

Delaying the Burial of the Body of an Agam District Traditional Leader

Gafnel^{1*}, Busyro², Ikhwan³

^{1*} Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia. E-mail: gafnelshi@gmail.com

² Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia. E-mail: busyro.pro18@gmail.com

³ Universitas Islam Negeri Imam Bonjol Padang, Indonesia. E-mail: ikhwan@uinib.ac.id

Abstract: This research discusses the phenomenon of delaying the burial of the customary leader of Agam Regency from the perspective of qiyas. This study uses a qualitative approach involving various data collection techniques, including interviews, participatory observation, and document analysis. Amid shifting values and changing religious practices in the community, the practice of funerals has become a sensitive issue that combines religious teachings and local traditions. A delay in the burial of a traditional leader may occur due to an important traditional ceremony or pending the arrival of family members from afar. Qiyas, as a method of analogy in Islamic law, becomes an instrument to formulate a conclusion in this case. The principle of qiyas allows postponement of burial if there is a greater benefit, such as maintaining the integrity of the family or strengthening the cultural identity of the local community. However, this must be done with due regard to basic religious principles, such as preserving the honor of the deceased and preventing any physical harm that may result from the delay. The study concludes that the postponement of the burial of the customary leader of Agam Regency from the perspective of qiyas can be justified in carefully regulated situations, considering the balance between religious demands, local traditions, and the social needs of the local community. The importance of dialogue between religious authorities and traditional leaders in addressing this issue cannot be overlooked, as it involves a deep understanding of intersecting religious and cultural values.

Keywords: Corpse Burial; Traditional Leader; Agam Regency

1. Introduction

Delaying the burial of the dead is a sensitive and important topic in many traditions and beliefs, including in customary and religious contexts. Agam District, which is rich in indigenous culture and traditions, has special procedures in dealing with the bodies of penghulu adat. Penghulu adat are highly respected figures in the community, and their funerals often involve a series of rituals and ceremonies that take a certain amount of time. However, how does Islam view this practice when viewed from the perspective of qiyas.¹ Qiyas is a method in Islamic fiqh used to determine the law of an issue that is not explicitly mentioned in the Quran and Hadith, by comparing it with another issue whose law is clear. This method involves using analogies to draw appropriate legal conclusions by considering similar factors in different situations. In this context, understanding the postponement of the burial of the corpse of a traditional leader from the perspective of qiyas becomes important to bridge the gap between local customs and the principles of sharia.

¹ Aprizon Aprizon, 'TINJAUAN HUKUM ISLAM TERHADAP PEMBAGIAN HARTA WARIS SISTEM ADAT LAMPUNG SAIBATIN (Studi Kasus Di Desa Cahaya Negeri Kec. Lemong Kab. Pesisir Barat Lampung)' (PhD Thesis, Universitas Islam Negeri Fatmawati Sukarno, 2023), <http://repository.uinfasbengkulu.ac.id/333/>.

Agam Regency is located in West Sumatra Province and is known for its people who still hold strong Minangkabau customs. Penghulu adat, or customary chiefs, are central figures in the social and cultural structure of Minangkabau society. They are responsible for various aspects of community life, including the maintenance of customs and dispute resolution.² In Minangkabau tradition, death ceremonies and funeral processions are important moments that not only serve as a final honour to the deceased, but also as a means to strengthen social ties within the community.³ Therefore, postponing the burial of a traditional leader's body is often done to prepare for a proper ceremony and allow the presence of family and community members who live far away. In Islam, there are clear rules regarding the management of the dead. In general, sharia recommends that the body be buried as soon as all preparations are complete, in order to honour the rights of the deceased and prevent unwanted things. In this context, the question arises: how can we understand and accommodate the practice of delaying burial in Minangkabau customs with the provisions of sharia.

Qiyas allows us to make an analogy between the case of delaying the burial of a traditional leader's body and other cases that have clear legal provisions in Islam.⁴ One of the cases that is often referred to is an emergency or urgent need that allows postponement of the burial, such as waiting for the arrival of close relatives who have the right to organise the body or a natural disaster situation that prevents the funeral from being carried out immediately. In certain situations, Islamic fiqh permits postponement of burial if there is a legitimate and urgent reason. For example, delays to await the arrival of relatives who are very far away or delays due to extreme weather that endangers the safety of the funeral.⁵ Using qiyas, we can analogise the situation of delaying the burial of the customary leader in Agam Regency as a situation that requires adjustments to respect the customary and social rights of the local community.

