

**Review the Concept of Al-'Adah Al-Muhakkamah on Tradition
"Batal Wudhu" the Traditional Wedding of Ternate People in
Ternate**

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ABSTRACT

The procession of "cancel ablution" at the traditional wedding of the people of Ternate became one of the traditions that must be done. This procession is understood by society as a change of status between men and women into husband and wife. This procession raises the understanding that the husband and wife do not have a prohibition on touching hands during prayer because there is already a "cancellation of ablution" when married. Suppose you look at the rules of the prohibition of contact that is not a mahram as a condition for the validity of prayer. In that case, you have different opinions, and the law of the prohibition of contact for non-mahrams does not fall just because there has been a change in marital status. Starting from this understanding attracted researchers to study how the implementation of "cancel ablution" in traditional marriages of the people of Ternate City and how al-'adah al-muhakkamah studied this procession. This study uses the qualitative descriptive verification method by describing the pattern of tradition in the community of Ternate city and then verifying correctly or distorting this procession to be applied by the community using the concept of Al-'adah al-muhakkamah. This study found that the community procession 'cancel ablution' is a hereditary tradition and has developed since the first. The procession of "cancel ablution," which is understood by the public, is of two forms: first, some understand this procession as a form of legalization and changes in mahram relations between men and women. Second, as a gift of prayer to the wife named 'Paha ngoma-ngoma' by placing her hands on the wife's crown while praying. Analysis using Al-'adah Al-muhakkamah makes the first form to be distorted. It enters the category of 'adah fasid or 'urf fasid while 'Paha ngoma-ngoma' can be 'adah Shahih or 'urf Shahih is justified, then the procession of "paha ngongoma" is applied, not "ablution void."

Keywords: *al-'adah al-muhakkamah; cancel ablution; traditional marriage.*

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INTRODUCTION

Marriage is one of *sunnatullah*, which applies to *mukallaf* as a form of obedience of a servant to His Lord. Marriage is a series of worship aimed at carrying out God's commands, enjoying the greatness of God who has created creatures in pairs with a good lifetime duration, loving each other, and giving each other rights and obligations by marriage. This is indicated in Qs al-Hujaraat verse 13, ar-Ruum verse 21 and Yaasin verse 36.

Marriage is a method chosen by God as a way for humans to produce offspring, reproduce for survival, and have a partner ready to play a positive role in realizing *sakinah*, *mawaddah*, and mercy. Marriage cannot be considered merely a means to unite the body of a man and a woman and produce more children. Marriage is not institutionalized merely to satisfy natural desires or wild passions. But marriage has a much deeper meaning than these obvious physical realities (Pilibs, 2006).

Marriage laws are very diverse according to the needs of each individual who intends to marry. The Indonesian dictionary defines marriage as coming from the word "marry," which, according to the language, means forming a family with the opposite sex having sex or intercourse (Depdikbud, 1994). Amir Syarifudin (2009) defines marriage as an inner and outer bond, a man and a woman as husband and wife, which aims to form a happy and eternal family (household) based on the One Godhead. Meanwhile, according to Islamic law, marriage is a firm contract or *Miitsaqan Ghalidhan* to obey Allah's commands and carry them out in worship.

Imam Nawawi said marriage could get a great reward when marriage is based on keeping the eyes from disobedience, obtaining offspring, and as a real action in following the sunnah of the Prophet Muhammad. Abu Ishaq al-Syairazi (1996), in his work *al-Muhadhdhab* classifies the law of marriage into *ja'iz*, when marriage is based on the deliciousness of the fruit rather than marriage. The depiction of marriage is like wearing luxurious clothes and eating delicious food. On the other hand, marriage becomes mandatory when someone already has stability in terms of costs and has more skills to navigate the household ark. While the person is worried about committing adultery, he must hasten to marry so that he is awake and protected from slander.

Marriage is said to be legally formal based on religious provisions if it fulfills all the requirements of marriage that are the pillars of the marriage. Absolute conditions that must be met by anyone who will hold a marriage are the presence of the two prospective brides and grooms, a marriage guardian, two male witnesses, and through consent and consent. If this is not done, or one of them cannot be fulfilled, then religiously, the marriage is invalid. Based on the provisions of the State, especially the State of Indonesia, a marriage is said to be valid if registered at the Office of Religious Affairs (KUA) for those who are Muslim and the Civil Registry for non-Muslims. The conclusion is that a marriage is valid religiously and

stately if it is carried out based on religious provisions and must be registered (Rahmat, 1999).

