. This is done to enable the husband and wife to emotionally and mentally support each other in facing life's challenges. The presence of mutual respect and love between partners is also vital in fostering a harmonious atmosphere within the family.
- 2) Achieving spiritual harmony is a primary goal of spiritual marriage. Couples in a spiritual marriage support each other in religious rituals and strengthen their beliefs. Additionally, they cultivate a more intimate connection with God, thereby inviting blessings into their daily lives.
- 3) Enhancing sexual quality of life. Couples practicing spiritual marriage learn to understand each other's sexual needs and grow together in this aspect. They also hold a high regard for each other's sexuality, resulting in a more affectionate and intimate relationship.
- 4) Maintaining emotional stability. *Nikah batin* aims to preserve emotional stability. Couples in a spiritual marriage provide mutual support and fortification in facing challenging or stressful situations. They also learn to understand and provide emotional support to each other, thereby fostering a more harmonious and stable relationship.
- 5) Improving communication quality. *Nikah batin* aims to enhance communication between partners. Couples in a spiritual marriage learn to prioritize listening and understanding each other. They also learn to respect each other's opinions and perspectives, leading to positive impacts on their relationship.
- 6) Building self-confidence. *Nikah batin* is also intended to boost self-confidence. Couples in a spiritual marriage learn to empower and motivate each other. They also learn to accept each other's strengths and weaknesses, leading to optimal self-confidence enhancement.
- 7) Achieving common goals. The purpose of *nikah batin* is to reach shared objectives. A husband and wife provide support to each other in pursuing life goals, including career, finances, and personal aspirations. They also motivate and assist each other in achieving success.

- 8) Safeguarding mental well-being. *Nikah batin* also contributes to psychological well-being. Couples engaging in spiritual marriage provide support and attention in facing psychological or mental health issues. They also learn to respect and understand each other's mental states, building a healthier and more optimistic relationship.
- 9) Preserving physical health. Additionally, the purpose of *nikah batin* is to maintain physical well-being. Couples establishing spiritual marital bonds support and encourage each other to maintain physical health through balanced physical activity and diet. They also care for and monitor each other's physical condition, with the aim of fostering a healthier and happier relationship.
- 10) Creating a joyful family environment. The primary aim of *nikah batin* is to create a family constellation filled with happiness. Couples in a spiritual marriage collaboratively cultivate an optimistic atmosphere filled with love. They also nurture and respect other family members, resulting in a harmonious and joyful environment.
- 11) Upholding cultural traditions. The practice of *nikah batin* also aims to preserve cultural heritage and traditions. Couples engaging in spiritual marriage develop an appreciation for and safeguard the existing traditions and culture within their family. They also convey cultural and religious values to future generations, thus strengthening family bonds and preserving cultural richness.
- 12) Establishing a stable and strong family. The intention behind *nikah batin* is to create a family characterized by stability and strength. Couples holding spiritual marriages provide support and collaboration in developing a healthy and joyful family. They also reinforce emotional and spiritual connections, resulting in a family with stability and resilience.
- 13) Safeguarding family honor and dignity. *Nikah batin* also aims to uphold family honor and dignity. Couples participating in spiritual marriage develop the ability to respect and honor their respective families. They also commit to preserving family reputation, enhancing family closeness, and building trust within society ⁶.

⁶ Amir and Hidayat, "Praktik Nikah Batin Di Kabupaten Padang Pariaman."

From the aforementioned objectives, it can be concluded that *nikah batin* contributes positively to creating harmony and emotional connection between husband and wife, thereby fulfilling the aims of marriage.

An analysis of the practice of *nikah batin*, better known as "*nikka sibateng*," carried out by a small portion of the community in Gareccing Village, Tonra District, Bone Regency, becomes intriguing from the perspective of Islamic law, particularly concerning its legal status. It is imperative to delve deeply into this practice due to the significant implications that marriage holds for the individuals, the marital couple, their families, and potential issues that might arise in the future, especially concerning children.

The interview results from the conversation with A. Erwin, the head of Gareccing Village, reveal insights regarding the practice of *nikka sibateng*. *Nikka sibateng* has historical continuity among older generations and is a practice aimed at becoming lifelong partners. After conducting a legally recognized marriage contract in the presence of an officiator and witnessed by family members, the couple commences the practice of *nikka sibateng* when the husband first touches his wife on the wedding night. This spiritual marriage remains a secret between the husband and wife, undisclosed to anyone else or even their families. The distinctive feature of couples engaging in *nikka sibateng* only becomes apparent after their passing, particularly in the relatively close time interval between their deaths.

According to A. Erwin, the tradition of *nikka sibateng* is a customary marriage practice found within the Bugis Bone community in Gareccing Village, Tonra District, Bone Regency. In this tradition, the married couple partakes in the ritual of spiritual marriage conducted in secrecy, without informing anyone. Through engaging in *nikka sibateng*, they commit to living together until the end of their lives.