Studying the postponement of the funeral of a traditional leader through the perspective of qiyas not only provides a relevant legal solution but also demonstrates the flexibility of Islam in accommodating local culture. This is important to maintain harmony between religious beliefs and customary traditions, thereby reducing the potential for conflict and ensuring that respect for the dead is done in the most dignified way and in accordance with the values embraced by the local community. In addition, this study can serve as a reference for other communities facing similar dilemmas in integrating customary practices with sharia principles. With a deeper understanding and application of qiyas, it is hoped that a better harmony between religious and customary law will be created, and provide clear guidance for Muslims in dealing with complex situations.⁶

The qiyas approach in understanding the delay in the burial of the remains of traditional leaders in Agam Regency shows that Islam has mechanisms to adapt to various cultural and social contexts. This research confirms the importance of dialogue between sharia law and local traditions, and the

² Muhammad Jalaluddin Assuyuthi Chalil and Maulana Siregar, 'Pelatihan Fardhu Kifayah Jenazah Pasien Terpapar Covid-19 Pada Perawat Ruang Intensive Care Unit (ICU)', *Aksiologi: Jurnal Pengabdian Kepada Masyarakat* 7, no. 1 (19 October 2022), <https://doi.org/10.30651/aks.v7i1.10400>.

³ Salsabila Noor Assyfa, 'Konflik Sosial Dan Nilai Sosial Budaya Novel Segala Yang Diisap Langit Karya Pinto Anugrah Serta Relevansinya Dalam Pembelajaran Di SMA', 2023, <https://digilib.uns.ac.id/dokumen/detail/104566/>.

⁴ Rizal Dian Azmi and Siti Khoiruli Ummah, 'Pemodelan Tanah Makam Dengan Persamaan Diferensial Dan Analisisnya', *JMPM: Jurnal Matematika Dan Pendidikan Matematika* 3, no. 1 (27 March 2018): 53–60, <https://doi.org/10.26594/jmpm.v3i1.941>.

⁵ Budiwirman Budiwirman and Syafwandi Syafwandi, 'HERMENEUTIKA SONGKET SEBAGAI PAKAIAN ADAT DALAM PERSPEKTIF BUDAYA MINANGKABAU', *Gorga : Jurnal Seni Rupa* 8, no. 1 (2 July 2019): 1, <https://doi.org/10.24114/gr.v8i1.12502>.

⁶ Destuliadi Destuliadi, 'AKULTURASI "TRADISI MANDOA SETELAH KEMATIAN" PADA MASYARAKAT JORONG NAN IX NAGARI SALIMPAUNG', *JUDAKUM: JURNAL DEDIKASI HUKUM* 2, no. 1 (2023): 67–80.

need for wisdom in applying the law to keep it relevant and inclusive. Thus, we can honour religious and customary values simultaneously, creating harmony in the social and religious practices of the community, especially in the context of delaying the burial of the body of the traditional leader of Agam Regency from the perspective of qiyas.⁷ This study aims to analyse in depth the customary procedures that apply in Agam Regency in handling the bodies of traditional leaders, including the reasons behind the delay in burial.⁸ In addition, this study also aims to identify and examine the provisions in Islamic law relating to the management of corpses and delays in burial. Using the qiyas method, this research seeks to determine how sharia principles can be applied in the context of the delayed burial of the bodies of traditional leaders in Agam Regency. Another objective is to find a harmonious meeting point between local customs and Islamic law so that the practice of delaying burials is acceptable in both perspectives. In addition, this research will also develop recommendations that can be implemented by the community and authorities in maintaining a balance between respect for adat and compliance with sharia. Finally, this research is expected to provide a comprehensive academic study as a reference for future research related to the interaction between customary law and Islamic law in various social contexts.