Article 14 of the Compilation of Islamic Law (KHI) states that the pillars of marriage consist of the prospective groom, prospective bride, marriage guardian, two male witnesses, and consent. Marriage is valid if the five elements or pillars of marriage are fulfilled. On the other hand, if one or more of the five elements are not met, marriage is invalid. Based on the Hadith of the Prophet Muhammad in the book of al-Bahr from Nasir, Shafi'i, and Zuhar, as quoted in the book Nail al-Authar volume 5, any marriage is not attended by these 4 (four) elements, the marriage is not valid either religiously or legally. marriage registration rules (Djubaidah, 2010).

Implementing Islam does not make it difficult for male and female cats (prospective brides) to marry. Islam makes it easy by not eliminating its sacredness. It's just that the implementation that is developing in our society, coupled with several traditional processions that people themselves sometimes don't understand, makes marriage complicated and requires a lot of money. The procession carried out continuously since ancient times makes this procession interpreted as tradition and then judged as customs.

Traditions are magical-religious habits from the life of an indigenous population regarding cultural values, norms, laws, and rules that are interrelated to become a system or regulation that has been established and includes all conceptions of the system. culture of a culture that regulates social action (Sukanto, 1993). The use of tradition in sharia is allowed because one of the concepts of *istinbath al-hukm* also uses traditional or customary methods, namely 'al'adah' and 'al-'urf' (Az-Zuhayli, 1998).

The procession of 'cancel ablution/*batal wudhu*' at the traditional marriage of the people of Ternate City is one of a series of marriage contract processions located after the pronouncement of the *qabul* consent. This procession begins with the prospective wife being required to perform ablution before the marriage contract or before the cancellation of ablution. After reciting the marriage contract, the prospective husband who has become a husband comes to his wife by placing the thumb of her right hand on her forehead to cancel her ablution. The meaning of this procession is Changes in the wife's status initially with her status, after the pronouncement status changes to the husband's legal wife; Halal, in marital relations. Before the contract is forbidden to have intercourse with the wife; after the contract of sexual intercourse becomes valid, The husband becomes the wife's mahram. The prospective husband is not the mahram of the wife, while after the contract, the wife becomes the mahram of the husband, so holding hands even though in a state of ablution is not invalidated; Changes in rights and obligations. Before the contract, the wife is only responsible for herself. After the contract, the wife has obligations to her husband.

This procession happened of the Prophet, but it is not in the Qur'an and the Hadith of the Prophet. In previous research, several traditions of the society in Indonesia have the same practice: *Baiat* tradition in the Gorontalo tradition with the cancellation of the ablution procession called *huali io humbia* (traditional room), which indicates that from now on, the two are legally husband and wife (Martam, 2017). The *mappasikarawa* tradition in Bugis custom is the process of canceling ablution by the bride and groom led by *pappasikarawa*. This tradition is considered to exist still because it is a prayer and determines the success of the family they will undergo, so it is important to implement (Sudirman & Mustari, 2021). This procession also means the union of two families (Rifdah, 2022).

The researcher's initial observation of the people of North Maluku found that this procession differed from some of the studies discussed. The practice that occurs in the people of North Maluku, there is a misunderstanding on the understanding of whether ablution in prayer is valid or not. Customs can be applied if they do not conflict with existing Shari'ah rules. In addition, the use of the term 'cancel ablution' creates an understanding that 'cancel ablution' makes husband and wife create an understanding in society that husband and wife do not have a prohibition on touching hands during prayer because there has been 'cancellation of ablution' when married. Suppose you look at the rules regarding the prohibition of touching non-mahrams as a condition for the validity of prayer. In that case, there are differences of opinion, and the law prohibiting touching non-mahrams does not fall just because the ablution has been canceled at the time of marriage. This research is necessary because whether or not ablution is canceled determines the prayers' validity. The jurists also differ in their opinion on punishing it.

METHODS

This research is field research (Moleong, 2017) because the data and study materials used come from KUA employees and *Syara'* employees in the City of Ternate. Although there is also data taken from the library (library research), its nature is only as supporting and complementary data. The object of research in Ternate City is limited to several location points within the City of Ternate that practice more, namely at 4 (four) object points, namely: KUA North Ternate, KUA Central Ternate, KUA South Ternate, and KUA Kec. Ternate Island. The researcher took the location at KUA because KUA is also an indigenous community, only that the position in work is as an employee of KUA. KUA is in contact with the matter of marriage, and the KUA also acts as a *syara'* employee or *syara'* body and contributes to this procession's practice.

