

The *Ngembakh* Tradition of the Alas Tribe in Kute Mejile Village: An Islamic Criminal Law Perspective

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Abstract

Ideally, the Ngembakh tradition among the Alas ethnic community in Kute Mejile Village serves as a noble social institution intended to bring together young men and women in a controlled environment to foster social bonds and facilitate the search for life partners, thereby preserving the continuity of lineage. However, the reality on the ground reveals a shift in values and a relaxation of oversight, leading to deviations such as khalwat (seclusion between unmarried couples), unsupervised interactions, and even the potential for immoral acts that contradict the principles of Islamic criminal law. This study aims to analyze the Ngembakh tradition from the perspective of Islamic criminal law and examine how it is practiced within the Alas community. The research employs a juridical-sociological method with a qualitative approach. The findings indicate that when left uncontrolled, the implementation of Ngembakh may lead to violations of sharia, particularly acts that fall under the category of ta'zir punishments in Islamic criminal law. Therefore, it is necessary to revitalize Islamic values in the implementation of this tradition through strict supervision and continuous guidance to ensure that the tradition can be preserved without compromising religious norms.

Keywords: *Ngembakh, Alas Tribe, Islamic Law*

Abstrak

Idealnya, tradisi *Ngembakh* pada masyarakat Suku Alas di Desa Kute Mejile merupakan sarana sosial yang luhur, bertujuan mempertemukan pemuda

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dan pemuda dalam ruang yang terkendali untuk menjalin silaturahmi dan mencari pasangan hidup demi menjaga keberlanjutan garis keturunan. Namun, realitas di lapangan menunjukkan adanya pergeseran nilai dan pelanggaran pengawasan, yang menyebabkan munculnya penyimpangan seperti praktik khalwat, interaksi bebas tanpa pengawasan, bahkan potensi perbuatan asusila yang bertentangan dengan prinsip-prinsip hukum pidana Islam. Penelitian ini bertujuan untuk menganalisis tradisi *Ngembakh* dari perspektif hukum pidana Islam serta menelaah bagaimana praktik tersebut dilaksanakan dalam kehidupan masyarakat Alas. Metode yang digunakan adalah yuridis-sosiologis dengan pendekatan kualitatif. Hasil penelitian menunjukkan bahwa pelaksanaan *Ngembakh* yang tidak terkendali dapat mengarah pada pelanggaran syariat, khususnya dalam bentuk perbuatan yang dapat dikenai sanksi *ta'zir* dalam hukum pidana Islam. Oleh karena itu, diperlukan revitalisasi nilai-nilai Islam dalam pelaksanaan tradisi ini melalui pengawasan ketat dan pembinaan berkelanjutan agar tradisi dapat terus dilestarikan tanpa mengorbankan norma agama.

Kata Kunci: *Ngembakh*, Suku Alas, Hukum Islam

Introduction

Tradition is an integral part of the social system, representing not only hereditary customs but also reflecting the values, norms, and collective identity of a society. In the context of indigenous communities, tradition is more than just a cultural activity; it functions as a social instrument that ensures intergenerational continuity, strengthens communal solidarity, and preserves the moral and spiritual order that has long been embedded in the community. Traditions evolve within distinct cultural spaces and are often deeply rooted in local values, yet their existence is constantly challenged by the currents of modernization, which demand both adaptive change and wise preservation (Pratiwi & Riza, 2023). One such tradition that continues to be preserved is *Ngembakh* or *Mepahukh*, practiced by the Alas Tribe in Southeast Aceh.

The *Ngembakh* tradition is part of a unique customary marriage ritual, in which a group of young women from the bride's village temporarily resides at the groom's house. During this period, the young men from the groom's community are allowed to interact directly with these women as a means of socialization and courtship. The implementation of this tradition is structured and regulated, involving customary figures such as the *juragan panjang* or *sentue ngembakh*, and includes specific rules such as the time limitation for interaction—from 8:00 PM to midnight—as well as the obligation for young men from outside the village to report to local youths (Pratiwi & Riza, 2023). Normatively, this tradition aims to uphold the dignity of women, strengthen inter-village social relations, and provide a space for social regeneration based on ethics, propriety, and respect for customary norms.

Ideally, the implementation of the *Ngembakh* tradition operates within the framework of customary ethics and does not contradict religious values,

particularly in the Acehnese context where Islamic law (Sharia) is highly revered. This tradition is meant to provide a safe and respectful environment for young men and women to get to know each other without crossing the boundaries of modesty as upheld in Islamic teachings. The involvement of traditional leaders and the enforcement of time restrictions serve as social mechanisms to prevent acts that deviate from both religious and customary values (Bintang et al., 2024).

