

Tradition of *Malem Songo* Marriage in Kedungharjo: Representation of Natural Law Values in the Perspective of Thomas Aquinas

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Abstract

Malem Songo marriage is a unique tradition that lives in the Tuban community, especially in Kedungharjo. The term *Malem Songo* refers to the 29th night of Ramadan which is believed to be a night full of blessings. This belief encourages tens to hundreds of couples in the region to hold a marriage contract simultaneously that night. This tradition has been passed down from generation to generation and has become an integral part of the cultural identity of the local community. This research is empirical with a qualitative approach and uses a philosophical framework as an analysis knife. Primary data was obtained through in-depth interviews with the perpetrators, officials of the Widang District KUA, and Kedungharjo community leaders. This article examines *the Malem Songo marriage tradition* through the perspective of *natural law* as proposed by Thomas Aquinas. According to Aquinas, the law of nature is a manifestation of *the lex aeterna* (eternal law of God) which is imprinted in the universal order and guides man to his ultimate existential goal, which is true happiness (*beatitudo*) in union with the Creator. The findings of the study show that these traditions not only contain deep spiritual values, but also serve as a cultural mechanism to overcome customary constraints, such as *weton mismatches*. From the perspective of *natural law*, this tradition reflects the embodiment of *lex aeterna* and *lex naturalis*, where human rationality is linked to divine wisdom. Therefore, *Malem Songo* marriage is not solely seen as a socio-cultural practice, but rather as a concrete representation of universal moral principles such as rationality, justice, and the attainment of true happiness rooted in the theological dimension and eternal moral law.

Keywords: Wedding Traditions. Afternoon Songo. Natural Law.

Abstrak

Pernikahan *Malem Songo* merupakan sebuah tradisi unik yang hidup di tengah masyarakat Tuban, khususnya di Kedungharjo. Istilah *Malem Songo* merujuk pada malam ke-29 bulan Ramadan yang diyakini sebagai malam penuh berkah. Keyakinan ini mendorong puluhan hingga ratusan pasangan di wilayah tersebut untuk melangsungkan akad nikah secara serentak pada malam itu. Tradisi ini berlangsung secara turun-temurun dan menjadi bagian integral dari identitas budaya masyarakat setempat. Penelitian ini bersifat empiris dengan pendekatan kualitatif dan menggunakan kerangka filosofis sebagai pisau analisis. Data primer diperoleh melalui wawancara mendalam dengan pelaku, pejabat KUA Kecamatan Widang, serta tokoh masyarakat Kedungharjo. Artikel ini mengkaji tradisi pernikahan *Malem Songo* melalui perspektif *natural law* (hukum alam) sebagaimana dikemukakan oleh Thomas Aquinas. Menurut Aquinas, hukum alam merupakan manifestasi dari *lex aeterna* (hukum abadi Tuhan) yang terpatri dalam tatanan semesta dan membimbing manusia menuju tujuan akhir eksistensialnya, yakni kebahagiaan sejati (*beatitudo*) dalam persatuan dengan Sang Pencipta. Temuan penelitian menunjukkan bahwa tradisi ini tidak hanya mengandung nilai spiritual yang mendalam, tetapi juga berfungsi sebagai mekanisme budaya untuk mengatasi kendala

adat, seperti ketidakcocokan *weton*. Dalam perspektif *natural law*, tradisi ini mencerminkan pengejawantahan dari *lex aeterna* dan *lex naturalis*, di mana rasionalitas manusia bertaut dengan kebijaksanaan ilahi. Oleh karena itu, pernikahan *Malem Songo* tidak semata-mata dipandang sebagai praktik sosial-budaya, melainkan sebagai representasi konkret dari prinsip-prinsip moral universal seperti rasionalitas, keadilan, dan pencapaian kebahagiaan sejati yang berakar pada dimensi teologis dan hukum moral abadi.

Kata kunci: Tradisi Pernikahan. Malem Songo. Natural Law.

Introduction

Malem Songo or the 29th night of Ramadan is considered by most Javanese people to be a good night as well as a blessing. In Islam, there is indeed a belief that one of the nights of *lailatul qadar* is to fall on the 29th night of the month of Ramadan. So, it is natural that the identity of the "night of blessings" is so attached to the 29th night of the month of Ramadan or commonly known as *Malem Songo*. The identity of the "night of blessings" in *Malem Songo* is then identified as a good night to do various good things, of course marriage is no exception.¹

Javanese society is known as a society that upholds traditional and spiritual values, including in determining the days that are considered to bring good luck, or good days, in various important life activities, especially marriage. The belief in the existence of sacred and blessed times is inseparable from the combination of local customary beliefs and religious values which are believed to have a positive influence on domestic life in the future. In the context of Islamic law, the selection of a good time for a marriage contract is not explicitly regulated, but it is also not prohibited, as long as it does not contradict the sharia. This is in line with the principle of *al-'ādah al-muḥakkamah* in *ushul fiqh*, which states that customs can be made law as long as they do not contradict the postulates of sharia. Meanwhile, in Indonesia's positive law, especially in the Compilation of Islamic Law (KHI) Article 2, it is emphasized that marriage is a very strong contract (*mitsaqan ghalidzan*) to obey Allah's commands and carry them out is worship.² Even though it does not regulate the day of the wedding in a rigid manner, the state through KHI still recognizes the existence of customs as long as it does not conflict with the principles of national law.

