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Marriage Contract in the Presence of a Corpse: Legal Perspectives in Islamic and State Law

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Original Article

Abstract

The tradition of conducting a marriage contract in front of the deceased parents' bodies remains preserved in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency. Rooted in symbolic and spiritual motives—such as fulfilling the final wishes of the deceased and upholding family honor—this practice continues to be observed as a customary norm. This study aims to examine the validity of the practice from the perspective of Islamic law, assess its status through the concept of *'urf ṣaḥīḥ*, analyze the 40-day post-marital abstinence as a local customary prohibition, and construct normative arguments within the frameworks of Islamic family law and Indonesian positive law. Employing a descriptive qualitative methodology, data were collected through interviews, observations, and document analysis. The findings reveal that the practice is legally valid under Islamic law if the essential pillars and conditions of marriage are fulfilled, and may be classified as *'urf ṣaḥīḥ* when it does not contradict sharia principles. However, under Indonesian state law, the marriage holds no legal standing unless registered with the Office of Religious Affairs (KUA). In conclusion, this tradition reflects a form of legal and cultural syncretism between local customs, Islamic jurisprudence, and formal legal norms—requiring thoughtful management and contextual understanding.

Keywords: *Funeral Marriage, 'Urf Ṣaḥīḥ, Islamic Law, Indonesian Positive Law*

Abstrak

Tradisi pelaksanaan akad nikah di hadapan jenazah orang tua masih dilestarikan di Desa Aji Jaya KNPI, Kecamatan Gedung Aji, Kabupaten Tulang Bawang. Praktik ini dilandasi oleh alasan simbolik dan spiritual, seperti memenuhi wasiat almarhum serta menjaga kehormatan keluarga. Penelitian ini bertujuan untuk menganalisis keabsahan akad tersebut menurut hukum Islam, menilainya melalui konsep *'urf ṣaḥīḥ*, mengkaji larangan hubungan suami istri selama 40 hari pascanikah sebagai norma adat, serta menyusun argumentasi normatif dalam kerangka hukum keluarga Islam dan hukum positif Indonesia. Penelitian ini menggunakan pendekatan kualitatif deskriptif dengan metode wawancara, observasi, dan dokumentasi. Hasil penelitian menunjukkan bahwa praktik tersebut sah secara syariat bila memenuhi rukun dan syarat nikah, serta dapat diterima sebagai *'urf ṣaḥīḥ*. Namun, secara hukum negara, belum sah tanpa pencatatan di KUA. Kesimpulannya, tradisi ini mencerminkan sinkretisme antara nilai adat, syariat, dan norma legal formal yang perlu dikelola secara bijak.

Kata kunci: *Nikah Jenazah, 'Urf Ṣaḥīḥ, Hukum Islam, Hukum Positif*

1. INTRODUCTION

Marriage is both a social and religious institution that holds a central role within the structure of Indonesian society. As a physical and spiritual union between a man and a woman aimed at building a harmonious and enduring family, marriage is not merely regarded as a private affair. Instead, it encompasses legal, cultural, and spiritual dimensions. In Indonesia, marriage is governed by positive legal frameworks, including Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) for Muslim citizens. Concurrently, local customs and traditions also influence marital practices, manifesting in diverse forms of socio-cultural expression—one of which is the unique tradition known as “marriage in front of the corpse” or funeral marriage.

The term funeral marriage refers to a marriage contract conducted in front of the deceased body of one of the parents of either the bride or groom, typically taking place shortly before burial. This practice is prevalent in Javanese communities and continues to be preserved in certain localities, including Aji Jaya KNPI Village in Gedung Aji District, Tulang Bawang Regency. The primary motivations behind such practices often include fulfilling the dying wishes of parents, preserving family honor, and avoiding wedding delays due to cultural taboos such as the Javanese calendrical prohibition known as “mountain collapse.” Furthermore, the practice is sometimes interpreted as an act of final filial devotion, and religious justification is often sought through hadiths that emphasize the virtue of not delaying marriage when a suitable partner is available.

Despite its persistence, this tradition is not without controversy. From a *fiqh* (Islamic jurisprudence) perspective, the prevailing opinion asserts that the validity of a marriage is determined by the fulfillment of essential conditions—namely the presence of a guardian (*wali*), two witnesses, and a valid offer and acceptance (*ijab qabul*)—rather than the setting or emotional context in which it is performed. Accordingly, such marriages are generally deemed valid. Nonetheless, normative debates remain regarding the ethical appropriateness of solemnizing marriage during mourning periods, as the atmosphere of grief and the incompleteness of funeral rites may conflict with Islamic ethical teachings. Some scholars regard it as *makruh* (discouraged), although not invalid.

A particularly notable element in Aji Jaya KNPI Village is the customary prohibition against consummating the marriage for forty days following a funeral marriage. While this restriction lacks explicit basis in Islamic legal texts, it is widely observed by the local community as an expression of reverence for the mourning period and the spiritual transition of the deceased. This phenomenon illustrates the tension between sharia norms, statutory legal provisions, and customary beliefs that have been transmitted across generations.

The practice of conducting marriage contracts in the presence of the deceased, especially the parents of the bride or groom, has drawn scholarly attention in previous

studies focusing on Islamic law, local customs, and sociological perspectives. Known in some regions as Nikah Jenazah or Kawin Mayit, the practice persists in various parts of Indonesia, particularly in Javanese culture. Aminah, in her study on corpse marriage traditions in Lumajang Regency, documented divergent views among community leaders—some endorse the practice when legal prerequisites are fulfilled, others reject it as clandestine, while some adopt a neutral stance depending on social circumstances.¹

Prasetyo, examining the practice in Simomulyo Baru Village, found that leaders affiliated with Nahdlatul Ulama (NU) tend to permit it so long as it involves no sinful elements, aligning with the fiqh principle that the legitimacy of marriage rests upon its procedural validity.² Masyhadi, in his research on Tingkir Lor Village, similarly concluded that communities continue to uphold the legality of such marriages under Islamic law, often with the approval of local Religious Affairs Offices (KUA), even under urgent conditions. This aligns with the hadiths narrated by Tirmidhi and Ahmad, which emphasize that three matters should not be delayed: prayer, burial of the deceased, and the marriage of a woman when a suitable match is found.³