However, in reality, the practice of this tradition in certain areas has undergone a shift in values. Field findings in Kute Mejile Village indicate that customary oversight has weakened, leading to a more relaxed and uncontrolled implementation of *Ngembakh*. The ritual, which should be time-bound, is often extended into the early hours of the morning, and the interaction between young men and women is no longer properly supervised. In several instances, such conditions have led to opportunities for *khalwat* (seclusion between unmarried individuals), immoral acts, and other moral transgressions that conflict with Islamic criminal law. This reflects a contradiction between the original purpose of preserving the tradition and its current manifestation in society.

In response to this situation, this study aims to analyze the implementation of the *Ngembakh* tradition from the perspective of Islamic criminal law, particularly in examining potential violations such as *khalwat* and immoral behavior. Furthermore, the study seeks to identify the social and cultural factors that contribute to deviations in the practice of this tradition and explore approaches to reconstruct it so that it remains aligned with Islamic values. This research is expected to provide a scholarly contribution to the discourse on the relationship between local customs and Islamic criminal law, and to serve as a reference for developing socio-cultural policies that are responsive to Islamic principles.

Literature Review

The study on the *Ngembakh* tradition in the wedding customs of the Alas Tribe is not a new topic. Several previous researchers have examined it using various approaches and research methods. Salwa Fahri Asri, in her work titled "*Pergeseran Adat Ngembakh dalam Tradisi Pernikahan dan Pengaruhnya terhadap Realitas Sosial Agama (Studi Kasus di Desa Terutung Seperai Terhadap Realitas Sosial Agama)*," discusses the changes occurring in the implementation of the *Ngembakh* tradition. This study finds that although *Ngembakh* is part of a customary system with specific rules and procedures, in practice, it has begun to shift, such as the disappearance of mandatory reporting to village elders (Asri, 2020). The similarity between Asri's research and this study lies in the focus on deviations from traditional implementation. However, the difference is that Asri's study emphasizes the impact of these changes on the broader socio-religious reality, while this research analyzes it from the perspective of Islamic criminal law.

Armin Nasution, in his work titled "*Aspek-Aspek Teologi Islam dalam Pernikahan Tradisi Ngembakh Masyarakat di Desa Darul Amin, Kecamatan Lawe Alas, Kabupaten Aceh Tenggara*," uses a qualitative approach to uncover the Islamic religious values embedded in the *Ngembakh* tradition, such as the values of *silaturahmi* (social bonding) and youth socialization. The findings show that, from

a familial perspective, *Ngembakh* has positive value in strengthening social ties. However, it becomes problematic when carried out without proper oversight, especially when involving underage youth (Nasution & Sahpitri, 2021). The similarity with this research lies in the emphasis on the need for supervision to prevent deviation from Islamic values. The difference, however, is in the approach: Nasution's research is more theological-normative, highlighting values like social bonding and family in Islam, whereas this study adopts a juridical-sociological approach.

Dita Pratiwi and Faisal Riza, in their work titled "*Mepahukh dalam Upacara Pernikahan Suku Alas Sebagai Arena Sosialisasi Remaja*," use a qualitative method to examine the role of *Ngembakh* (or *Mepahukh*) as a means of socialization and matchmaking among youth. They found that the tradition has undergone a shift in meaning and is now seen merely as a ceremonial symbol in wedding festivities, with little understanding of the customary values behind it. Therefore, they emphasize the importance of re-socializing this tradition among the youth (Pratiwi & Riza, 2023). The similarity with this study lies in identifying the shifting of traditional values that may lead to potential deviations. However, the difference is that Pratiwi and Riza's research focuses more on cultural socialization and customary values in youth social relations, while this research focuses on the Islamic legal consequences of such shifts.

Based on the literature review, the author finds that, to date, there has been no scholarly work that specifically and coherently examines the phenomenon of *Ngembakh* in the way this study does. Previous studies generally focus more on socio-cultural aspects or use a normative theological approach to understand local traditions, without comprehensively analyzing them from the perspective of Islamic criminal law. This study offers a different approach by highlighting Islamic legal norms in analyzing practices such as *khalwat* (seclusion) and potential immoral acts occurring in the *Ngembakh* tradition among the Alas Tribe in Kute Mejile Village. Therefore, this research holds novelty in its analytical approach toward potential violations of Sharia embedded in local traditional practices, while simultaneously placing them within an applied Islamic juridical context.

Research Methodology

This article falls under the category of socio-juridical research with a qualitative approach. The study aims to analyze the implementation of the *Ngembakh* tradition within the Alas Tribe community, specifically from the perspective of Islamic criminal law, as well as to understand how the tradition is practiced and monitored by the local customary society within its social reality (Efendhi, 2022). The methodology employed combines two main approaches: the normative approach and the empirical approach. The normative approach is used to examine Islamic criminal law teachings related to the *Ngembakh* phenomenon, *khalwat* (seclusion), and the concept of *saddu dzari'ah* (blocking the means to harm), by referring to Islamic legal sources such as the Qur'an, Hadith, classical *fiqh* books, and relevant national regulations. Meanwhile, the empirical approach is conducted through field studies to gather factual information about the *Ngembakh*

practice in the community, including the customary mechanisms for overseeing potential violations of Sharia norms.