In terms of customary law, the selection of a good day for marriage reflects the form of a value system that is still alive and carried out by the community. Soepomo, an Indonesian customary law figure, emphasized that customary law is a law that grows from the collective legal

¹ Dicky Eko Prasetyo, "Marriage Law Culture in Malem Songo: Antinomy Between Meaning and Reality," accessed October 3, 2024, https://www.researchgate.net/publication/351613323_Budaya_Hukum_Perkawinan_Pada_Malem_Songo_Antinomi_antara_Makna_dan_Realita.

² Presidential Instruction No. 1 of 1991, Compilation of Islamic Law.

awareness of a community and reflects the personality of the nation.³ One of the real practices of the combination of Islamic law, positive law, and customary law can be found in the *Malem Songo wedding tradition*. In Kedungharjo Village, Tuban Regency, this tradition continues to be preserved and is seen as the most appropriate time and brings blessings to carry out the marriage contract. This is the basis that encourages the author to research this tradition more deeply through a philosophical approach, especially the theory of natural law according to Thomas Aquinas.

The study of *the Malem Songo Marriage Tradition* from the perspective of *Aquinas natural law* is very important because it offers a new perspective in understanding this customary phenomenon. Using natural law theory, this study not only delves into cultural values, but also investigates the relevance of these traditions in a broader legal context. This provides a more comprehensive insight into how local traditions can be aligned with the universal principles of natural law.

According to Thomas Aquinas, *natural law* is a reflection of God's eternal law that is embedded in the universe and serves to achieve man's ultimate goal, which is true happiness in union with God.⁴ According to him, human law does not have an eternal nature, because only laws that come from God are eternal. Therefore, Aquinas grouped law into two main parts: eternal law (which includes divine law and natural law) and human law, otherwise known as positive law. These two types of laws, according to Aquinas, are interrelated. Human law has legitimacy and binding power insofar as it is in harmony with human reason. In Aquinas's view, human reason is a reflection of divine reason, considering that man is created in the image of God. Therefore, the product of human reason such as the rule of law is supposed to describe participation in the divine plan. Furthermore, Aquinas believed that human reason is able to formulate a set of rules that function to guide human life. However, such regulations must be sourced and in line with divine wisdom. Therefore, the interconnectedness between divine law and human law is inseparable. A valid and just human law is essentially the concrete implementation of the principles of divine law and natural law in social life.⁵

In previous studies related to *Malem Songo marriage* traditions, various perspectives have been presented to understand this phenomenon from a social, cultural, and religious perspective.

³ R. Soepomo, "Chapters on Customary Law," University of Indonesia Library, 1984, <https://lib.ui.ac.id>.

⁴ Wahono, "The Journey to True Happiness (Thomas Aquinas's Moral Philosophy)," *Journal of Philosophy* 1, no. 1 (March 15, 2007): 50–57, <https://doi.org/10.22146/jf.31651>.

⁵ Annisa Wardani and Nofa Delasa, "Indonesian Legal Justice: Thomas Aquinas on Legal Justice in Life as a Pluralist Nation," *Das Sollen: Journal of Contemporary Studies of Law and Society* 1, no. 01 (January 2023): 1–25.

One of the studies that raises this theme is Ahmad Saifuddin Al Rosyid's thesis which emphasizes the sacredness of *the Malem Songo* marriage tradition as an ingrained practice in the Baureno, Bojonegoro community, and is believed to bring blessings even though it is not based on religious rules or Javanese calculations. This research focuses more on the cultural dimension of *the Malem Songo marriage phenomenon* in Baureno.⁶ Meanwhile, Nurul Novitasari discussed the implementation of *the Malem Songo* wedding as a reflection of local wisdom in Parengan, Tuban, which reflects the community's compliance with traditional values inherited from generation to generation. He also raised the importance of marriage socialization to avoid negative impacts due to lack of psychological readiness.⁷ Another research by Ahmad Abdullah Asadurrohman in his thesis connects the *Malem Songo marriage tradition* with the perspective of *urf* in Islamic law, which accepts customs as long as they do not contradict the sharia, as well as as a solution for couples who do not find compatibility in Javanese calculations.⁸