2. Method

This study employs a grounded research model to explore the reality of delaying the burial of the customary leader's body in Agam Regency from the perspective of qiyas. It investigates the Islamic legality of this practice while elucidating the significance of local customs and traditions. Therefore, this study is legal-sociological in nature, as it examines the aspects of Islamic law that underlie the postponement of burials in the context of Minangkabau customs. The necessary data comprises the history of burial traditions in Agam Regency, the procedure for implementing burial delays, and the details of the funeral procession gathered through interviews with twenty informants. In addition, data were obtained from written documents, including research reports, articles, and manuscripts. Data collection was also conducted through Focus Group Discussions (FGDs) with three religious leaders, three traditional leaders, and five community members to gain in-depth insights into the practice of delaying burials. The data analysis process involved multiple stages. First, the data obtained from the interviews were read and reread. During this stage, the researchers created initial notes consisting of descriptive comments on the content conveyed by the participants. Second, the relationship between certain pieces of information was mapped. Third, relevant statements were grouped according to the study's focus category. The maqāsid shari'ah analysis method was specifically utilized to determine legal decisions by referencing the objectives of sharia, al-daruriyyat al-khams, which contain values and orders that promote justice, freedom, equality, and humanity. Understanding the process of delaying the burial practice requires employing framework, which asserts that humans are simultaneously products and creators of social traditions and institutions. Therefore, actions must be viewed coherently in a three-moment dialectical scheme, namely internalization, externalization, and objectivation. The results of data analysis are organized systematically as cultural knowledge in the form of practices of delaying burials based on Islamic law, with significant values of local wisdom.

⁷ Ashadi L. Diab, 'HUKUM & PEMBERDAYAAN: SINERGITAS PERDA ZAKAT DAN UNDANG UNDANG ZAKAT' (YAYASAN CIPTA ANAK BANGSA, 2023), <https://digitallib.iainkendari.ac.id/id/eprint/124/1/DOC-20230413-WA0030..pdf>.

⁸ Nali Eka, 'UPACARA KEMATIAN PADA MASYARAKAT DAYAK TUMON DI DESA GUCI KABUPATEN LAMANDAU (KAJIAN AGAMA DAN BUDAYA HINDU)', *Bawi Ayah: Jurnal Pendidikan Agama Dan Budaya Hindu* 8, no. 2 (9 August 2019): 63–82, <https://doi.org/10.33363/ba.v8i2.297>.

3. Analysis or Discussion

3.1. Introduction to Penghulu Adat and its Functions

Penghulu adat in Agam Regency has a very important role in the community, both in social and cultural aspects. As customary leaders, penghulu adat are central figures responsible for the preservation and implementation of local customs. They function as guardians of traditional values and social norms that are passed down from generation to generation. In the context of social life, penghulu adat act as arbiters of conflicts, decision-makers in matters related to adat, and leaders of traditional ceremonies that have deep meaning for the community. In addition, penghulu adat also play an important role in informal education, transmitting customary knowledge to the younger generation, so that traditions and cultural values remain alive and respected. They are often the main reference in matters relating to morality, ethics and ways of life in accordance with Minangkabau customs. In the matrilineal structure of Minangkabau society, penghulu adat also play a key role in regulating kinship relations and the management of heirlooms, all of which have major implications for social stability and harmony.

In the context of cultural life, penghulu adat are symbols of community identity and pride. They lead the various rituals and ceremonies that mark the cycle of life, from birth to marriage to death.⁹ These ceremonies not only serve as a form of honouring ancestors, but also as important moments to strengthen social bonds and community solidarity. Penghulu adat ensures that every aspect of these ceremonies is conducted in accordance with tradition, which in turn maintains the sustainability of a rich cultural heritage. Overall, the role and function of penghulu adat in Agam Regency is very significant in maintaining the social and cultural balance of the community.¹⁰ They are guardians of tradition, moral leaders, and symbols of collective identity that connect the past with the present and future. In the context of this research, understanding the role of penghulu adat provides deeper insights into the importance of funeral processes conducted with respect and ceremony in accordance with adat, while also explaining why the postponement of the burial of penghulu adat's remains has special significance in the lives of Agam people.