Primary data sources in this research are obtained through in-depth interviews with various parties directly involved in the tradition's implementation, including traditional leaders, local religious scholars, village authorities, as well as participants and practitioners of the *Ngembakh* tradition. Secondary data sources consist of Islamic legal literature, *fiqh* texts, national laws and regulations, and previous research findings relevant to and supportive of the analysis of this cultural practice (Ramlan, 2023). Data collection techniques used in this study include interviews, observation, and document analysis. Interviews were conducted in both structured and semi-structured formats to elicit in-depth perspectives from key informants.

Observation was carried out to directly observe the implementation of the *Ngembakh* tradition in order to identify potential occurrences of *khalwat* and forms of deviant interactions. Meanwhile, document analysis was used to examine various customary documents, local regulations, and academic literature related to Islamic law and positive law. The data analysis techniques employed in this study include descriptive-qualitative analysis and comparative analysis. The descriptive-qualitative analysis aims to elaborate and understand the patterns of interaction within the *Ngembakh* tradition in a comprehensive and contextual manner, while the comparative analysis is used to contrast customary norms with the principles of Islamic criminal law in regulating male-female interactions, particularly in the context of local cultures that may pose ethical and Sharia-related violations.

The *Ngembakh* Tradition: Definition and Historical Background

The *Ngembakh* tradition, also known as *meupahukh*, is an integral part of the customary system of the Alas ethnic group, who inhabit the Southeast Aceh Regency in the Aceh Province. This tradition has been passed down through generations and has become a unique cultural identity, particularly in shaping social relationships between young men and women in the context of seeking a marriage partner. Etymologically, the word “tradition” originates from the Latin word *traditio*, meaning “delivery” or “transmission.” In this context, tradition reflects practices, values, teachings, or behavioral patterns handed down from one generation to the next. Tradition is not merely a repeated custom but also encompasses normative and symbolic dimensions that reflect a community's worldview and value system. In practice, tradition is a result of social construction shaped by reason, beliefs, social relationships, and the culture of a society. Therefore, tradition serves as an important means of preserving the identity and continuity of local culture (Nor Hasan, 2019).

In the context of the Alas community, *Ngembakh* is an activity carried out at night after a wedding reception, usually starting around 8:30 PM. This event takes place at the groom's house, where young men and women from the village and surrounding areas gather and interact. This activity is not merely for entertainment, but it also contains strong social and cultural values. One of its main purposes is to serve as a means for matchmaking, within the boundaries of customary norms and Islamic teachings, which are highly respected by the

Acehnese society. In the past, the *Ngembakh* tradition was held openly but under strict supervision by customary leaders, youth leaders, and the parents in the community. The supervision aimed to ensure that the interactions between young men and women remained within ethical and religious boundaries. Seclusion (*khalwat*) or physical contact violating Islamic values was strictly prohibited. On the contrary, the event was carefully arranged to serve as a polite social space that fostered community ties among the youth and strengthened social bonds between families and villages.

Historically, the emergence of the *Ngembakh* tradition is closely linked to the Alas people's need to preserve their community through social strategies related to marriage. This tradition became part of a mechanism to avoid cultural assimilation, which was perceived as a threat to the integrity of the Alas ethnic identity. Through *Ngembakh*, young people were expected to find partners within their own ethnic group, thereby preserving the Alas lineage. In this sense, *Ngembakh* is not only a social tradition but also an instrument for ethnic and cultural preservation. Beyond its matchmaking role, *Ngembakh* also functions as a means of cultural regeneration.

Through this tradition, local values are passed on — from politeness in interaction and respect for customs to the internalization of Islamic norms in social life. The Alas community views *Ngembakh* as part of their local civilization, harmonizing customary practices with religious teachings. However, over time, the noble values once embedded in the *Ngembakh* tradition have begun to shift due to social changes and external cultural influences. As a result, a tradition that was once well-supervised and aligned with Islamic principles is now often practiced with minimal oversight and tends to lose its original meaning. Therefore, it is essential to reexamine the roots of this tradition and revitalize it so that it remains relevant and does not deviate from the Islamic values that form the foundation of Acehnese society as a whole (Asri, 2020).