In the past, in Gareccing Village, Tonra District, Bone Regency, there existed a marriage practice known as "*nikka sibateng*." This practice involved an exclusive union between a husband and wife without the presence of others. This marriage was believed to be inseparable except by death. Although they might be separated in the earthly realm, they maintained the belief that they would be reunited in the afterlife. While *nikka sibateng* was a part of the marriage tradition, not all residents of Gareccing Village, Tonra District, Bone Regency, engaged in it. Presently, there are no longer any communities practicing *nikka sibateng*. This change is attributed to the evolution of times and knowledge, which led the community to believe that they would be reunited in the afterlife without the need for

spiritual marriage. Furthermore, *nikka sibateng* was associated with negative outcomes, such as a close proximity of death between spouses, raising concerns about the well-being of the orphaned children. The remaining family members and siblings also became a point of concern, particularly if the children were still young and lost both parents within a relatively short span of time.

Based on the aforementioned circumstances, there was a lack of knowledge that led the community to believe that *nikka sibateng* was a fundamental component of marriage in the past. This perspective influenced the mindset of today's society, causing them to be reluctant in participating in *nikka sibateng* due to considering the welfare of the family that would be left behind in the process.

Nikka sibateng, was a marriage practice in Gareccing Village in the past. This practice was carried out by married couples who believed that without *nikka sibateng*, they would not be reunited in the afterlife. Although not everyone in the past practiced *nikka sibateng*, only those with knowledge and understanding of this practice did so. However, today, the practice of *nikka sibateng* has become extinct because there are no longer any communities learning about it. Furthermore, the interest of the community in *nikka sibateng* has also disappeared because they believe that no positive benefits can be gained from performing *nikka sibateng*, as was believed by the community in the past.

Based on the disclosures made by Rusman, *nikka sibateng* can be interpreted as a lifelong marital bond. The purpose of this practice in the past was to allow individuals to unite with their partners in the afterlife. However, this practice is rarely found today. This is due to the changing views of society, which see more negative impacts than positive ones resulting from *nikka sibateng*.

Furthermore, according to Rusman, *nikka sibateng* is described as a form of marriage that lasts a lifetime. In the past, communities practiced this with the ultimate goal of reuniting with their partners in the afterlife. However, this practice has now become extinct due to the modern perspective of society, which considers *nikka sibateng* to have more negative than positive impacts.

Based on the interviews conducted, it was found that in Gareccing Village, Tonra District, Bone Regency, there was a Bugis community marriage custom called *nikka sibateng*. However, the implementation of *nikka sibateng* has been abandoned by the current generation. Usually, *nikka sibateng* was performed after the official marriage ceremony, especially on the first night of the husband and wife. It is important to note that

the implementation of *nikka sibateng* was not done arbitrarily, but there were specific procedures and steps to be followed. Furthermore, the practice of *nikka sibateng* could only be carried out if both parties agreed. Therefore, open communication between husband and wife was crucial in conducting *nikka sibateng*.

3.2. Islamic Law Perspective on the Practice of *Nikka Sibateng*

Before the existence of marriage regulations, rules, procedures, and validity, marriages in Indonesia were generally based on the respective religious and customary laws. According to customary law, marriage refers to the union between a man and a woman with the aim of forming a family, conducted in accordance with tradition and religion, involving both families and relatives.⁷

In the traditional marriage practices of the Bugis Bone community, the implementation of wedding ceremonies or marriage contracts consists of a series of events that must be carried out. This series of events is considered a unified whole that cannot be separated from the wedding ceremony or marriage contract. As a result, if one of the events in the series is not conducted, the marriage is often considered incomplete.

The series of events that occur in the marriage process in the Bugis Bone community includes:

1. *Maduppa botting* (fetching the bride)
2. *Mappenre botting* (accompanying the bride) dan *mappapenning* (bridal entourage)
3. *Ripakawing* (marriage contract)
4. *Mappasikarawa* atau *mappasiluka* (touching)
5. *Mappabotting/mata gau* (wedding feast)⁸.

Definitive naming is difficult to assign to the religious beliefs of the Bugis people before they embraced Islam because there is no clear history of the religion followed by their ancestors, such as Hinduism and Buddhism. Therefore, it can be said that the beliefs of the Bugis people in the past had unique characteristics. Since the Bugis people embraced Islam until now, there has been assimilation between Bugis culture and Islam. Therefore, it would be unusual or strange for there to be Bugis people who are not Muslim. Even the non-Muslim Bugis people are considered individuals who have deviated from Bugis history.

⁷ Soerjono Wignjodipoere, "Asas-Asas Hukum Adat," Jakarta: Gunung Agung, 1988.

⁸ Latif, "Fikih Perkawinan Bugis Tellumpoccoe."