3.2. The Burial Process in Islam

The process of burial in Islam has a depth of meaning that goes beyond the mere act of physical burial. As a religion that emphasises spiritual values, burial in Islam is not only a closure to the life of the world, but also the beginning of a spiritual journey towards the afterlife.¹¹ In the Islamic view, death is not the end of everything, but the beginning of a journey to eternity, where each individual will be held accountable for his or her deeds in the world. The burial process in Islam is based on the teachings of the Quran and the Sunnah of the Prophet Muhammad. The Quran mentions a lot about the obligation to take proper care of the dead and honour the funeral process. One example is in Surah Al-Mu'minun verse 14, where Allah SWT says, "Then verily you shall surely die, (again) verily you shall be raised on the Day of Resurrection." The burial process in Islam begins with bathing the body, referred to as tathir or taharah, which is an important part of preparation for the

⁹ Abd Karang Hasan, 'TELAAH HUKUM TRADISI MAKAN DI MAKAM SAAT ZIARAH KUBUR "STUDI KOMPARATIF MENURUT IMAM HANBALI DAN IMAM HANAFI' (B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta), accessed 10 June 2024, <https://repository.uinjkt.ac.id/dspace/handle/123456789/67373>.

¹⁰ Wahyu Iryana, Muhamad Bisri Mustofa, and Muhammad Saidun Anwar, 'Budaya Bendawi Pra Islam Di Keraton Cirebon Indonesia', *Bulletin of Indonesian Islamic Studies* 2, no. 1 (2023): 19–38.

¹¹ Muhammad Julfarhansyah, 'Hukum Adat Pembagian Waris (Cengga Pasaka) Masyarakat Bima Dalam Perspektif Hukum Islam Dan Masalah Mursalah Imam Al-Ghazali.' (Master's Thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta), accessed 10 June 2024, <https://repository.uinjkt.ac.id/dspace/handle/123456789/75731>.

afterlife. After that, the body is wrapped in a simple shroud, in accordance with the traditions of the Prophet Muhammad. Then, the body is given the funeral prayer by fellow Muslims who are still alive, as a form of final honour before the body is buried.

Islam also emphasises the importance of burying the body as soon as possible after death occurs. This is in line with the teachings of the Prophet Muhammad, who stated that the body should be buried within 24 hours of death. The aim is to honour the corpse and prevent unwanted decomposition processes. The burial process in Islam also includes important ethical and moral aspects. For example, Islam teaches that the body should be buried with the head facing the Qibla, as a symbol of obedience and honour to Allah SWT.¹² In addition, in some Islamic cultures, such as in Indonesia, there is a tradition of giving food to family and neighbours who attend the funeral procession, as a form of support and solidarity. In the context of this research, an in-depth understanding of the burial process in Islam is important to assess the practice of delaying the burial of the body of the customary leader in Agam Regency from the perspective of qiyas.¹³ By understanding the values and procedures of burial in Islam, it is possible to identify how the principles of sharia can be applied in complex situations such as this, as well as how to ensure that the practice remains in accordance with religious teachings and local customs.

The practice of delaying the burial of Prophet Muhammad by the Sahabah did not occur. Instead, immediately after the Prophet Muhammad passed away, the Sahabah promptly conducted his burial in accordance with the teachings he himself had imparted. This practice follows Islamic teachings that emphasize the importance of immediate burial to honor the deceased and prevent undesired decomposition processes. During his lifetime, Prophet Muhammad taught his followers to promptly handle burials upon someone's death. Hadiths narrate that the Prophet desired for deceased individuals to be buried promptly, without unnecessary delay. This reflects the urgency in fulfilling religious obligations to honor the deceased and prevent any harm that might arise from delaying burial. From the perspective of qiyas in Islamic jurisprudence, which uses analogy to establish laws based on existing principles, the urgency demonstrated in the burial of Prophet Muhammad can serve as an example when considering delaying burial in specific circumstances. For instance, if there is a need to wait for distant family members to arrive or to conduct important traditional ceremonies, qiyas permits such delays on the condition that they do not cause greater harm (mafsadah). However, fundamental Islamic principles must be upheld, namely maintaining respect for the deceased and ensuring that any delay brings significant benefits without compromising the public interest.