The Development of the *Ngembakh* Tradition in Kute Mejile

The *Ngembakh* tradition is part of the cultural heritage of the Alas ethnic community in Southeast Aceh Regency, passed down through generations. This tradition is commonly carried out after customary ceremonies such as weddings or circumcisions, serving as a social gathering between young men and women to get to know each other in the context of finding a life partner. In the past, the practice of *ngembakh* was conducted while upholding values of propriety, morality, and Islamic principles. It took place in open spaces around the house hosting the event, usually accompanied by traditional musical instruments such as *canang* or *rebana*. Young men and women interacted under the strict supervision of youth leaders, customary figures, and parents present at the location. Sitting arrangements, conversation boundaries, and prohibitions on being alone in secluded places were strictly enforced as a sign of respect for Islamic values. These interactions were open and monitored, avoiding situations of *khalwat* or forbidden physical contact.

The implementation of the *ngembakh* tradition in Kute Mejile Village still essentially retains the core structure as practiced by the Alas people since ancient times. It usually begins after the *reception for the in-laws* event ends, around 8:30

PM. However, although the general pattern of its execution has been preserved, there have been significant changes in practice, particularly in terms of supervision and accompanying social norms. The lack of active roles from village youth leaders (such as the youth chief), coupled with negligence from parents and the community in general, has created a vacuum exploited by teenagers to engage in deviant activities beyond traditional and religious norms. This is evident from the increasing occurrences of *khalwat*, where unrelated men and women are alone together, often happening during *ngembakh* activities that continue past midnight, especially after 12:00 AM. During such hours, as the atmosphere becomes quiet and most villagers are asleep, young couples take advantage of the situation to be alone in dark places, sometimes even engaging in indecent acts.

A tradition once rich in respect, etiquette, and ethics has now shifted into a space of unrestricted interaction, no longer reflecting the noble values of Alas culture. A customary leader, Kamaruddin, stated that in the past, *ngembakh* was conducted in a very controlled environment, where young men and women were only allowed to interact within strict limits and always under the supervision of traditional authorities (Mahrizal, 2025d). Now, however, he observes more young people attending in a drunken state, disregarding common decency, and even daring to sit together under a single blanket—clearly violating both customary rules and religious teachings. Due to the increasingly deteriorating situation, Kamaruddin admitted that he has prohibited his own daughter from participating in *ngembakh*, fearing she might fall into the morally unrestrained social scene that has strayed far from the tradition's original purpose.

The *ngembakh* tradition in Kute Mejile Village, long considered a part of the Alas ethnic cultural heritage, is now in a critical position due to the value deviations that continue to emerge in its practice. It is not only undergoing cultural shifts but also beginning to conflict with the religious and social norms that should serve as the foundation of this customary activity. A local religious leader, Syamsuddin (Mahrizal, 2025), firmly expressed his concern over the transformation of *ngembakh*, which is now drifting away from Islamic values. He explained that in the past, interactions between young men and women were open and limited, with strict supervision from families and customary leaders. Today, however, young men are free to enter the homes of young women and engage in more intimate interactions without meaningful supervision. He believes this situation clearly contradicts the principles of Islamic law, which prohibits *khalwat*—private meetings between unrelated men and women in closed spaces—as it can lead to slander and sinful behavior.

From the perspective of youth organizational structure, Firman (Mahrizal, 2025), the current youth leader or *ketue belagakh*, also acknowledged that today's *ngembakh* practices pose increasingly complex challenges. He noted that events extending into the late night often trigger deviant behaviors beyond control, such as couples choosing to be alone in dark areas or turning off lights to avoid being watched. In addition, conflicts between youth groups from other villages frequently occur, mainly fueled by alcohol consumption, which is now prevalent at these events. He remarked that this phenomenon is vastly different from the past, when alcohol was almost never present at *ngembakh* events and inter-village youth interactions were still governed by ethics and mutual respect.

The female perspective also reveals the weakness in enforcing rules within this tradition. Risma (Mahrizal, 2025), a young woman who once participated in *ngembakh*, shared that although there are agreed-upon rules such as prohibitions on joking directly, sitting too close, or physical contact between young men and women, in reality, these rules are often ignored. She even witnessed young men exploiting *ngembakh* as an opportunity to behave inappropriately and hold small parties involving local alcoholic beverages such as *tuak*. This indicates that, aside from weak external supervision, the participants themselves lack awareness in complying with the rules, allowing the tradition to be misused for personal interests that contradict both customary and moral values.

Considering the perspectives of religious leaders, youth leaders, and female participants, it can be said that the *ngembakh* tradition in Kute Mejile Village has undergone a significant shift in values. This is not merely a technical change in implementation but rather an erosion of the noble values that once formed the soul of this customary practice. What was originally intended to strengthen social bonds, foster polite communication between young men and women, and serve as a respectful courtship space has now turned into an unregulated arena ripe for deviant behavior. Therefore, without a renewed system of strict supervision and revitalization of both traditional and religious values, there is a real risk that *ngembakh* will continue to drift further from its original meaning and eventually be abandoned by the community as a tradition deemed to have negative consequences.