On the other hand, a study by Anam conducted in Petapan Village revealed that the practice of corpse marriage is perceived as a final act of filial respect toward deceased parents. However, it is not legally recognized by the state due to the absence of official registration at the Office of Religious Affairs (Kantor Urusan Agama/KUA), and is consequently regarded as an unregistered or secret marriage.⁴ In contrast, Al Fikri found that residents of Pajaten Village continue to perform marriage contracts in front of the deceased, ensuring that all legal and religious requirements are fulfilled, and obtaining approval from both traditional leaders and local religious institutions.⁵

Research conducted by Muningggar in North Bengkulu identified the main motivation behind such practices as a desire to avoid postponing the marriage into the next year of the Javanese calendar. From the perspective of Islamic law, the practice is considered valid—albeit *makruh* (discouraged)—as long as it does not contravene the

¹ Siti Aminah, “Tradisi Kawin Mayyit: Studi Tentang Pandangan Tokoh Masyarakat Di Kecamatan Lumajang, Kabupaten Lumajang” (Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2007), <http://etheses.uin-malang.ac.id/46027/>.

² Rudy Wahyu Prasetyo, “Analisis Hukum Islam Terhadap Pandangan Tokoh Nahdlatul Ulama’ (NU) Tentang Pernikahan Di Depan Jenazah Di Kelurahan Simomulyo Baru Kecamatan Sukomanunggal Kota Surabaya” (Universitas Islam Negeri Sunan Ampel Surabaya, 2016), <http://digilib.uinsa.ac.id/6115/>.

³ Khonsun Masyhadi, “Pernikahan Di Depan Jenazah Orang Tua Menurut Perspektif Hukum Islam: Studi Di Kelurahan Tingkir Lor, Kecamatan Tingkir, Kota Salatiga” (Universitas Islam Negeri Salatiga, 2016), <http://e-repository.perpus.iainsalatiga.ac.id/786/>.

⁴ Afdolul Anam, “Akad Nikah Di Hadapan Jenazah Orang Tua Dalam Perspektif Hukum Islam: Studi Kasus Kearifan Lokal Di Desa Petapan Kecamatan Labang Kabupaten Bangkalan,” *Iqtisodina: Jurnal Ekonomi Syariah Dan Hukum Islam* 3, no. 2 (2020): 1–8, <https://doi.org/10.35127/iqtisodina.v3i2.4962>.

⁵ Ilham Rais Al Fikri, “Akad Nikah Di Depan Jenazah Orang Tua Di Desa Pajaten Kecamatan Sidamulih Kabupaten Pangandaran” (Universitas Islam Negeri Sunan Gunung Djati Bandung, 2021), <https://digilib.uinsgd.ac.id/45599/>.

essential pillars and requirements of marriage.⁶ A study by Siti documented a real-life case in which a marriage was expedited and conducted in front of the deceased due to the sudden death of the bride's father. The ceremony was carried out in accordance with Islamic legal procedures and was witnessed by a marriage registrar and two legal witnesses.⁷

Rahmi and Khumairoh, in their study in Sidoarjo, underscored the importance of marriage registration. While acknowledging the religious validity of the marriage, they emphasized that registration with the KUA is essential to ensure its legal standing under Indonesian positive law.⁸ Meanwhile, Salamon and Sallom examined corpse marriage through a phenomenological lens, emphasizing the embedded Islamic values within the tradition. They concluded that as long as the essential pillars of marriage are fulfilled, the practice does not conflict with Islamic legal principles.⁹ Additionally, Muzadi and Solikhudin investigated the *kerubahan gunung* tradition in Lamongan, which either requires the postponement of marriage upon a family member's death or permits immediate solemnization near the corpse. This practice is considered a legitimate form of '*urf ṣaḥiḥ*' (sound customary practice) in Islamic law, aligned with the *fiqh* maxim *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (repelling harm takes precedence over attaining benefits).¹⁰

The aforementioned studies reflect the diversity of perspectives and contextual applications surrounding the practice of conducting marriage contracts in the presence of the deceased. From the standpoint of Islamic jurisprudence, most scholars consider such marriages valid as long as the legal pillars and requirements are satisfied. However, the issue of legal recognition under Indonesian positive law—especially the mandatory registration at the KUA—remains a separate matter that warrants further examination, particularly in relation to the risks associated with unregistered marriages and their potential for misuse.

While existing literature has addressed the phenomenon of funeral marriage from various perspectives—ranging from Islamic legal interpretations to cultural and communal understandings—few studies have specifically analyzed this tradition through the lens of '*urf ṣaḥiḥ*' and the normative foundations of Islamic law.

⁶ Ratna Dewi Muninggar, "Pernikahan Di Hadapan Mayit Ayah Dari Calon Istri Perspektif Urf: Studi Kasus Di Desa Tanjung Harapan Kecamatan Ulok Kupai Kabupaten Bengkulu Utara" (Institut Agama Islam Negeri Bengkulu, 2021), <http://repository.iainbengkulu.ac.id/8808/>.

⁷ Khomsah Pujiatun Siti, "Pernikahan Dihadap Jenazah Di Desa Kasegeran Kecamatan Cilongok Kabupaten Banyumas Dalam Prepektif Hukum Islam" (Universitas Islam Negeri Prof. KH. Saifuddin Zuhri Purwokerto, 2020), <https://repository.uinsaiu.ac.id/8706/>.

⁸ Rafliana Vinidya Rahmi and Siti Khumairoh, "Perkawinan Di Depan Jenazah Dalam Perspektif Hukum Islam," *Jurnal Laboratorium Syariah Dan Hukum* 3, no. 2 (2022): 162–179, <https://doi.org/10.15642/mal.v3i2.128>.

⁹ Dimas Abdul Fatah Salamon and Dea Salma Sallom, "Interaksi Tradisi Jawa Dengan Nilai Islam: Tradisi Kawin Mayit Dalam Hukum Islam, Studi Kasus Di Kecamatan Malo Kabupaten Bojonegoro," *Jurnal Keislaman* 7, no. 1 (2024): 137–48, <https://doi.org/10.54298/jk.v7i1.250>.