Mochammad Mansur reviewed this phenomenon from the perspective of customary and Islamic law, highlighting the strong belief of the Tuban people in the good timing of marriage, including *Malem Songo*, as long as it fulfills the provisions of sharia.⁹ Finally, the research by Evi Dwi Intan Mey Prafitia et al. examines this tradition as a form of living hadith, which integrates the belief in the blessings of the month of Ramadan with Islamic teachings, without involving Javanese calculations. The entire study underlines that *the Malem Songo* tradition not only reflects the community's belief in blessings, but also serves as a form of synergy between local customs and religious values.¹⁰

The main difference between this study and the previous research is the natural law perspective approach according to Thomas Aquinas' theory which will be used to study *the Malem Songo* marriage tradition. In contrast to previous studies that emphasized cultural perspectives,

⁶ Ahmad Saifuddin Al Rosyid, "Sacredness Of Malem Songo Marriage (Case Study In Baureno District, Bojonegoro Regency)" (masters, UIN Sunan Kalijaga Yogyakarta, 2024), <https://digilib.uin-suka.ac.id/id/eprint/65038/>.

⁷ Nurul Novitasari, "The Implementation Of Marriages On Songo Ramadhan Night Is A Local Wisdom Of The Parengan People Tuban District," *Al Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues* 3, no. 2 (November 14, 2023): 175–87, <https://doi.org/10.35896/alhakam.v3i2.629>.

⁸ Ahmad Abdullah Asadurrohman, "Malem Songo Marriage Phenomenon Of Baureno Bojonegoro District Community" (Dis., Maulana Malik Ibrahim State Islamic University, 2023), <http://etheses.uin-malang.ac.id/id/eprint/49854>.

⁹ Mochammad Mansur, Siska Zumrotul Fauziah, and Irma Mangar, "Marriage on the Night of 29 Ramadan in Parengan Tuban Regency Perspectives on Customary Law and Islamic Law," *Al-Mada: Journal of Religion, Social, and Culture* 7, no. 2 (2024): 280–95, <https://doi.org/10.31538/almada.v7i2.5435>.

¹⁰ Evi Dwi Intan Mey Prafitia, Rikhlatul Qurba, and Kholila Mukaromah, "The Tradition of Malem Songo Marriage in Tuban, East Java" : Studi Living Hadis," *Canonika Religia* 1, no. 1 (August 10, 2023): 57–72, <https://doi.org/10.30762/cr.v1i1.1181>.

customary law, and Islamic law, this study will use a *natural law* framework that focuses on universal moral principles and the law of human nature which, according to Aquinas, originate from reason and the will of God. This approach will enrich the discourse on *Malem Songo* marriage traditions by offering a philosophical viewpoint that differs from previous research. The main objective of this study is to provide a more comprehensive understanding of how *natural law theory* can interact with local traditions and beliefs in modern society. Using Aquinas' theory as a framework for analysis, it is hoped that a deeper perspective can be gained on how the tradition reflects the principles of universal morality, such as justice, order, rationality, and the purpose of human life, as well as how these practices are maintained as part of the social and religious norms of local communities.

Research Methods

This research is an empirical legal research with a qualitative approach, which aims to understand how *the Malem Songo* marriage tradition is practiced and interpreted by the people of Kedungharjo Village, Tuban. This approach is used to examine legal behavior in society, with primary data obtained directly from the community.¹¹ Empirical legal research methods are used to analyze the laws that apply in real life, by examining and analyzing the legal behavior of individuals or societies in relation to the law. Primary data in this study was obtained through in-depth interviews with several informants, including the perpetrator of *the Malem Songo wedding*, officials of the Widang District Religious Affairs Office, and community leaders of Kedungharjo Village. Secondary data were collected from a variety of relevant literature, such as books, scientific journals, and previous research that discussed marriage traditions, customary law, and *Thomas Aquinas's theory of natural law*. Data analysis is carried out qualitatively with a philosophical approach, especially the theory of *natural law* according to Thomas Aquinas. This approach aims to understand the universal moral values contained in *the Malem Songo* marriage tradition, as well as how these traditions reflect the principles of *natural law* in the context of Islamic law, Indonesian positive law, and customary law.