Seeking a Life Partner in Islamic Law

Islamic Criminal Law is one of the key pillars in the structure of Islamic Sharia, regulating human life comprehensively, including the interactions between men and women in a social context (Sagala, 2022). These regulations are not only normative and moral but also contain preventive elements aimed at preserving social stability and personal dignity. In Islam, interactions between non-mahram individuals of the opposite sex must be guided by principles of caution, modesty, and moral oversight, so as not to open the door to prohibited acts such as *khalwat* (seclusion) or adultery. This is emphasized in various verses of the Qur'an and Hadiths, which stress the importance of lowering the gaze, avoiding zina (fornication or adultery), and upholding sincere intentions in relationships between men and women.

In the context of seeking a life partner, Islam provides a very clear legal and ethical framework. The process is not merely based on physical attraction or worldly aspects, but rather it is considered part of a form of worship with a spiritual dimension. The goals of marriage in Islam include fulfilling biological needs in a lawful manner, preserving progeny (*hifzh al-nasl*), and forming a harmonious family (*sakinah*) founded on affection (*mawaddah*) and mercy (*rahmah*). Marriage is regarded as a command from Allah and a Sunnah of the Prophet Muhammad (peace be upon him), highly encouraged for those who are physically, mentally, and financially capable (Malisi, 2022). Furthermore, Islam views marriage as a means of protecting oneself from temptation and as a path to

completing half of one's faith. Through marriage, a Muslim engages in an act of worship that carries spiritual reward, as affirmed by Allah in His words:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَأَمَّاكُمْ لِنُكَفِّرَ عَنْكُمْ سَيِّئَاتِكُمْ وَلِنُنْفِذَ بِكُمْ مَقَرَّاتِنَا ۚ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾

“And marry those among you who are single, and also those who are fit for marriage among your male and female slaves. If they are poor, Allah will enrich them out of His bounty. And Allah is All-Encompassing, All-Knowing.”
(QS. An-Nur: 32)

Marriage as a lawful means to fulfill human nature, safeguard modesty, and protect oneself from sinful acts. Marriage aims to build a household filled with tranquility, love, and compassion. Through a legitimate marriage, Islam encourages its followers to have righteous offspring who will become a faithful generation devoted to Allah SWT. Marriage also strengthens social bonds and kinship among families and the Muslim community (Sholeh, 2025). In Islam, interactions between men and women in the context of seeking a life partner are strictly regulated with principles that uphold dignity, purity, and obedience to Sharia. The purpose of these regulations is not only to prevent sinful behavior but also to establish a blessed and harmonious family based on Islamic values.

Therefore, Islam does not allow unrestricted freedom in the process of getting to know the opposite sex but instead sets certain conditions to ensure that this process is conducted respectfully and according to Islamic etiquette. One of the main principles safeguarded in this process is the involvement of a *mahram* or guardian, especially for women. The presence of a *mahram* during the introduction process is not only a form of physical and psychological protection but also serves as moral supervision to ensure that interactions do not violate Sharia limits. This is supported by the Prophet Muhammad's (SAW) saying: “Never should a man be alone (*khalwat*) with a woman except with a *mahram*.” (Narrated by Bukhari and Muslim). This hadith emphasizes Islam's strong insistence on supervision in every interaction between non-*mahram* men and women.

Furthermore, Islam encourages transparency in intention and information during the *ta'aruf* (introduction) process. Openness about the intention to marry from the beginning is fundamental to prevent false hopes or misunderstandings later on. The *ta'aruf* process in Islam is not meant to build emotional relationships like dating but rather to assess compatibility for marriage based on religious values, personality, and responsibility. Therefore, *ta'aruf* is conducted in a limited manner, without physical contact, and in a formal, supervised setting (Hamdi, 2017). Islam also strictly regulates interactions between non-*mahram* men and women, such as prohibiting being alone together (*khalwat*), lowering the gaze, and obliging covering the *aurat* and maintaining the hijab. These restrictions are not intended to limit personal freedom but to protect purity and prevent opportunities for slander (*fitnah*) and acts that violate Sharia. Allah SWT commands in Surah An-Nur, verses 30-31, instructing believing men and women to lower their gaze and guard their chastity as a primary form of self-protection.

Avoiding illicit dating relationships — those without clear purpose and in violation of Sharia — is forbidden in Islam (Putra & Ahyadin, 2023). Instead, Islam promotes the concept of *ta'aruf*, a lawful and directed introduction process. Family involvement is prioritized, with family members playing important roles in giving advice, consideration, and ensuring that the search for a spouse proceeds properly and according to Sharia. If in *khalwat* there occurs an act approaching fornication (such as touching, kissing, or intimate acts without intercourse), even if it does not reach the level of fornication, a *ta'zir* punishment (discretionary penalty) may be imposed. This punishment is determined by a judge based on the severity of the violation and can range from a stern reprimand, fines, temporary detention, light flogging, to socially humiliating public announcements (in traditional communities) (Septia, 2024).