While the nature of this research is descriptive-analytical verification (Nazir, 2005). Descriptive by searching for the understanding of KUA employees and *Syara'* Employees in the City of Ternate regarding the implementation of 'cancel ablution' in traditional marriages of the people of Ternate City. Analytical analysis by analyzing the understanding of the people of Ternate City by using the

rules of fiqh *al-adah al-muhakkamah*. Verification by verifying that understanding is by existing fiqh rules.

The City of Ternate conducted this research in the Office of Religious Affairs in the Ministry of Religion of North Maluku. The research implementation process lasts for 3 (three) months, namely October-December 2021. The data collection technique for this research uses interview and documentation techniques. In the data collection stage, the researcher completes himself with notes on interview guidelines and documentation in which the researcher acts as a binding instrument. In a position as a critical instrument, researchers play a significant role in data collection, data processing and analysis, and data interpretation.

RESULTS AND DISCUSSION

The Tradition of “*Batal Wudhu*” at the Traditional Marriage of Ternate

Every society has its own culture and traditions. Every culture and tradition must have a society because both are united. The norms that apply in society are customary norms. A norm is a group of social rules that contain instructions or regulations made consciously or unconsciously about the behavior becoming a habit. These norms are cultural values related to specific human roles in society (Sztompka, 2007)

The customs carried out by the people of Ternate City reflect that a noble value order governs all plans, actions, and deeds so that these noble values give birth to the manifestation of the life of the people of Ternate City. They are cautious about getting physical and mental security in carrying out the work.

Tradition can arise because of the similarity of material objects and ideas that come from the past but still exist today and have not been destroyed or damaged. Tradition can be interpreted as a true inheritance or inheritance of the past. However, the repeated tradition is not done by chance or intentionally (Sztompka, 2007). More specifically, tradition can give birth to a culture in society itself. The culture is the result of tradition and has at least three forms, namely: (1) the form of culture as a norm, a complex of ideas, ideals, values, norms, rules (ideas); (2) the form of culture as a complex of activities and patterned actions of humans in society (activities); (3) The form of culture as objects made by humans (artifacts).

“The people of Ternate city have been famous for their local wisdom since the founding of the Ternate kingdom, in which several local solid traditions exist. Some traditions adopted and applied to date are traditions in traditional weddings. Tradition in traditional marriages of local communities is a hereditary ritual, which is considered a symbol of the sanctity of the bonding of two different people into one family, which is expected to bring happiness and peace (Interview with Mochtar Kamal, KUA Extension Officer, Central Ternate District, 2021).”

“The understanding of the people of Ternate about tradition is an effort to preserve good habits carried out by ancient parents, which must be obeyed, followed, and implemented adequately with all the beliefs and beliefs that the community has. Applying these traditions is expected to become a child’s obedience to the community’s local culture. In addition to obedience, carrying out this tradition is a form of preservation that is carried out to avoid destruction so that children and grandchildren can carry it out, appreciate and apply it properly (Interview with Ali Djafar, Syara’ employee of North Ternate District, Ternate, 2021).”

The ritual process in the traditional marriage of the people of Ternate city starts from the application process (*khitbah*) carried out by the male family by visiting the female side’s family as a sign of respect and asking for their blessing to propose to their daughter. After hearing that the greetings of respect for the man’s family are approved, it is followed by request for money for wedding expenses by the woman, which of course, is to the ability of the man’s family. The traditional process in this traditional marriage takes place sequentially from pre-marriage (*ijab qabul*) until after marriage (*ijab qabul*).

The traditional wedding procession becomes; Pre-Marriage (*ijab qabul*): (1) *Naik wadaka* (fere wadaka), (2) *Rorio* (visit the bridal chamber), (3) *Hodo Jako* (three-tube bath), (4) *Ijab Kabul* (Marriage); and Post-Marriage (*ijab qabul*): (1) *Thigh Ngoma-ngoma* (Putting hands on the crown of the bride), (2) *Suba Yaya Se Goa* (Asking for parents’ blessing), (3) *Saro-saro* (traditional eating) (Majid, 2016).