¹⁰ Sulton Muzadi and Muhammad Solikhudin, "Tradisi Pernikahan Kerubahan Gunung Perspektif Fenomenologi," *Salimiya: Jurnal Studi Ilmu Keagamaan Islam* 3, no. 2 (2022): 44–60, <https://doi.org/10.58401/salimiya.v3i2.685>.

Furthermore, there is a lack of comprehensive analysis connecting these norms to the customary prohibition of post-marital relations for 40 days, as observed in Aji Jaya KNPI Village. This study is distinctive in that it integrates sociological, normative, and theological perspectives to explore this practice within the context of Lampung society. Accordingly, this research seeks to:

- 1) Describe and analyze the implementation of the funeral marriage contract in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency, as a preserved local tradition;
- 2) Examine the validity of the marriage contract from the standpoint of Islamic law, focusing on the fulfillment of legal requirements and pillars, and assess its standing based on the concept of *'urf ṣaḥīḥ*;
- 3) Investigate the customary prohibition against conjugal relations for 40 days following funeral marriage, as part of local spiritual values and customary norms; and
- 4) Formulate normative arguments regarding the legal status of funeral marriage within the framework of Islamic family law and Indonesia's positive legal system.

2. RESEARCH METHODOLOGY

This study employs a qualitative empirical legal approach utilizing field research methods. This approach was selected due to the study's focus on the socio-religious practice of conducting a marriage contract in front of a corpse, as observed within the community of Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency, Lampung, Indonesia. The practice under investigation engages not only the normative dimensions of Islamic law but is also deeply embedded in symbolic local customary values. Accordingly, a comprehensive understanding of this phenomenon necessitates interpretive analysis of social practices, cultural meanings, and evolving religious norms within the community.

The research is descriptive qualitative in nature, characterized by both exploratory and analytical elements. The objective is not only to describe the implementation of funeral marriage practices but also to analyze them through the lenses of Islamic jurisprudence (*fiqh*), customary law (*'urf*), and social ethics. The research site was selected purposively, given that the local community is known to consistently uphold this tradition. Research informants include religious scholars, customary leaders, officials from the Office of Religious Affairs (KUA), families involved in the practice, and other community members.

Data collection techniques consisted of in-depth interviews, participant observation, and document analysis involving both formal and informal sources. The data were analyzed using a three-step process: data reduction, data presentation, and

drawing conclusions. To ensure the credibility and reliability of findings, triangulation of sources, methods, and theoretical perspectives was applied. This study also adhered to established research ethics principles, including obtaining informed consent, ensuring participant anonymity, and protecting sensitive information throughout the research process.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Implementation of Marriage Contracts in Front of Corpses in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency

This study seeks to describe and analyze the implementation of marriage contracts conducted in front of a corpse in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency, as a preserved local tradition. It further explores this practice from the perspective of Islamic jurisprudence and examines its conformity with the principle of *urf* (recognized community customs) that are deemed valid within the framework of Islamic law.

Findings from field observations and interviews in Aji Jaya KNPI Village reveal that the performance of marriage contracts in front of a deceased body remains a living tradition, passed down through generations. This practice is typically observed when one of the parents of the prospective bride or groom passes away prior to the wedding ceremony. In such instances, the community commonly opts to proceed with a symbolic marriage contract in front of the deceased, as a gesture of final respect and a means to fulfill the deceased's will or expressed wishes during their lifetime.

In practice, the marriage procession is carried out symbolically in the presence of the corpse. The bride and groom are seated on either side of the body with their hands gently placed over the deceased. A *mudin* (local religious leader) officiates the *ijab* and *qabul* (offer and acceptance), witnessed by close family members and a few mourners. According to the testimony of Mr. Ratno, a local customary figure, this ceremony is not regarded as a final or legally binding marriage under state law. Rather, it is interpreted as a spiritual expression of the children's final devotion to their parent, and a cultural mechanism to preserve family honor by avoiding the appearance of delaying the marriage due to a misfortune. Following the symbolic ceremony, the couple does not cohabit but returns to their respective homes. Marital life—both biologically and socially—is deferred until the formal marriage contract is re-conducted before an official from the Office of Religious Affairs (KUA), typically after a customary mourning period of 40 days.

During this interim period, the couple is considered “religiously married” but has not yet fully assumed the legal and social responsibilities of a married couple. Based on the empirical data collected, the following key findings were identified:

- 1) The practice of conducting marriage contracts in front of a corpse in Aji Jaya KNPI Village is a long-standing local tradition with deep social, emotional, and cultural significance.
- 2) This tradition does not contravene Islamic legal principles, provided that the core elements of a valid marriage are fulfilled, including the presence of a wali (guardian), two legal witnesses, and the proper recitation of *ijab* and *qabul*.
- 3) The symbolic procession is not formally registered with the KUA, and thus the marriage is not legally recognized by the state until a formal contract is later executed before a KUA official.
- 4) The customary prohibition against sexual relations for 40 days following the funeral marriage reflects a normative cultural practice that functions as a form of respect for the mourning period.
- 5) From the standpoint of Islamic jurisprudence, the tradition may be considered part of *‘urf ṣaḥīḥ* (legitimate custom), so long as it does not involve elements of *shirk* (polytheism), superstition, or beliefs that contradict Islamic creed (*‘aqidah*).

This finding aligns with, yet also diverges from, previous research. For instance, Masyhadi concluded that the practice of conducting a marriage contract in front of the deceased in Tingkir Lor Village was considered valid under Islamic law (*sharia*), as it fulfilled all the essential pillars and requirements of marriage, despite the absence of official registration with the Office of Religious Affairs (KUA).¹¹ Similarly, Aminah, in her study in Lumajang, documented diverse opinions among community leaders concerning the validity of the practice—some supported it, others rejected it, while some remained neutral depending on context.¹² However, the present study is distinctive in several respects:

- 1) It explicitly addresses the tradition of prohibiting conjugal relations for 40 days following the marriage contract performed in front of a corpse—an aspect not thoroughly examined in prior research.
- 2) It offers a normative analysis of the role of customary law within the framework of *‘urf ṣaḥīḥ*, identifying the boundaries between customs that are religiously justified and those classified as *‘urf fāsid* (corrupt or deviant customs).
- 3) It demonstrates that the formal repetition of the marriage contract after 40 days serves to fulfill the legal requirements of the state without diminishing the symbolic and spiritual value of the initial procession.