Regarding the prohibition of *khalwat* according to the Hanafi school, being alone together without immoral acts (like physical touching) is considered *makruh* (disliked) and forbidden if it causes suspicion (*fitnah*). There is no *hudud* punishment (fixed penalties such as flogging or stoning) if it is only *khalwat*. However, if there is an immoral act without fornication (such as kissing or touching), *ta'zir* punishment may be imposed at the judge's discretion. According to the Maliki school, *khalwat* without accompanying sinful acts remains forbidden because it is considered an act that leads to fornication (*sadd al-dzari'ah* — blocking the means to sin). The punishment for *khalwat* without sinful acts can be warnings or reprimands, while *ta'zir* may apply for immoral acts without fornication, such as temporary detention or fines (Adam, 2019).

The prohibition of *khalwat* and immoral acts in Islamic criminal law holds significant relevance in maintaining public order, protecting morality, and preventing slander and major sins such as fornication (Royani, 2025). Below is an explanation of this relevance. *Khalwat* and immoral acts are seen as pathways to fornication, which is a major sin in Islam. This prohibition aligns with the principle of *sadd al-dzari'ah* (blocking the means to harm) (Azizah, 2018). Protection of Honor (*Hifz al-'Ird*). One of the main objectives of Islamic criminal law (*maqashid shariah*) is the protection of honor (*hifz al-'ird*) (Zumrotun, 2013). The prohibition of *khalwat* and immoral acts functions to protect individuals from disgrace that damages their reputation and to prevent slander against families. *Khalwat* and immoral acts undermine these values and can trigger deviant behavior with negative impacts on the younger generation.

The Ngembakh Tradition in Positive Criminal Law

The *Ngembakh* tradition is a cultural practice of the Alas Tribe community in Southeast Aceh Regency, carried out after wedding or circumcision ceremonies. This tradition allows young men and women to get to know each other and seek potential spouses through direct interaction. Although conducted within the context of customary customs, this practice in some cases has the potential to violate positive legal norms, especially if it involves breaches of decency or leads to immoral acts. Under Indonesian national criminal law, immoral acts are regulated in the Criminal Code (KUHP), particularly Articles 281 to 296, which address crimes against decency.

If during the *Ngembakh* practice there occurs *khalwat* (close seclusion), indecent acts, or actions violating norms of decency, such behavior can be subject to criminal sanctions as stipulated in the KUHP. Furthermore, Law Number 1 of 2023 concerning the new Criminal Code also regulates acts that disturb public order, violate decency, and maintain public order, such as Article 411 regarding adultery or Article 412 concerning cohabitation (*kumpul kebo*). In this context, although *Ngembakh* is carried out within the framework of local culture, the state still has the obligation to maintain public order and prevent acts that endanger the moral values of society.

Therefore, if the implementation of this tradition is not properly supervised by parents, community leaders, or village officials and causes social unrest, the local government or law enforcement authorities may intervene through guidance, supervision, or enforcement if criminal elements are found. Additionally, national law adheres to the principle of crime prevention (preventive) and protection of public order. Consequently, lack of supervision in the implementation of this tradition can create potential legal violations that require intervention by law enforcement officers or village apparatus to prevent unlawful acts in public spaces, even if cloaked within customary practices.

The Tradition of *Ngembakh* in Islamic Criminal Law

In the recent tradition of *ngembakh*, although it involves interaction between young men and women, the activity is carried out within a customary context supervised by the leaders of the youth groups and the parents hosting the event, thus differing from the concept of *khalwat* in Islam. However, it is important to ensure that in the implementation of *ngembakh*, Islamic values are maintained, such as upholding the boundaries of interaction between men and women who are not mahram, and avoiding behaviors that could lead to slander or suspicion. Therefore, the *ngembakh* tradition can be carried out without violating the principles of Islamic law (Pratiwi & Riza, 2023).

Indications of *khalwat*, which potentially lead to immoral violations within the *ngembakh* tradition, often occur in the village of Kute Mejile due to a lack of supervision from parents, the community, and the youth. However, this only happens in certain *ngembakh* events where supervision is lacking. In Islamic criminal law (*fiqh jinayah*), interactions between men and women who are not mahram are evaluated based on sharia rules regarding the limits of interaction and the potential emergence of slander or sin (Bukhari, 2022). The basic rule for interaction between men and women, if *ngembakh* is conducted while still maintaining the limits set by Islamic law—such as no *khalwat*, no forbidden physical contact, and being guarded by moral supervision—then this tradition cannot be categorized as an act contrary to Islamic criminal law. However, if these values are violated, then the practice of *ngembakh* can be regarded as an act approaching or including sin, subject to *ta'zir* punishment (a penalty imposed by the *ulil amri* or leaders).