“One of the traditional processions that is the focus of research by researchers is ‘*Paha Ngongama*’ or ‘*Pala Ngoma-ngoma*’ or ‘*Pala Ngongoma*’ often referred to by event readers in traditional weddings as ‘cancel ablution’ or ‘cancellation of ablution water’. The term widely used by the community is the last two words, namely ‘cancel ablution’ or ‘cancellation of ablution water’ (Interview with Mochtar Kamal. KUA Extension Officer, Central Ternate District, Ternate, 2021).”

“The tradition of ‘cancel ablution’ in the people of Ternate City is applied in traditional community marriages, precisely in the procession of the marriage contract after the recitation of the *ijab qabul*. The marriage contract procession is a sacred procession that has various meanings. In society’s understanding, the marriage contract is the husband’s promise to God to lead the household once in a lifetime, covering each other’s mistakes and shortcomings. Covering the shortcomings by not spitting on the partner’s disgrace by reciting the *qabul* consent covered by a white cloth as a symbol of purity (Interview with Irham S. Ibrahim, Head of KUA North Ternate District, Ternate, 2021).”

“Stages of the procession, ‘*batal air wudhu*’ or ‘*batal wudhu*’, begins with a rule. Before entering the contract assembly, the prospective husband is in

a holy condition from major or minor *hadats* (ablution). He must not touch each other with those who are not mahram, as is the condition for prayer. Others understand that when leaving the house for the assembly of the bride and groom, they must be pure (ablution). This tradition is interpreted to mean that entering the gate of marriage must be done in a state of purity, clean of *hadats*, heart from *ujub*, envy, and things that encourage the prospective bride and groom to do bad deeds to each partner. (Interview with Subhan Abbas, Head of KUA Central Ternate District, Ternate, 2021).”

The marriage contract procession is carried out as usual according to the Sunnah of the Prophet Muhammad. It begins with a marriage sermon and ends with the reading of the approval of the prospective groom to the guardian of the prospective bride, witnessed by witnesses in the procession. After reading the *ijab and qabul*, considered valid by the witness, the prospective husband, who is already legal, picks up the bride as his wife, who sits in a different contract assembly, to carry out the next stage in the “*batal wudhu*” procession.

“There are various ways to implement the application of “*batal wudhu*”; some by touching the forelock of the wife with the right hand; (Irham S. Ibrahim, Head of KUA North Ternate District, Interview, 2021). Some put their thumb or middle finger on their forehead; some put the index, middle, and ring fingers on the wife’s crown. This symbol means touching the husband’s skin with the wife’s. Touching the skin with the skin is understood as justifying or ratifying the relationship between husband and wife who initially had a non-*mahram* status to become mahram for each (Interview with Zainuddin Basyir, Head of South Ternate District, 2021).”

“The other side understands that putting your hands on the wife’s head is a symbol of obedience and that no matter how high the degree, education, lineage, or economy of a wife, in front of her husband, she must still be obedient to her husband. (Ruslan Ilyas, Penghulu Kec. Ternate Selatan, Interview, 2021), Another understanding with a philosophical meaning is that the crown is the place of goodness and where angels take life. So this crown must always be prayed to include good energy and release bad energy, so that good morals improve while bad habits can be corrected, corrected, or even removed (Interview with Irham S. Ibrahim, Head of KUA North Ternate District, Ternate, 2021).”

“The reading of *shalawat* is interpreted as *lafadz shalawat* is a good *lafadz* which means glorifying the existence of the Prophet as a messenger of Allah. It is hoped that the household built is also based on the Qur’an, the compass of people’s lives, and the Sunnah of the Prophet, which is a complementary guide in living in pairs until they can build a *sakinah, mawaddah wa rahmah* family (Hidayat Taufik, Head of KUA Ternate Island District, Interview, 2021).”

“One of the informants said that not all people understand and understand the meaning of every tradition that has developed in Ternate from generation to generation. As a form of obedience, the community only follows the community’s obedience to the elders or former parents. Disobedience to the implementation of adat also sometimes has a sociological impact on the community. Some of them said that if they did not carry out the ‘void ablution’, they would be punished for violating the customs/traditions of their parents because all this time, all of them were carrying out that tradition. Some say that if you don’t do it, it’s a violation and makes the marriage annulled by custom. The people of Ternate in ancient times believed that when it was a tradition, it would be unpleasant for their domestic life in the future, and even disaster might befall them (Muksin Mahmud. *Syara’* employee in Central Ternate district, Interview, 2021).”