3.3. The Concept of Qiyas in Islamic Law

The concept of Qiyas in Islamic Law is one of the four methods of ijtihad used in fiqh (the science of Islamic law) to determine the law on a problem for which there is no direct reference in the Quran or Hadith. The term "qiyas" itself comes from Arabic which means analogy or comparison. The basic principle of qiyas is to apply the existing law in a case that has been explicitly explained (nas) to a similar case that does not have a nas. In its use, qiyas relies on the human ability to understand the general principles contained in the Quran and Hadith, and apply them to new situations that are not directly regulated by religious references. This process requires careful analysis of existing laws, then applying them to similar cases based on similarities in nature or underlying legal basis. One example of the application of qiyas in Islamic law is in the issue of usury. Although the Quran and Hadith expressly prohibit usury, there is no direct reference to modern usury such as bank interest or other financial instruments. Therefore, scholars use qiyas by comparing usury described in religious sources with modern economic principles to establish the law on usury in the current

¹² Wa Nurlian, Muh. Asrianto Zainal, and Muhammad Iqbal, 'Perspektif Hukum Islam Terhadap Tradisi Poalo Pasca Penguburan Jenazah (Studi Pada Masyarakat Kecamatan Kusambi Kabupaten Muna Barat)', *KALOSARA: Family Law Review* 1, no. 2 (4 January 2022): 255, <https://doi.org/10.31332/v1i2.3275>.

¹³ Assuyuthi Chalil and Siregar, 'Pelatihan Fardhu Kifayah Jenazah Pasien Terpapar Covid-19 Pada Perawat Ruang Intensive Care Unit (ICU)'.

context.¹⁴ There are several conditions that must be fulfilled for qiyas to be accepted in Islamic law. First, the case to be analogised must have significant similarities or similarities with cases that have been regulated in the nash. Second, there is an urgent need to regulate the issue, so qiyas is used as a method of ijtiḥad to resolve the vagueness of the law. Third, qiyas must be consistent with the basic principles of Islamic law and not contradict religious texts.

Although qiyas is one of the four recognised methods of ijtiḥad in Islamic law, its use is not free from controversy. Some critics claim that qiyas tends to be subjective and dependent on individual interpretation, which can lead to diverse conclusions.¹⁵ In addition, there are concerns that the use of qiyas can open the door to abuse and misinterpretation of Islamic law.¹⁶ Proponents of qiyas consider it an important tool in adapting Islamic law to the times and changing social conditions. They emphasise that qiyas, if used carefully and in the appropriate context, can be a means of maintaining the relevance of Islamic law in the face of new challenges. In a more specific research context, an understanding of the concept of qiyas in Islamic law becomes relevant to evaluate how the principles of sharia law can be applied in cases such as the delay in the burial of the body of a traditional leader in Agam Regency. By understanding the basic principles of qiyas, researchers can analyse whether the practice is in accordance with religious values and the principles of justice in Islam. This provides a deep insight into how Islamic law can adapt to diverse cultural and social contexts.

4. Social and Religious Implications

In Agam District, there was a case of delaying the burial of the body of a traditional leader. This delay was made for several reasons proposed by the relevant parties. The main reason for the delay was extreme weather factors that prevented a proper burial process. In addition, the preparation of complex traditional ceremonies requires more time, and there are considerations to wait for the arrival of relatives who are outside the area and are considered important to attend the funeral procession in accordance with local customs. Burials are also postponed to wait for the results of the rumah gadang meeting, which is usually held on the 7th, 14th and 21st days to determine the replacement for the deceased niniak mamak.

In Islamic law, it is recommended to bury the body as soon as possible.¹⁷ However, delaying the burial is acceptable if there is a shar'i reason or urgent need, such as waiting for an important family member or very bad weather. Using the qiyas approach, the postponement of the burial of the customary leader's body can be considered valid.¹⁸ Extreme weather factors prevented a proper burial, while the complex preparations for the ceremony and waiting for the arrival of family

¹⁴ Ahmad Syarbaini, 'KONSEP IHYA' AL-MAWAT MENURUT HUKUM EKONOMI SYARIAH (DALAM FIQH ISLAM) DITINJAU DARI UNDANG-UNDANG POKOK AGRARIA DAN UNDANG-UNDANG KEHUTANAN', *HEI EMA : Jurnal Riset Hukum, Ekonomi Islam, Ekonomi, Manajemen Dan Akuntansi* 1, no. 2 (27 July 2022): 45–61, <https://doi.org/10.61393/heima.v1i2.72>.