Within the *ngembakh* tradition, there are several potentials that can lead to immoral acts or acts approaching *zina* if not properly supervised. This relates to the Islamic principle of *saddu dzari'ah*, which is the prevention of causes leading to

sin. The *saddu dzari'ah* principle in Islam is an effort to prevent something that is basically permissible (mubah) but has the potential to lead to something forbidden (haram) (Zulfikri & Faizah, 2023). Some of the potential elements approaching immorality that can arise in the *ngembakh* tradition and need to be watched out for include khalwat (being alone in a secluded place). If in practice there is a man and woman alone without supervision, this falls under the category of khalwat, which can open the door to slander. Unlawful physical contact may also occur, such as physical touches not permitted in Islam, like shaking hands with a non-mahram or other close physical proximity.

In the study of Islamic criminal law (fiqh jinayah), interactions between men and women who are not mahram are strictly regulated to maintain the purity of social interaction and prevent slander. *Ngembakh*, which is generally done to get to know a prospective life partner, if carried out according to Islamic sharia norms, is not considered a violation of Islamic criminal law. However, there are important boundaries that must be maintained so that this tradition does not deviate from sharia guidelines. Islamic law forbids khalwat, which is a situation where a man and woman who are not mahram are alone in a secluded place without supervision. Khalwat is viewed as a gateway to zina (*zari'ah ilal-haram*), hence Islam adheres to the principle of *saddu dzari'ah*, a principle to close all paths leading to forbidden acts. In this context, *ngembakh* activities carried out late into the night, or without strict supervision, and allowing opportunities for being alone or physical contact, can be considered violations of sharia principles.

If the implementation of *ngembakh* leads to breaches of sharia limits, then the act falls into the category of immorality subject to ta'zir punishment. Ta'zir is a punishment that does not have fixed limits in the Qur'an and Sunnah, and its execution is entrusted to the discretion of the leader or ulil amri. In the context of a modern state, the role of ulil amri can be carried out by the government or law enforcement officials by imposing social sanctions, administrative penalties, or even criminal sanctions if the violation impacts the wider community. However, not all implementations of *ngembakh* lead to violations of Islamic criminal law. Ideally, *ngembakh* becomes an Islamic means in the taaruf process (introduction) between two individuals for the purpose of marriage, as long as the process is conducted in public, supervised by customary leaders, parents, and the community, and does not involve physical contact or speech/behavior that leads to slander. Therefore, differences in context and supervision in this customary practice become key factors in Islamic legal assessment.

Relevance of the Principle of *Saddu Dzari'ah*

In Islam, customs that do not conflict with sharia can be accepted and preserved. However, if a custom contains elements that contradict Islamic principles, such as shirk (polytheism), immorality, or injustice, it must be abandoned. Therefore, it is important to evaluate each tradition based on its conformity with Islamic teachings. If the tradition of *ngembakh* contains elements that contradict sharia, adjustments or removal of those elements need to be carried out. Conversely, if this tradition can be harmonized with Islamic teachings, it can be preserved as part of the Alas tribe's culture.

Islamic law has a very important relevance in regulating social interactions before marriage. These rules aim to maintain moral values, honor, and social welfare within the Muslim community. Upholding dignity and honor, Islam emphasizes the importance of protecting the dignity and honor of both men and women. Properly maintained interactions according to religious rules help avoid actions that may degrade individual dignity. Building relationships based on purity, Islam teaches that relationships before marriage should be established in a lawful way, such as through the process of *ta'aruf* (guided introduction) and *khitbah* (engagement) (Putra & Ahyadin, 2023). This allows the couple to get to know each other within the boundaries permitted by religion. The relevance of Islamic law in regulating social interaction before marriage is very significant to maintain individual morality and social harmony. By following these rules, Muslims can lead a more honorable and directed life toward a blessed marriage.

On the other hand, if the tradition of *ngembakh* is carried out with good intentions, such as maintaining social ties without violating Islamic sharia principles, then within the framework of *saddu dzari'ah*, there is no reason to stop it. In this case, a more inclusive approach to local culture that does not contradict Islamic teachings can be more relevant (Maulidin & Nawawi, 2024). Overall, the relevance of the principle of *saddu dzari'ah* to the *ngembakh* tradition depends on the extent to which the tradition aligns with Islamic values and teachings. If the tradition contains elements that could cause harm or violate Islamic law, then the principle of *saddu dzari'ah* can be applied to prevent it. Conversely, if the tradition does not contain damaging elements, it can be accepted within a cultural framework that does not conflict with sharia.