“The *penghulu* assists government officials who handle marriage under the territory of the Ministry of Religion of Ternate. Some say it is still carried out because it is considered a good tradition that does not come out of the Shari’ah. A good tradition can be developed and maintained to maintain the integrity of traditional marriage. Others say that it doesn’t matter if it is not done because the invalidity of the marriage is not seen from the implementation or not of the “cancel ablution” tradition. (Mochtar Kamal, Head of KUA Kec. Central Ternate, Interview, 2021). Some others are also the same because it is not carried out “cancel ablution” is also okay. The law is permissible and may or may not be done. If you do this, you will respect the applicable customary law or rules, and if you don’t do it, you won’t get any customary sanctions (Subhan Abbas, Head of KUA Central Ternate District, Interview, 2021).”

“Apart from the absence of sanctions, some people’s misunderstanding leads to a distorted understanding of the provisions for canceling ablution. Some understand that the cancellation of ablution water also results in the cancellation of ablution water during prayer. If the husband and wife have performed the cancellation of ablution water when married, then later when he prays, he will not touch each other and will not be punished because it means mahram. While others understand that it is still invalid if it is related to the obligation to fulfill the legal requirements of prayer (Irham S. Ibrahim. Head of KUA North Ternate District. Interview, 2021).”

Study of *al-Adah al-Muhakkamah* on tradition “*batal wudhu*” Ternate Traditional Marriage

Qawaid fihiyah is a comprehensive rule of law that includes all its parts. There are five agreed basic principles of fiqh, one of which is *al-adah al-muhakkamah* (customs can be the basis for establishing a law). It is taken from good

habits that grow and develop in society to be used as a basic guideline for forming a law that follows the law with evolving values (Rifdah, 2022).

Mastering the rules of fiqh can find a common thread for mastering *fiqh*. Therefore, it becomes a meeting point for fiqh problems, and it is wiser to apply fiqh in different times and places for different cases, customs, and circumstances. The fifth basic fiqh rule is about customs or habits. In Arabic, there are two terms relating to habits: *al-'adah* and *al-'urf*.

'*Adah* is an act or word that humans continuously carry out because it can be accepted by reason, and humans continuously want to repeat it, *al-'adah* is commonly known in the Fiqhiyah rules. While '*urf* is an act or word where the soul feels calm in doing it because it is in line with logic and can be accepted by its human nature in various habits, including in *munakahat*, also known in the study of *ushul fiqh*. Both are *istinbath* al-hukm methods in drawing a legal conclusion that has not been punished in Shariah or Fiqh.

Socializing in one social life makes '*adah* and '*urf* inseparable. '*Adah* and '*urf* is habits that arise in society. Islam can tolerate '*adah* and '*urf* that develop in society as long as they do not conflict with sharia. This also happened to the tradition in the traditional marriage of the people of the city of Ternate.

The people of Ternate City are known as people who are very strict in upholding and maintaining the rules of social stratification. Social stratification is seen as one of the conditions for winning and maintaining the honor of the "cancel ablution" tradition that occurs when analyzed from *fiqhiyyah* rules. It is included in the *al-adah* al-Muhakkamah rule, namely a tendency toward one particular object and cumulative repetition of the object of the work in question. Whether done by individuals or groups, which results in repetition, then judged as commonplace and easy to do.

Fiqhiyyah rules in the concept of 'batal wudhu' looking at some of the information submitted by the resource persons, it can be seen that there are several conclusions, namely:

The 'batal wudhu' procession is considered a traditional procession

Shari'ah also fiqh Munakahat does not include the 'cancellation of ablution' procession as a pillar or condition. Pillars in marriage only on; the existence of husband and wife, guardians, witnesses, and *lafadz* consent and *qabul*. So if these pillars have been fulfilled, then the marriage is valid. However, in the development of the era of *sharia* and *fiqh*, there are opportunities for *ijtihad* using *qawaid* fiqhiyah or *qawaid* ushuliyah. So that new problems that do not have legal force can be determined legally without leaving the main legal basis.