¹⁵ Ahmad Gazali, 'MAQASID AL-SYARIAH DAN REFORMULASI IJTIHAD SEBAGAI SUMBER HUKUM ISLAM', *Alhadharah: Jurnal Ilmu Dakwah* 18, no. 2 (7 February 2020), <https://doi.org/10.18592/alhadharah.v18i2.3133>.

¹⁶ Muhammad Ilham, 'HUKUM ISLAM PERSPEKTIF PARADIGMA BARU KEILMUAN', *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 5, no. 2 (16 October 2021): 148–68, <https://doi.org/10.52266/sangaji.v5i2.695>.

¹⁷ Jumarim Jumarim, 'Perspektif Ulama Perempuan Sasak Terhadap Relasi Gender Dalam Perkawinan Sasak', *FONDATIA* 6, no. 1 (25 March 2022): 1–20, <https://doi.org/10.36088/fondatia.v6i1.1679>.

¹⁸ PUTRI WIJAYANTI, 'ANALISIS HUKUM ISLAM TERHADAP PRAKTIK PEMBAGIAN WARIS (STUDI KASUS DI DESA TEMBOK LOR KABUPATEN TEGAL)', accessed 10 June 2024, <https://eprints.walisongo.ac.id/id/eprint/21788/>.

members reflected a deep respect for the corpse.¹⁹ In addition, waiting for the results of the rumah gadang meeting to determine the successor of the deceased niniak mamak is also important in maintaining the local customary social and cultural structure. Therefore, the decision to delay the burial is in line with the principles in Islamic law that prioritise honour and respect for the deceased.

The delay in burying the body of a traditional leader in Agam Regency has various social implications for the local community. In the customary structure, the customary leader plays an important role as a leader and guardian of tradition. Therefore, delaying the burial in order to wait for the results of the rumah gadang meeting to determine the successor of the deceased customary leader is considered very important. This gives the community time to gather and deliberate, maintains the continuity of customary leadership, and ensures that all decisions are made by mutual agreement.²⁰ In addition, waiting for the arrival of distant family members also reflects a strong sense of respect and solidarity within the community.

In a religious context, delaying burial can pose a dilemma for Muslim communities. Islam advocates immediate burial to honour the body and prevent unnecessary delays.²¹ However, if the reasons for the delay are considered legitimate and in line with Islamic principles such as preserving the honour of the body, proper preparation of traditional ceremonies, and awaiting the presence of the family, then the delay is acceptable. The postponement also allows for additional prayers and rituals to be performed which can provide comfort to the bereaved family.

In Islamic law, the main principle regarding burial is to speed up the process to honour the deceased. The Prophet Muhammad said,

أَسْرِعُوا بِالْجَنَازَةِ فَإِنْ تَكَ صَالِحَةً فَخَبِّرْ تُقَدِّمُونَهَا إِلَيْهِ وَإِنْ يَكُ سَوِيًّا ذَلِكَ فَشَرُّ تَضَعُونَهُ عَنْ رِقَابِكُمْ .

"Hurry up in bringing the corpse. If the corpse is good then you have brought it closer to good. If the corpse is bad, then you have taken it off your shoulders." (HR Bukhari)

Allowances under certain conditions that allow for delays. For example, waiting for an important family member or very bad weather conditions. Burial ethics in Islam emphasise maximum respect for the corpse. The delay in the burial of the traditional ruler in Agam Regency due to the preparation of traditional ceremonies and waiting for family members can be considered ethical if the delay is done with the intention of preserving the honour of the deceased and fulfilling traditional traditions that are also part of the identity of the local Muslim community. Waiting for the results of the rumah gadang meeting to determine a replacement for the deceased niniak mamak also shows respect for the prevailing social and cultural structures. The delay in burying the body of the customary leader in Agam District has significant social impacts, especially in maintaining the continuity of customary leadership and community solidarity. Within the framework of Islamic law, this delay is acceptable if it is based on legitimate reasons and in accordance with the principles of respect for the dead. Legal and ethical considerations suggest that while it is recommended to bury the deceased as soon as possible, leeway may be granted in certain situations that require delay in order to preserve the honour of the deceased and local customary traditions.