¹¹ Masyhadi, “Pernikahan Di Depan Jenazah Orang Tua Menurut Perspektif Hukum Islam: Studi Di Kelurahan Tingkir Lor, Kecamatan Tingkir, Kota Salatiga.”

¹² Aminah, “Tradisi Kawin Mayyit: Studi Tentang Pandangan Tokoh Masyarakat Di Kecamatan Lumajang, Kabupaten Lumajang.”

The implementation of a marriage contract in front of a corpse within the Aji Jaya KNPI Village community may thus be understood as a socio-religious negotiation between Islamic legal norms, customary values, and local social realities. This practice reflects a broader cultural understanding of marriage—not merely as a legal transaction, but as a spiritually and socially significant event imbued with deep symbolic meaning. From a *fiqh* perspective, marriage is defined as a *mīthāqan ghalīẓan* (solemn covenant), grounded in divine pleasure and mutual consent between the parties involved.¹³ As long as the pillars and conditions of marriage—such as the presence of the bride and groom, a *wali* (guardian), two witnesses, and the proper recitation of *ijab* and *qabul*—are fulfilled, the validity of the contract is not affected by the setting in which it takes place, including if performed in the presence of a corpse. This is consistent with the majority scholarly opinion, which does not regard time, place, or atmosphere as essential elements affecting the validity of the contract. Moreover, marriage in Islam is regarded as a solemn and binding covenant that must be upheld with integrity. This is emphasized in the Qur'an, Surah An-Nisā' [4]:21:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُم إِلَىٰ بَعْضٍ وَآخَذْتُمْ مِيثَاقًا غَلِيظًا ﴿٢١﴾

“And how could you take it back, when you have intimately bonded with one another, and they have taken from you a firm and solemn covenant?”

From the perspective of *‘urf*, customary practices that evolve within society and do not contradict Islamic principles may serve as secondary legal sources.¹⁴ The tradition of funeral marriage in Aji Jaya KNPI Village is not rooted in mystical beliefs or polytheistic elements, but rather symbolizes the final act of filial communication with a deceased parent. In this respect, the practice can be categorized as *‘urf ṣaḥīḥ*. However, if the ritual is accompanied by beliefs that attribute spiritual power or blessings to the presence of the corpse, or if it is thought to enhance the sanctity of the marriage itself, the practice may then shift into the category of *‘urf fāsid*, which risks contravening Islamic theological principles.

From the standpoint of Indonesian positive law, such marriages have no legal force until officially registered with the KUA. Consequently, the local community typically conducts a formal re-contract following the 40-day mourning period to ensure compliance with state legal requirements and to safeguard the civil rights of both spouses. Based on the findings of this study, the implementation of marriage contracts

¹³ Abdi Samra Chaniago, “Memaknai Mitsaqon Ghalizha Sebagai Kunci Harmoni Keluarga Islam,” *Jurnal Landraad* 2, no. 2 (2023): 197–207, <https://doi.org/10.59342/jl.v2i2.409>.

¹⁴ Fitra Rizal, “Penerapan ‘Urf Sebagai Metode Dan Sumber Hukum Ekonomi Islam,” *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 1, no. 2 (2019): 155–176, <https://doi.org/10.37680/almanhaj.v1i2.167>; Syamsul Hilal, “Nikah Misyār Dalam Perspektif Undang-Undang Perkawinan Dan Kompilasi Hukum Islam,” *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 1, no. 2 (2020): 1–22, <https://doi.org/10.24042/el-izdiwaj.v1i2.8371>.

in front of the deceased in Aji Jaya KNPI Village may be regarded as a valid socio-religious practice, provided that:

- 1) It does not contradict the core tenets of Islamic law;
- 2) It is understood as an act of final respect rather than a mystical or superstitious ritual;
- 3) It is followed by an officially registered marriage contract before a KUA officer;
- 4) It does not violate the essential pillars and conditions of a valid marriage as prescribed by Islamic jurisprudence;
- 5) It is recognized as part of a living and accepted *'urf ṣaḥīḥ* in the local community.

These findings underscore the importance of adopting an integrative approach to the study of Islamic family law in Indonesia—an approach that does not solely emphasize *fiqh* or positive legal frameworks, but also incorporates cultural contexts and local wisdom. Within Islamic legal tradition, *'urf* as a secondary source of law provides space for accommodating customary practices such as funeral marriage, as long as such practices remain within the bounds of monotheism (*tawḥīd*) and uphold the principles of justice.

3.2. The Validity of Marriage Contracts Conducted in Front of Deceased Parents According to Islamic Legal Perspectives

This section examines the validity of marriage contracts conducted in the presence of a deceased parent from the perspective of Islamic law. The analysis primarily focuses on the fulfillment of the essential *fiqh* (Islamic jurisprudence) elements and requirements of marriage, while also assessing the practice within the framework of *'urf ṣaḥīḥ*—namely, community customs that align with the principles of *shari'a*. This inquiry is crucial for understanding the application of Islamic family law within the context of culturally embedded practices in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency, Lampung, Indonesia.

Findings based on field observations and interviews with community leaders, the families involved, and the *mudin* (religious officiant) who conducted the ceremony indicate that this practice is a deeply rooted tradition, passed down across generations. The ceremony is typically carried out when one of the parents of the bride or groom passes away shortly before the scheduled wedding. The marriage contract, in this context, is viewed as an act of final respect and the fulfillment of the deceased parent's last wishes. Technically, the bride and groom are positioned on either side of the corpse, symbolically joining hands over the body while reciting the *ijab* and *qabul* in the presence of the *mudin*, family witnesses, and mourners.