This "batal wudhu" procession must be understood to certify the status of the prospective bride and groom to be husband and wife, as well as legalizing sexual

relations, mastery of rights and obligations, and cancellation of ablution water previously owned by each before carrying out the consent and qabul. Then this procession becomes legitimate. Another rule states “الأصل الأشياء الإباحة” which means the law of origin of everything is permissible. (Washil & Azzam, 2009) This means that if something is not clearly explained in the Shari'ah Nash and the Prophet's Hadith regarding its halal-haram, it can be punished with permission. The validity of 'urf, then “*batal wudu*” which is this tradition, is included in the category of *al-'urf al-Sahih*, which is already known to the public and does not contradict the *syara'* proposition, nor does it justify the haram and abort the obligatory (Syarifudin, 2009).

It is different if the meaning of the “cancel ablution” procession is as a cancellation of ablution in the provisions of cancellation in prayer, which is related to the rules for touching women who are not mahram, then there is a deviation in meaning. There is another rule popularized by Imam Ahmad and several other Hadith experts that (الأصل العبادة التوقيف) means that the origin of worship is *tauqif* (sourced from Allah and the Messenger). So it is not permissible to worship except for what Allah has prescribed. No one is allowed to have a way of worship from himself because only Allah, the Maker of the Shari'ah, has the right to make ways of worship to get closer to Him. The Prophet SAW said in Sahih al-Bukhari Hadith 2697:

قَالَ حَدَّثَنَا يَعْقُوبُ حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ رَوَاهُ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْمَخْرَمِيُّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ وَعَبْدُ الْوَاحِدِ بْنُ أَبِي عَوْنٍ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ

The meaning:

“Has told us Ya'qub has told us Ibrahim bin Sa'ad from his father from Al Qasim bin Muhammad from 'Aisha radiallahu' anha said; The Messenger of Allah -peace and prayer of Allah be upon him- said: Whoever makes a new case in our business for which there is no order, it will be rejected. Also narrated by 'Abdullah bin Ja'far Al Makhramiy and 'Abdul Wahid bin Abu' Aun from Sa'ad bin Ibrahim (Al-Bukhari, 1979).”

Another reason is that this provision has several different understandings among the fuqaha; The Imamiyyah school of thought does not invalidate ablution, whether touching it directly or indirectly, touching the mahram or not with the hands or other body parts and accompanied by lust or not. Similar to the Imamiyyah Madhhab, the Hanafi Madhhab also punishes the same thing, except that the touch causes an erection of the genitals, so the law is null and void. The Maliki school of thought is the same: only if you touch it with lust will invalidate your ablution, but if you don't touch it with lust, then your ablution will not be invalidated. In contrast to the previous 3 (three) schools of thought, Imam Shafi'i punishes with a void, whether touching a foreign woman (not a mahram) directly or indirectly, touching

with hands or other body parts without obstruction or accompanied or not accompanied by lust is still punished with a void (Jannati, 2007).

The '*batal wudhu*' procession means al-'urf al-Fasid, which is known by the public but is contrary to *syara*'. The opposite is because every society has a different understanding in responding to the meaning of 'touching a woman who is not a mahram in prayer' and cannot be generalized, thus allowing different interpretations for the community. Everyone has the right to determine and follow the Madzhab he believes in without imposing other wills.

The 'batal wudhu' in a philosophical sense is 'Paha Ngoma-Ngoma'

Every element of the words and deeds of the traditional marriage procession of the people of Ternate City must have a good meaning which is expected to be imitated, practiced, and absorbed by the community. Canceling ablution water does not only mean legalizing marital status but also reading the prayer the husband requested for his wife. The reading of the prayer by placing the hands on the crown of the wife '*Thigh Ngongoma*' or '*Pala Ngoma-ngoma*' or '*Pala Ngongoma*'. The difference in words does not change the meaning, and there is still one meaning: 'praying for the crown'.

The fontanel (the fontanel is if in an infant/on the baby's crown, the soft space between the plates of the baby's skull. Located on the newborn's head, one on top and the other at the base). The back, this part will pulse until the baby's head hardens, is the central part of human character, according to them, from where the beginning and end of human life. This part also synergizes with the heart and liver. As a baby, this part is the most sensitive, so it is likened to the character and nature of a sensitive wife with a religious character. There are good and bad traits and characters. So that is the part the husband must pray for so that the wife has good qualities and avoids terrible traits.