From the perspective of Islamic criminal law, the act of *khalwat*—that is, a man and a woman who are not mahram being alone in a situation vulnerable to immorality—is part of forbidden behavior because it opens the way to adultery. The principle of *saddu dzari'ah* in Islamic law stresses the importance of preventing things that could lead to major sins such as *zina* (Fatihin et al., 2024). Therefore, the *ngembakh* tradition, if it experiences a degradation of values, needs to be reexamined to be aligned with sharia principles, whether through cultural approaches, reinterpretation of customs, or reformulation of social practices in accordance with Islamic teachings.

Proposed Solutions

Discussing solutions to the *Ngembakh* tradition requires a comprehensive and transformative approach, especially in harmonizing customary values with Islamic teachings. The *Ngembakh* tradition, as part of the local culture of the Alas tribe, holds significant social dimensions, particularly in fostering interactions among youth. However, from the perspective of Islamic criminal law, certain aspects of this tradition's practice have the potential to violate sharia principles, especially those related to free interaction, *khalwat* (close proximity between non-mahram men and women), and prohibited deviant behaviors in Islam (Efendhi, 2022). The solution offered is not to abolish the tradition, but rather to reconstruct the values and practices contained within it. The first important step is to deeply understand the essence of the *Ngembakh* tradition, including its social functions,

family values, and its purpose in fostering social relations among the younger generation. This understanding needs to be connected with core Islamic principles such as preserving honor (*hifzh al-'irdh*), instilling noble character (*makarim al-akhlaq*), and enforcing *amar ma'ruf nahi munkar* (enjoining good and forbidding evil) in social life (Ramlan, 2023).

In this adjustment process, normative Islamic approaches can be used to identify elements of the tradition that are compatible with or contradict religious values. Elements that potentially lead to immorality or violate sharia, such as *khalwat*, alcohol consumption, or unsupervised activities, must be minimized or restructured. Alternatively, the tradition can be repackaged into a more Islamic social gathering by including religious activities such as Islamic studies, motivational sermons by religious leaders, and interactive discussions on the role of youth in maintaining morality (Mahrizal, 2025). From an institutional perspective, supervision and moral responsibility must be enhanced, especially from community leaders, village government officials, and customary leaders. Monitoring the implementation of *Ngembakh* should be done directly and continuously to ensure that sharia values are preserved throughout the tradition's practice. In this context, formal institutions such as the Islamic Sharia Office should also take an active role in providing guidance and control over the tradition's execution, considering their current involvement is still minimal and less responsive to local socio-religious dynamics.

The strategic role of customary leaders is also key in maintaining the tradition's relevance with Islamic teachings. These leaders hold strong cultural legitimacy within the community, enabling them to act as agents of change in limiting deviations occurring during *Ngembakh*. Strengthening moral values within customs must be continuously promoted so that youth have clear ethical boundaries in practicing the tradition, especially in rejecting practices that lead to forbidden or deviant acts (Ramlan, 2023). Furthermore, actively involving the younger generation in internal supervision of customary activities is an important solution. Youth who have been given understanding of Islamic values need to be equipped with collective awareness to uphold religious norms in every social interaction.

They must be empowered as moral guardians of the community, not only passively following tradition but also actively preventing violations during customary events. From a sociological perspective, the *Ngembakh* tradition should be directed to strengthen social bonds within society without sacrificing the moral integrity of the youth. Therefore, Islamic principles can serve as a normative framework to build a healthier and more constructive model of *Ngembakh* implementation. The application of clear discipline, a permit system, and regulation of time and space in the execution of this tradition can help prevent deviations.

Conclusion

The *Ngembakh* tradition practiced by the Alas Tribe community in Kute Mejile Village is a cultural heritage that holds significant social value in strengthening relationships among youth. However, from the perspective of

Islamic Criminal Law, the implementation of this tradition is not entirely free from potential violations of Sharia. Practices such as khalwat (being alone together outside of marriage), unsupervised mingling, and behaviors leading to immorality are primary concerns in Islamic legal review. A tradition that essentially aims to build friendship and communication among teenagers may, in fact, open loopholes for actions that contradict the principles of amar ma'ruf nahi munkar (enjoining good and forbidding evil) as well as the protection of individual honor and morality.

Therefore, the solution offered within the framework of Islamic criminal law emphasizes the importance of transforming the tradition to remain relevant to Sharia values. This can be achieved through religious education, strict supervision by customary leaders, religious figures, and village authorities, as well as the active participation of youth in maintaining religious norms during the tradition's implementation. By adjusting elements that conflict with Islam, the *Ngembakh* tradition can continue to be preserved as part of local culture that aligns with Islamic values and does not cause harm to the community.

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