This tradition is carried out without the involvement of officials from the Office of Religious Affairs (KUA) and therefore is not formally registered. Nonetheless, it is widely regarded as religiously valid by the extended family and broader community. Following the symbolic contract, the couple returns to their respective homes and refrains from cohabiting or engaging in sexual relations until a formal marriage contract is solemnized before a KUA officer, usually after a 40-day mourning period. This period of abstention is understood as a form of reverence toward the deceased parent's spirit, which is believed to linger near the household during this transitional time. According to Sobari, a traditional elder and the bride's grandfather, this interval is perceived as the soul's passage to the afterlife, during which intimate relations are deemed culturally and spiritually inappropriate.

The findings of this study indicate that such marriage contracts satisfy the validity requirements of Islamic law, insofar as the essential pillars are met: the presence of a groom, bride, legal guardian (*wali*), two witnesses, and the valid exchange of *ijab* and *qabul*. However, under Indonesian positive law, the marriage holds no legal force until it is formally registered with the KUA. Consequently, families routinely perform a formal re-contract after the mourning period concludes to ensure legal recognition and protect the rights of both spouses.

From a normative perspective, the community understands this tradition as a form of *'urf ṣaḥīḥ*—a valid customary practice that serves a noble purpose (i.e., honoring the deceased) and does not involve elements of polytheism or doctrinal deviation. The 40-day abstinence from marital relations, though culturally observed, lacks an explicit basis in Islamic legal texts and is better interpreted as a symbolic cultural value rather than a binding legal injunction. Thus, the practice demonstrates a synergy between *fiqh*-based legal norms and local custom, while also highlighting the ongoing challenge of ensuring administrative compliance within the state legal framework.

These conclusions are consistent with the findings of Masyhadi, who affirmed that a marriage contract performed in front of a corpse remains valid under Islamic law as long as all conditions and legal pillars are met.¹⁵ Similarly, Aminah, in her research in Lumajang, reported that most local religious authorities accept the practice, provided it does not contravene *shari'ah*.¹⁶ However, the present study expands the discourse by explicitly situating the practice within the theoretical framework of *'urf ṣaḥīḥ*, an area largely overlooked in prior studies. For instance, while Rahmi and Khumairoh addressed the *fiqh* validity of such marriages, they did not examine the normative status of the

¹⁵ Masyhadi, "Pernikahan Di Depan Jenazah Orang Tua Menurut Perspektif Hukum Islam: Studi Di Kelurahan Tingkir Lor, Kecamatan Tingkir, Kota Salatiga."

¹⁶ Aminah, "Tradisi Kawin Mayyit: Studi Tentang Pandangan Tokoh Masyarakat Di Kecamatan Lumajang, Kabupaten Lumajang."

custom itself.¹⁷ Likewise, the research of Salamon and Sallom focused primarily on cultural phenomenology without exploring the jurisprudential implications of *‘urf*.¹⁸

The principal contribution of this study lies in advancing a dual-lens approach to *‘urf*: evaluating its compatibility with *shari‘a* while remaining vigilant about the potential for theological deviation embedded in localized beliefs—such as the spiritual rationale for abstaining from sexual relations for 40 days. By integrating jurisprudential, cultural, and theological dimensions, this study underscores the importance of a holistic framework in understanding Islamic family law in culturally diverse Muslim societies.

From the perspective of Islamic jurisprudence, a marriage contract is considered a sacred covenant that necessitates the fulfillment of substantive legal elements, namely the essential pillars (*arkān*) and conditions (*shurūṭ*) for a valid marriage. As Imam al-Kāsānī explained, Islamic law does not prescribe specific limitations regarding the time or location of the marriage contract.¹⁹ Accordingly, the performance of a marriage contract in front of a deceased body does not, in itself, invalidate the contract, provided that the core legal elements are satisfied.

The tradition of funeral marriage as practiced in Aji Jaya KNPI Village illustrates how local communities have integrated *fiqh*-based norms within their cultural framework, without violating fundamental principles of Islamic law. This supports the classification of the practice as *‘urf ṣaḥīḥ*—a valid customary tradition—because it aligns with the objectives of Islamic law (*maqāṣid al-shari‘ah*), such as preserving family honor, fulfilling the wishes of deceased parents, and maintaining the social and psychological well-being of the bride and groom.

However, the customary prohibition on conjugal relations for 40 days after the symbolic marriage raises a tension between cultural norms and the Islamic legal principle that permits lawful spousal intimacy following a valid marriage contract. Islamic law contains no explicit provisions prohibiting marital relations during this period. If the prohibition is interpreted as a spiritual obligation based on the presence or influence of the deceased’s soul, it may risk falling into the category of *‘urf fāsid*—a deviant custom—because it introduces metaphysical beliefs that lack sound theological foundation and may conflict with the doctrine of monotheism.²⁰ This principle is grounded in the words of Allah SWT in Surah An-Nūr [24]:32:

¹⁷ Rahmi and Khumairoh, “Perkawinan Di Depan Jenazah Dalam Perspektif Hukum Islam.”

¹⁸ Salamon and Sallom, “Interaksi Tradisi Jawa Dengan Nilai Islam: Tradisi Kawin Mayit Dalam Hukum Islam, Studi Kasus Di Kecamatan Malo Kabupaten Bojonegoro.”

¹⁹ Abu Bakr ibn Mas‘ud Kasani, *Kitab Bada’i’ Al-Sana’i’ Fi Tartib Al-Shara’i’*, 2nd ed. (Beirut: Dar al Fikr, 1974).

²⁰ Toha Ma’arif, “Fiqh Indonesia Menurut Pemikiran Hasbi Ash-Shiddiqi, Hazairin Dan Munawir Syadzali,” *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam* 8, no. 2 (2015): 27–56, <https://doi.org/10.24042/ijpmi.v8i2.910>.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۖ إِن يَكُونُوا فُقَرَاءَ يُغْنِهِم
 اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾

“Marry off those who are single among you, and those of your male and female slaves who are righteous. If they are poor, Allah will enrich them out of His bounty. And Allah is All-Bountiful, All-Knowing.”