The conflict between customary interests and religious principles in the case of delaying the burial of the body of a traditional leader in Agam Regency requires appropriate resolution and conciliation

¹⁹ Julfarhansyah, 'Hukum Adat Pembagian Waris (Cengga Pasaka) Masyarakat Bima Dalam Perspektif Hukum Islam Dan Masalah Mursalah Imam Al-Ghazali.'

²⁰ Abu Rokhmad and Nazar Nurdin, 'Konsep Al-Tsabit Dan Al-Mutahawwil Serta Implikasinya Dalam Hukum Islam: Telaah Pemikiran Ali Ahmad Said Asbar', *SHAHIH: Journal of Islamicate Multidisciplinary* 6, no. 2 (10 December 2021): 139–50, <https://doi.org/10.22515/shahih.v6i2.3285>.

²¹ SAFIRA SYIFA, 'MOTIVASI BERZIARAH DALAM MENINGKATKAN RELIGIUSITAS PEZIARAH DI MAKAM KERAMAT (Studi Makam Keramat Tubagus Machdum Kuala)' (PhD Thesis, UIN Raden Intan Lampung, 2023), <http://repository.radenintan.ac.id/id/eprint/29238>.

efforts.²² One effective way is through dialogue and deliberation between local ulama and adat leaders, so as to reach an understanding of the importance of accommodating both principles. In addition, involving experts in Islamic law and customary culture can provide a more in-depth and comprehensive perspective.²³ Socialisation of customary and religious values, as well as counselling on the flexibility of Islamic law, is also important to help communities understand when delays in burial are acceptable. Middle ground that can be found includes setting a limited period of postponement, phasing in traditional ceremonies, and introducing alternative rituals that still honour the essence of adat. In doing so, these resolution efforts not only maintain social harmony but also strengthen the cultural and religious integrity of the community.

5. Conclusion

The practice of delaying the burial of the customary leader in Agam Regency has become an integral part of local tradition. This practice is rooted in the community's respect for their leaders and the need to conduct elaborate traditional ceremonies, which often require more time for preparation. However, in Islamic law, the burial should be performed as soon as possible after death to honor the deceased and prevent decay, following the hadith and practice of the Prophet Muhammad. The use of qiyas, a method of analogy in Islamic law, permits the delay of burial if a greater benefit, or *maslahat*, is identified. Such benefits may include awaiting the arrival of distant family members or the execution of important traditional rituals. This practice must ensure that the deceased's honor is upheld and that no physical harm comes to the body due to the delay. In the traditional context of Agam Regency, the *penghulu adat*, or customary leader, holds a position of high esteem. Thus, the community may deem it necessary to delay burial to conduct the appropriate ceremonies that befit the leader's status. Guided by the *fiqh* principle of "*jalb al-maṣāliḥ wa dar' al-mafasid*," which emphasizes bringing benefits and preventing harm, delaying the burial can be justified when it aligns with greater *maslahat*. This includes maintaining the integrity and respect of traditional ceremonies, ensuring family unity, and upholding social harmony. However, it is crucial that such delays balance the principles of Shari'ah with local customs and social needs, ensuring that the body's honor is preserved and the potential for harm is minimized. The practice of delaying the burial of the customary leader in Agam Regency can be justified within the framework of qiyas, provided there are strong reasons and greater benefits, and the practice is conducted with respect for both religious and cultural values.

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²² Muzdalifah et al., 'Recitation of the Qur'an in the Batunggu Kubur (Tradition for the Astambul Community)', *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 1 (23 December 2023): 1–15, <https://doi.org/10.62976/ijijel.v2i1.225>.

²³ Tri Setiyo Karimurrouf and Akrom Auladi, 'TRADISI PERKAWINAN SANDUNG WATANG PERSPEKTIF HUKUM ISLAM (Studi Kasus Di Desa Banjarkulon Kecamatan Banjarmasin Kabupaten Banjarnegara)', *At-Ta'aruf: Jurnal Hukum Keluarga Islam* 1, no. 2 (28 December 2022): 32–46, <https://doi.org/10.59579/ath.v1i2.4017>.

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