The researcher analyzes this term that should exist and be used by the community, not 'cancel ablution'. When used and applied, this term includes '*al-'adah*' or '*urf shahih*' because it is already known to the public and does not contradict the *syara*' proposition, nor does it justify what is forbidden and abort the obligatory (Syarifudin, 2011). This term has more of a good meaning than "*batal wudhu*." Canceling ablution for ordinary people is always associated with the law of canceling ablution in prayer so that it becomes a deviation of meaning. If this is still applied, it will become '*al-'adah*' or '*al-'urf fasid*'.

Reading a prayer on the wife's crown is good behavior that can be made a tradition; even the Messenger of Allah made it a Sunnah for his friends to do it when he married and met his wife. The prayer contains the hope that the wife's goodness will remain. Evil in the wife is eliminated, so the household is only filled with goodness. The prayer is listed in Sunan Abu Daud Hadits 2160:

حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَعَبْدُ اللَّهِ بْنُ سَعِيدٍ قَالَا حَدَّثَنَا أَبُو خَالِدٍ يَعْنِي سُلَيْمَانَ بْنَ حَبَّانَ عَنْ ابْنِ عَجْلَانَ عَنْ
عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِذَا تَزَوَّجَ أَحَدُكُمْ امْرَأَةً أَوْ اشْتَرَى عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ
خَادِمًا فَلْيَقُلْ اللَّهُمَّ إِنِّي أَسْأَلُكَ خَيْرَهَا وَخَيْرَ مَا جَبَلْتَهَا عَلَيْهِ وَأَعُوذُ بِكَ مِنْ شَرِّهَا وَمِنْ شَرِّ مَا جَبَلْتَهَا عَلَيْهِ وَإِذَا
اشْتَرَى بَعِيرًا فَلْيَأْخُذْ بِذُرْوَةِ سَنَامِهِ وَلْيَقُلْ مِثْلَ ذَلِكَ قَالَ أَبُو دَاوُدَ زَادَ أَبُو سَعِيدٍ ثُمَّ لِيَأْخُذَ بِنَاصِيئَتِهَا وَلْيَدْعُ بِالْبَرَكَةِ
فِي الْمَرْأَةِ وَالْخَادِمِ

The meaning:

Have told us Uthman bin Abu Syaibah, and Abdullah bin Sa'id, they said; has told us Abu Khalid Sulaiman bin Hayyan from Ibn' Ajlan, from 'Amr bin Shu'aib from his father, from his grandfather, from the Prophet *sallallaahu' alaihi wasallam*, he said: "When one of you marries or buys enslaved people, he should say; 'Allaahumma Innii As 'Aluka Khairahaa Wa Khaira Maa Jabaltahaa 'Alaihi Wa A 'uudzu Bika Min Syarrihaa Wa Syarri Maa Jabaltahaa 'Alaih' (O Allah, I ask You for its goodness and the good of what You created for it, and I seek refuge in You from its evil and the evil of what You created for it. And if he buys a camel, he should hold its hump and say like that!) Abu Dawud said, Abu Sa'id added; then he should hold his forelock and pray for blessings on women and enslaved people (HR. Abu Daud).

According to the researcher, if what is applied is holding the crown and praying for it, it can have a double meaning, namely carrying out 'al-'adah' or 'al-'urf sahih' and carrying out traditional traditions. Understanding in marriage includes the process of touching hands with skin. Another reason is that implementing a habit that friends also do is better than building a new tradition that turns out to be running away from its original meaning.

Fiqhiyah Rules of al-'adah al-muhakkamah as a proof that the process is allowed 'batal wudhu'

Using fiqhiyah rules as a valid argument is still a debate among scholars. Some scholars of fiqh make the rules of fiqh as the basis for concluding the law, and some others do not use it as a basis (Kashim et al., 2015). Ulama' who do not use the fiqhiyah rules of *al-'adah al-muhakkamah* as evidence are:

First, Imam al-Haramain from Kitab al-Mumtā by Muslim bin Muhammad bin Majid ad-Dausiri said that if there was a problem for which there was no law, the ulama' at that time could not base the problem except on *qath'i* arguments. *Second*, Ibn Daqiq al-'id (702 H) mentions that *qawaid al-fiqhiyah* is an impure method because the *furu'* problem cannot be known by law with *qawaid ushuliyah*. *The third*, Ibn Nujaim (970 H) in Kitab *al-Asybah wa an-Nadzair* stated "It is not permissible to give fatwas using *dhawabit fiqhiyah*, because a is not universal. Even just *aghlabiyah* specifically. *Dhawabith fiqhiyyah* does not come from the founder

of the madhhab Imam, but it is a conclusion made by scholars from the words of the Imam.