Classical scholars such as Imam *al-Qarāfi* and *al-Suyūṭī* have emphasized that *‘urf* is only legally acceptable when it does not contradict *naqli* (textual) evidence and is free from superstitious or erroneous beliefs.²¹ Therefore, the prohibition on post-marital intimacy should be interpreted as a symbolic cultural expression of respect for the deceased, rather than as a binding religious rule. Based on the analysis presented, the following conclusions can be drawn:

- 1) The implementation of a marriage contract in the presence of deceased parents is legally valid under Islamic law, provided that all required pillars and conditions are fulfilled. The physical location of the contract does not affect its validity.
- 2) The tradition may be categorized as *‘urf ṣaḥīḥ*, as long as it is not accompanied by beliefs that contradict Islamic *‘aqīdah*—such as attributing spiritual blessings to the soul of the deceased or regarding it as an intermediary.
- 3) The 40-day prohibition on sexual relations must be understood as a cultural symbol of mourning and respect, not as a religious obligation. When tied to metaphysical beliefs about the soul’s presence, it risks constituting theological deviation.
- 4) Viewed through the lens of *fiqh* and *maqāṣid al-sharī‘ah*, this practice reflects a contextual accommodation of local values, as long as it remains within the boundaries of Islamic legal validity.
- 5) Nonetheless, the absence of formal registration with the Office of Religious Affairs (KUA) renders the marriage invalid in terms of state law. As such, a formal re-contract is legally required to secure administrative and legal recognition.

3.3. The Customary Prohibition of Marital Relations for 40 Days Following Funeral Marriage

This section examines the customary prohibition of sexual relations between spouses for 40 days following a funeral marriage—i.e., a marriage contract conducted in front of the deceased body of a parent—as practiced in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency. The analysis focuses on understanding this prohibition within the framework of local customary norms and spiritual values, while

²¹ Yusuf Baihaqi, *Tafsir Ayat Dan Hadis Hukum Keluarga*, ed. Yasin Al-Arif (Bandar Lampung: RIL Press, 2024).

assessing its compatibility with Islamic legal principles, particularly concerning the permissibility of marital intimacy following a valid *'aqd* (contract).

Field observations and interviews with families who have practiced this tradition, as well as with community leaders, reveal that the 40-day abstention is a deeply rooted custom passed down across generations. Although it lacks codification in either formal legal regulations or written customary law, it is strongly upheld within the community as a mark of reverence for the deceased parent.

For instance, in the case of the families of Mr. Ratno and Mrs. Partini, the bride and groom were symbolically married over the body of the deceased parent but were then sent to separate homes. They were expressly prohibited from cohabiting or engaging in marital relations for 40 days. According to Sobari, a traditional elder and the bride's grandfather, this restriction is based on the belief that the soul of the deceased remains present in the familial space for 40 days following death. As such, sexual intimacy is deemed inappropriate during this period of mourning and spiritual transition.

Beyond spiritual considerations, this prohibition also serves important social and symbolic functions. Sexual relations during mourning are perceived as disrespectful and potentially disruptive to the atmosphere of grief. The 40-day period is considered a sacred interval for reflection, honoring the deceased, and preserving the sanctity of the family. It is viewed as a demonstration of inner discipline and emotional restraint, aligning with community expectations of propriety and piety. Based on the findings of this study, the following conclusions can be drawn:

- 1) The prohibition of marital intimacy for 40 days post-funeral marriage constitutes a strong socio-spiritual customary norm, even though it lacks explicit textual support in Islamic jurisprudence.
- 2) The primary rationale behind this prohibition is a belief in the lingering spiritual presence of the deceased parent, necessitating respectful abstention from intimate acts.
- 3) This practice reflects a convergence of spiritual values, symbolic cultural meaning, and local expressions of piety, which are believed to foster emotional harmony in the early phase of marriage.
- 4) From the standpoint of Islamic law, the prohibition is not obligatory and does not constitute a requirement for the validity of the marriage. Therefore, it should not be regarded as a binding religious duty.
- 5) In terms of Indonesian positive law, this prohibition carries no legal implications. Nonetheless, it exerts a considerable influence on post-marital social relations and household dynamics within the local community.

To date, the tradition of abstaining from conjugal relations following a funeral marriage has not been explicitly explored in the academic literature. Prior studies—such

as those by Masyhadi, Aminah, and Rahmi—have primarily focused on the *fiqh*-based validity of marriage contracts conducted in the presence of a corpse.²² In contrast, this study highlights the post-*‘aqd* phase, specifically the culturally imposed restriction on physical intimacy. By doing so, it broadens the scope of Islamic family law discourse to include culturally informed post-marital abstention practices—an area that remains largely unexplored.

Although Muzadi and Solikhudin have examined the concept of mourning-related marital postponements in the context of the *Kerubahan Gunung* tradition, their work does not address post-*‘aqd* restrictions on marital relations.²³ Hence, the present study contributes a novel perspective to the discourse of *fiqh al-ijtimā‘ī* (social jurisprudence), particularly regarding the interface between customary norms and Islamic legal theory.

From the perspective of Islamic law, marital relations between husband and wife are a lawful right following the execution of a valid marriage contract that fulfills all necessary pillars (*arkān*) and conditions (*shurūṭ*). Classical *fiqh* sources do not provide any evidence prohibiting conjugal relations during a mourning period following marriage, except in specific cases explicitly regulated by *shari‘ah*, such as the *‘iddah* period for widows, the state of *iḥrām* during pilgrimage (*ḥajj*), or other exceptional circumstances.²⁴ Accordingly, the post-marital prohibition observed in Aji Jaya KNPI Village cannot be classified as a *shari‘ah*-based injunction but rather constitutes a local customary norm rooted in cultural tradition.

In the methodology of *uṣūl al-fiqh*, community customs (*‘urf*) may serve as a secondary source of law, provided they do not contradict textual evidence (*naṣṣ*) and are free from elements of polytheism (*shirk*), religious innovation (*bid‘ah*), or superstition (*khurāfāt*). If this 40-day prohibition is interpreted merely as an act of filial respect—without attributing spiritual power or religious obligation to the practice—then it may be classified as *‘urf ṣaḥīḥ* (valid custom). However, if the prohibition is accompanied by beliefs that the spirit of the deceased parent would become “angry” or “cause disturbances” should the couple engage in intercourse, such interpretations risk

²² Masyhadi, “Pernikahan Di Depan Jenazah Orang Tua Menurut Perspektif Hukum Islam: Studi Di Kelurahan Tingkir Lor, Kecamatan Tingkir, Kota Salatiga”; Aminah, “Tradisi Kawin Mayyit: Studi Tentang Pandangan Tokoh Masyarakat Di Kecamatan Lumajang, Kabupaten Lumajang”; Rahmi and Khumairoh, “Perkawinan Di Depan Jenazah Dalam Perspektif Hukum Islam.”