In this way, the process of Islamization in the marriage culture is carried out by using important elements that have the potential for change, capable of passing through the past in a creative, radical, comprehensive, and certain way. If this happens, then the process of Islamization in marriage culture will show a model that can accommodate the culture of the community. As a result, the process of Islamization in marriage culture can be accepted without showing conflicts and paradoxes with the marriage culture of the community that has been practiced traditionally before Islam was introduced.⁹

Islamic marriage has been integrated into the marriage culture of the Bugis community, making the Islamic marriage system the core of Bugis marriage culture. At this level, Islamic law or the Islamic marriage system influences marriage culture without necessarily displaying Islamic symbols, but the principles and core values of Islam serve as the main source of inspiration in conducting marriages in accordance with the culture adopted by the Bugis community.¹⁰

The adaptation of Islamic marriage into the Bugis community's marriage culture does not imply the incorporation of the Islamic marriage system into Bugis marriage traditions. Instead, it signifies that Bugis wedding ceremonies cannot reject Islamic values but must blend with Islamic teachings within the Bugis marriage tradition. Consequently, it is not the acceptance of traditional customs by Islam, as proposed by Snouck Hurgronje, but a change in the community's perspective on cultural symbols in marriage ceremonies. In this context, Islamic values become the primary source of meaning in the marriage culture of the Bugis community. Thus, the adjustment of the Islamic marriage system to Bugis marriage traditions essentially represents a change in Islamic law within the context of Bugis community marriages.

Similarly, this also applies to the practice of *nikka sibateng*, which is one of the traditions observed by the Bugis Bone community in Gareccing Village, Tonra District, Bone Regency. *Nikka sibateng* is one of the marriage ceremonies held by the people of Gareccing Village, Tonra District, Bone Regency. In practice, *nikka sibateng* is often used as a means to seek spiritual happiness, enhance self-awareness, or deepen one's connection with God. Couples who engage in *nikka sibateng* must have the readiness and adequate awareness to lead a family life that is more focused on spiritual and inner aspects. *Nikka sibateng* is a marriage concept in which couples live together in a sacred bond after going

⁹ Latif.

¹⁰ Latif.

through a formal ceremony or documentation as husband and wife. The practice of *nikka sibateng* is conducted in a more spiritual manner and requires the consent of both parties. There is no element of coercion in this marriage concept. Both parties must agree to the status and bond they are entering into. *Nikka sibateng* requires honesty and openness from both parties.

For couples undergoing the *nikka sibateng* ceremony, it is important for them to be transparent in expressing their expectations clearly. Additionally, *nikka sibateng* should also have well-defined goals, where both partners should have similar objectives in maintaining this relationship. These objectives may involve spiritual connection or getting closer to God, as well as sustaining their relationship. Making the decision to have a spiritual marriage is not an easy task. The couple needs to have strong mutual trust in taking this step. Therefore, it is crucial to have an honest and open discussion about *nikka sibateng*. Building a healthy and strong relationship within the spiritual marriage bond requires honesty and cooperation. The couple should understand and respect each other in their relationship. It is important to always communicate honestly and openly to maintain trust in each other.¹¹

Essentially, *nikka sibateng* which is not regulated in Islamic law and lacks a basis in religious texts, is practiced by the people of Gareccing Village, Tonra District, Bone Regency, after a legally and religiously recognized marriage. Nevertheless, this tradition of *nikka sibateng* is not in conflict with the principles of Islamic law. In the past, the community practiced *nikka sibateng* as an extension of their marriage, but it did not make *nikka sibateng* a fundamental requirement in the marriage process.

Nikka sibateng is a marriage practice carried out by ancestors as part of their traditions and customs. This practice is undertaken by married couples who believe that without performing *nikka sibateng*, they will not be reunited with their partners in the afterlife. *Nikka sibateng* is conducted after they have officially married in the presence of a marriage officiant and witnessed by family members. The process of *nikka sibateng* is carried out with specific intentions and procedures. Some community figures believe that

¹¹ Maria Ulva, "Praktik Nikah Batin Dalam Upaya Mewujudkan Keluarga Sakinah Perspektif Fenomenologi Henry Corbin Dan Maşlahah Muhammad Sa'īd Ramaḍān Al-Būṭī: Studi Kasus Nikah Batin Di Desa Malahah, Kecamatan Samaturu, Kabupaten Kolaka, Sulawesi Tenggara" (Universitas Islam Negeri Maulana Malik Ibrahim, 2023).

the sign of a couple who has entered into a *nikka sibateng* bond can only be known after their passing, particularly when both individuals pass away within a relatively short period. In Gareccing Village, Tonra District, Bone Regency, the community used to practice *nikka sibateng*. However, not all individuals follow this tradition today because they have limited understanding of it and doubt its benefits for the longevity of their marriages.

Islamic law's stance on the practice of *nikka sibateng* in Gareccing Village, Tonra District, Bone Regency, is that while there are no explicit regulations governing it in Islamic law or national laws, the practice is not considered contrary to Islamic law or national laws. This is because the implementation of *nikka sibateng* occurs after a legitimate marriage contract has been established, both in terms of religious and legal aspects.

4. Conclusion

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