Based on the three opinions above, it is concluded that the reasons for not using *qawaid* as an *istinbath al-hukm* method are as follows. *first*, *Qawaid fiqhiyah is aghlabiyah* and not universal, and there are exceptions to it. So it is possible when you will include a problem, but it turns out that the problem is one of those excluded by the rule. *Second*, *Qawaid Fiqhiyah* comes from *Istiqra*, the average of which is *istiqra ghair taam*. Then the category of *ghalabatu adz-dzan* as one of the conditions for the conclusion that the law cannot be achieved so that it cannot provide an accurate legal decision. *Third*, *Qawaid Fiqhiyah* results from the *illat* set of *furu'* laws. So it doesn't make sense if a result is used as a postulate for the *furu'* law, which initially gave the conclusion that *Qawaid Fiqhiyah* was formed.

Ulama uses *qawaid fiqhiyah* as a proposition; understand that *Qawaid fiqhiyah* is not a proposition that can be used to conclude the law (Thalib et al., 2020). Still, if texts strengthen the rule, be it the Qur'an, Sunnah, or Ijma, then the use of this rule is permissible. Muhammad al-Shidqi al-Burnu explained the rules that were strengthened by the texts. According to Washil & Azzam (2009), the Shariah laws can be deduced from these rules (rules reinforced by texts), one of which is 'الأمر بمقاصدها' which means "everything depends on the intention," which is reinforced by the proposition 'انما الأعمال النية' means 'actually the action depends on the intention' (Haidar, 2018).

From the understanding of the theory described above, the procession of 'cancel ablution' is a repeated habit applied by the community. People follow the tradition in the procession of 'cancel ablution' because it is a habit of previous parents that must be followed, believed to be accurate, and practiced. Although sometimes, they do not understand the meaning behind a process.

The background of this misunderstanding and difference in understanding occurs due to several factors; 1) Lack of knowledge. The lack of interaction between religious leaders and local traditional leaders so that the understanding obtained is not comprehensive. Knowledge of the label, "he said," is still very attached without digging deeper into how the rules of sharia and fiqh regulate the actual wedding procession. 2) More often *taqlid* without evidence. The habits of ancient parents may be used as guidelines for *taqlid*, it's just that the more advanced the times, the more people don't understand the true meaning, so they seem to follow the current, which is often called blind *taqlid*. Especially in the era of 4.0, young people of the next generation are more inclined and interested in western culture, so local culture is no longer relevant to be understood today, and 3) Lack of religious socialization. Lack of religious socialization by the KUA in this case as the party who has the authority to provide information, monitor, provide enlightenment or problems or deviations in understanding related to marriage problems to the community.

CONCLUSION

The tradition of *'batal wudhu'* in the people of Ternate City is applied to the community's traditional marriages, precisely in the procession of the marriage contract after pronouncing *ijab qabul*. The application of *'batal wudhu'* in various ways has various meanings in the form of justifying or ratifying the relationship between husband and wife who initially had *non-mahram* status to become mahram for each. The other side understands that putting your hands on the wife's head is a symbol of obedience and that no matter how high the degree, education, lineage, or economy of a wife, in front of her husband, she must still be obedient to her husband. The crown is a place of good and evil. The Angels take the place of the soul, so on the crown, men should always put in good energy and release bad energy so that their excellent character improves. The implementation of 'cancel ablution' when examined using the *al-adah al-muhakkamah* rule, as well as another rule states 'الأصل الأشياء الإباحة' which means the law of origin of everything is permissible. It means that if something is not clearly explained in the *Shari'ah* Nash and the Prophet's Hadith regarding its halal-haram, it can be punished with permissible. So seeing the validity of 'adah or 'urf. The tradition of 'cancel ablution' is included in the category of al'adah or *al-'urf al-Sahih*, is known to the public, and does not conflict with the law, the shari'a argument.' Nor does it justify what was said. Unlawful and abort the obligatory. It is different if the meaning of the 'cancel ablution' procession is as a cancellation of ablution in the provisions of the valid conditions for prayer, namely touching a woman who is not a mahram, then there is a deviation in meaning.

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