²³ Muzadi and Solikhudin, “Tradisi Pernikahan Kerubahan Gunung Perspektif Fenomenologi.”

²⁴ Rindi Andika and Ismail Ismail, “Telaah Analisis Iddah Bagi Perempuan Berbasis Al-Qur’an Dan Sains,” *Al-Bayan: Jurnal Ilmu Al-Qur’an Dan Hadist* 6, no. 2 (2023): 312–28, <https://doi.org/10.35132/albayan.v6i2.450>; Muham Muhammad Mubarak and Ahmad Ubaidi Hasbillah, “Limitasi ‘Iddah Dan Ihdad Wanita Pekerja Di Desa Jogoroto Kecamatan Jogoroto Kabupaten Jombang Perspektif Masalah Mursalah,” *Hamalatul Qur’an: Jurnal Ilmu Alqur’an* 5, no. 2 (2024): 114–33, <https://doi.org/10.37985/hq.v5i2.165>.

transforming the tradition into *‘urf fāsid* (corrupt custom), as they contradict the fundamental monotheistic creed (*‘aqidah*).²⁵

Beyond jurisprudential considerations, the prohibition also has discernible psychological and social dimensions. On one hand, it promotes values such as patience, propriety, and reverence for familial mourning. On the other hand, when enforced rigidly or under communal pressure, it may create tension and strain within the nascent marital relationship. This study affirms that the 40-day prohibition of marital intimacy following a funeral marriage in Aji Jaya KNPI Village is not derived from Islamic legal obligations, but rather from localized cultural interpretations of mourning and spiritual transition. The tradition reflects the community’s reverence for the deceased and their belief in the presence of the parent’s soul during the mourning period.

From a legal standpoint, Islamic jurisprudence provides no precedent that mandates abstention from marital relations following a valid marriage contract, except under specifically defined circumstances. Thus, this prohibition should not be elevated to the status of legal obligation. Nonetheless, it may be appreciated as a localized expression of cultural piety, insofar as it does not infringe upon the doctrinal tenets of *‘aqidah*. As a manifestation of *‘urf ṣaḥiḥ*, the custom remains acceptable provided it is not treated as a ritual act of worship or theological necessity. To prevent misinterpretation or doctrinal deviation, however, religious education and legal guidance from qualified scholars are essential, ensuring that such customs do not evolve into superstitious practices or disrupt marital harmony.

3.4. Normative Dimensions of the 40-Day Post-Marital Abstinence Following Funeral Marriage

This study seeks to construct a normative legal analysis of the practice of funeral marriage—namely, the performance of a marriage contract in front of the deceased parents’ body—within the framework of Islamic family law and Indonesia’s positive legal system. The central focus lies in evaluating the legal validity of this tradition from the perspective of *fiqh*, the status of *‘urf* (custom) in Islamic jurisprudence, and its alignment with state-regulated marital administration.

Field research conducted in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency, reveals that funeral marriage is not perceived by the community as a deviation from Islamic legal norms. Instead, it is regarded as an act of filial piety and adherence to the deceased parents’ final wishes. According to testimony from Mr. Ratno’s family, this tradition has been practiced for generations. The ceremonial contract involves the bride and groom sitting beside the corpse, symbolically clasping

²⁵ Veni Mulya Sari et al., “The Controversy of Prohibiting Marriage in the Month of Syawal in Minangkabau Traditions,” *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 4, no. 2 (2023): 122–43, <https://doi.org/10.24042/el-izdiwaj.v4i2.19367>.

hands over the deceased, officiated by a *mudin* and witnessed by immediate family members.

The ritual is not registered with the Office of Religious Affairs (KUA) and is viewed as a symbolic religious act rather than a legally binding marriage. As a result, the couple is prohibited from cohabitating or engaging in marital relations until a formal re-contract is held following a 40-day mourning period. This restriction is grounded in a customary belief that the spirit of the deceased remains present in the home for 40 days postmortem. Based on participant observation and interviews with religious figures and local customary leaders, several normative conclusions were drawn:

- 1) A marriage contract conducted in front of a corpse is valid under Islamic law, provided it fulfills all the legal pillars and conditions of marriage, including the presence of the bride and groom, a legal guardian (*walī*), two witnesses, and a properly exchanged *ijab* and *qabul*.
- 2) Islamic jurisprudence does not prescribe the place of contract execution as a determinant of its validity. Therefore, solemnizing a marriage in front of a deceased body does not invalidate it, so long as it adheres to Islamic legal principles.
- 3) The practice can be classified as *‘urf ṣaḥīḥ*—a valid custom in Islamic law—since it does not contravene *sharī‘ah* and is rooted in strong cultural and spiritual values.
- 4) According to Indonesia’s positive law, however, a marriage is not legally recognized unless it is registered at the KUA, in accordance with Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), particularly Article 2(2) and Article 5(f).
- 5) The 40-day prohibition on marital relations has no basis in *fiqh* and must be understood as a customary norm rather than a legally or theologically binding injunction under either Islamic or state law.

This study expands and refines the findings of previous research. For instance, Masyhadi analyzed similar practices in Tingkir Lor from the lens of *fiqh* and *‘urf*, concluding that the contract is valid when essential elements are met.²⁶ Anam, in Petapan Village, also highlighted the symbolic value of the practice as a form of parental veneration.²⁷ However, the present study distinguishes itself by explicitly integrating *fiqh*, Indonesian positive law, and the legal theory of *‘urf* into a comprehensive normative framework. Its emphasis on the legal implications of marriage registration and the non-binding nature of post-marital abstinence customs makes this analysis both deeper and

²⁶ Masyhadi, “Pernikahan Di Depan Jenazah Orang Tua Menurut Perspektif Hukum Islam: Studi Di Kelurahan Tingkir Lor, Kecamatan Tingkir, Kota Salatiga.”

²⁷ Anam, “Akad Nikah Di Hadapan Jenazah Orang Tua Dalam Perspektif Hukum Islam: Studi Kasus Kearifan Lokal Di Desa Petapan Kecamatan Labang Kabupaten Bangkalan.”

more applicable to contemporary discussions on the intersection of religion, law, and local culture.

From the perspective of Islamic family law, a marriage contract that is conducted in accordance with *fiqh* is considered legally binding and religiously valid. Imam al-Kasani emphasized that the validity of a marriage contract is not contingent upon its physical setting or emotional circumstances, but rather upon the fulfillment of its essential pillars and conditions (Kasani, 1974). In this context, the funeral marriage practice observed in Mr. Ratno's family can be understood as part of the dynamic interaction between Islamic legal norms and cultural traditions, accommodated through the principle of *'urf*. Scholars of *uṣūl al-fiqh* concur that *'urf ṣaḥīḥ* (valid customary practice) possesses normative legitimacy insofar as it does not contradict textual sources of Islamic law. Customs that are intended as acts of filial respect—such as holding a symbolic marriage ceremony in front of deceased parents—are acceptable under *'urf ṣaḥīḥ*, provided they do not attribute sacred or metaphysical significance to spirits or mystical powers.

However, from the perspective of Indonesian positive law—as stipulated in Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI)—the formal validity of a marriage also requires its registration with the Office of Religious Affairs (KUA). Article 2 paragraph (2) of the Marriage Law mandates that “every marriage must be registered in accordance with the prevailing laws and regulations.” Consequently, although the marriage may be religiously valid, it does not possess legal force under state law until it is formally registered, which affects its recognition in matters of civil administration such as family identity cards, birth certificates, inheritance rights, and other legal entitlements.²⁸

The 40-day prohibition on sexual relations following the funeral marriage must also be interpreted with caution. In Islamic jurisprudence, sexual relations between legally married spouses are only restricted under specific conditions—such as during the *iddah* period, while in a state of *iḥrām*, or while fasting. Marriage is the divinely ordained institution chosen by Allah SWT as a means through which human beings may procreate, sustain their lineage, and build a harmonious life once both partners are prepared to fulfill their respective roles in achieving the objectives of marriage. As stated in the Qur'an, Surah An-Nisā' [4]:1:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ
مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ
عَلَيْكُمْ رَقِيبًا ﴿١﴾

²⁸ Agus Hermanto, “Larangan Perkawinan Perspektif Fikih Dan Relevansinya Dengan Hukum Perkawinan Di Indonesia,” *Muslim Heritage* 2, no. 1 (2017): 125–52, <https://doi.org/10.24042/asas.v10i02.4538>.

“O mankind, fear your Lord, who created you from a single soul, and from it He created its mate, and from both He spread many men and women. And fear Allah, through whom you ask one another, and [respect] the wombs. Indeed, Allah is ever, over you, an Observer.”

If such a prohibition is understood merely as an expression of cultural etiquette and mourning etiquette, it may be tolerated as a form of social custom. However, if it is perceived as a binding religious obligation or is accompanied by spiritual beliefs—such as the notion that the deceased’s spirit will be “disturbed”—it risks falling into the category of *‘urf fāsid*, or deviant custom, as it contradicts the principle of *tawhīd* (monotheism). This study highlights the following key conclusions:

- 1) The practice of funeral marriage is a culturally rooted tradition that remains valid under Islamic law, provided it fulfills the essential legal pillars and requirements. No textual prohibition exists against conducting a marriage contract in front of a deceased person, so long as it aligns with *shari‘ah* principles.
- 2) The implementation of such a marriage may be categorized as *‘urf ṣaḥīḥ*, as it stems from sincere intentions and does not involve elements that contradict Islamic legal evidence, such as shirk, superstition, or *bid‘ah*.
- 3) In the context of Indonesian positive law, the marriage does not acquire legal validity until it is registered at the KUA. Thus, a follow-up marriage contract (*ī‘ādah al-‘aqd*) is required to fulfill administrative and legal obligations.
- 4) The 40-day abstinence from marital relations constitutes a local customary norm lacking strong *fiqh*-based support. It should therefore be regarded as part of social ethics, not as a religious injunction.
- 5) Legal and religious education by scholars and state officials is essential to ensure public understanding of the boundaries between symbolic cultural expressions and binding religious obligations, thereby preventing normative misinterpretations.

4. CONCLUSION

This study aims to describe and analyze the implementation of marriage contracts conducted in front of a deceased parent in Aji Jaya KNPI Village, Gedung Aji District, Tulang Bawang Regency. It further examines the legal validity of the practice within the framework of Islamic law, assesses its status through the concept of *‘urf ṣaḥīḥ*, explores the customary prohibition of conjugal relations for 40 days following the ceremony, and formulates normative arguments based on Islamic family law and Indonesian positive law.

The findings reveal that the tradition of conducting a marriage contract in front of a corpse constitutes a local cultural practice rooted in noble intentions—namely, to honor the deceased, fulfill their final wishes, and preserve family dignity. From the

perspective of Islamic law, the marriage is considered valid as long as the fundamental pillars and requirements are fulfilled, including the presence of the bride and groom, a legal guardian, two witnesses, and the recitation of the *ijab* and *qabul*. Within the framework of *urf*, this tradition can be classified as *urf ṣaḥīḥ* since it does not contravene the principles of *sharīʿah*. The 40-day prohibition on marital relations reflects local spiritual and customary norms rather than binding legal injunctions under Islamic law, and thus should be interpreted proportionately.

Legally, the marriage holds no formal status until it is registered with the Office of Religious Affairs (KUA). This study contributes both academically and practically by offering an integrative legal-cultural perspective that bridges custom, *sharīʿah*, and state law. However, its scope is limited to a specific geographic location and a set of local informants. It is therefore recommended that the village administration and the local KUA collaborate in providing culturally sensitive legal education that affirms rather than negates customary practices. Future research should conduct comparative studies across regions with similar traditions and investigate the sociological and psychological impacts on couples during the period of marital postponement following funeral marriage ceremonies.

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