Research and Discussion Results

Malem Songo Tradition: Its Existence and Socio-Cultural Meaning

Marriage is a special event for every society. Marriage is carried out to create a family that *is sakinah, mawaddah, and warahmah*. The most important element in the implementation of marriage

¹¹ Bachtiar, *Legal Research Methods* (South Tangerang: Unpam Press, 2018), (South Tangerang: Unpam Press, 2018), pp. 60-61.

is the taking place of the *mitsaaqan gholiidhan* contract, as stated in Article 2 of Book I of the Compilation of Islamic Law.¹² Therefore, people always look for a time that is considered appropriate and believed to be the best day to hold a wedding, as is the case with *Malem Songo*. The practice of *Malem Songo* wedding traditions is not known for sure since when it first appeared. However, the Javanese people, especially in Tuban Regency, still preserve the customs of their ancestors. According to the local Modin, Mr. MS,¹³ the history of *Malem Songo's marriage* itself is not known exactly when it began. What is clear is that this tradition has existed since the time of his ancestors and continues to be passed down from generation to generation to date. He also explained that the existence of *Malem Songo marriage* is not only because it is believed to be a month full of blessings because it is carried out in the month of Ramadan, but also because the marriage on *Malem Songo* is carried out without *calculation of petung*¹⁴, or what is called the term "*ngebo confused*". Therefore, many people choose *the time of Malem Songo* to get married, especially for those who feel that the calculation based on the Javanese primbon is too complicated. In addition, for couples whose weton or the number of neptons do not match, this tradition is an alternative to avoid bad stigma from society or negative beliefs that may arise due to the incompatibility of weton matches.¹⁵ He also stated that in Kedungharjo Village, every year there are always couples who hold a wedding in *Malem Songo*. This shows that Javanese customs are still very thick in the village. The wedding tradition on the 29th night of Ramadan or known as *Malem Songo* in Kedungharjo Village, Widang District, Tuban Regency, illustrates the strong interaction between Islamic spiritual values and local cultural heritage. The existence of *the Malem Songo* marriage is motivated by the community's belief in the sacredness of the month of Ramadan, especially on the last odd nights which are believed to present *lailatul qadar*, a night full of blessings and forgiveness from Allah SWT.

¹² Compilation of Islamic Law (KHI), Article 2: Marriage according to the Islamic law is marriage, which is a very strong contract or *mitsaaqan ghalidzan* to obey Allah's commands and carry them out is worship.

¹³ Mr. MS, Interview Results with Modin Kedungharjo Village, October 21, 2024.

¹⁴ Petung in Indonesian may be called "the result of counting". It is usually used to find a day to build a building, go to war, or get married. Melodious Zahrafirdaus, "The Tradition of Javanese Petung," Indonesian Culture, August 5, 2018, <https://budaya-indonesia.org/Tradisi-Petung-Jawa>.

¹⁵ "Weton is a combination of the days of the week and the Javanese market. The day of the week is called *saptawara*, which is Sunday to Saturday, while the Javanese market is called *pancawara*, which is Legi, Pahing, Pon, Wage, and Kliwon. Meanwhile, Neptu is the value or number given to the days of *Saptawara* and *Pancawara*. For example, a person born on August 8, 1998, then his weton is Saturday Kliwon. The Saturday score is 9, while the Kliwon score is 8, so the Neptu of the Saturday Kliwon Weton is 17 (9+8). Weton and neptu are part of the Javanese people's knowledge of culture that is used for various purposes, such as: determining a good day for a certain event, matching a partner, predicting someone's character, determining the direction of the house, determining the harvest day, looking for a good day at the beginning of work."

In the socio-cultural context, *the Malem Songo* tradition also serves as a means of integrating flexible religious and cultural values, bridging the needs of the community to fulfill religious teachings and follow customs at the same time. The Head of KUA Widang, Mr. PF, emphasized that marriage at *Malem Songo* is often used as an alternative for couples who are not compatible in terms of weton, but still want to formalize the marriage in accordance with cultural customs and Islamic law.¹⁶ Thus, the wedding on that night is not only seen as sacred, but also a form of adaptation of the Javanese people who respect religious values while maintaining their cultural traditions.

The socio-cultural meaning of *the Malem Songo* tradition can also be seen from the experiences of the wedding actors. Mrs. P, one of the perpetrators of *Malem Songo's* wedding, explained that she preferred to get married that night to avoid the complexity of calculating weton that the local community believes. In addition, Mrs. P felt more comfortable with the prospect of marriage without negative stigma from the community regarding weton incompatibility.¹⁷ This attitude shows that *Malem Songo* is also considered the right time to avoid conflicts between personal desires and social values of the community, especially in the context of weton compatibility which has a strong influence in Javanese culture. Sister EP, another marriage actor, emphasized the aspects of the blessing and sacredness of *Malem Songo* in building a family that is *sakinah, mawaddah, and rahmah*. The choice to get married on that night is based on the belief that the wedding service in the month of Ramadan can have a positive impact on her home life in the future.¹⁸

Apart from being part of spiritual beliefs, *the Malem Songo* tradition is also maintained because of its social function as a way out of cultural norms that often limit couples who want to get married. Mr. S, the parent of one of the perpetrators of the marriage, revealed that *Malem Songo* was chosen to avoid customary prohibitions such as the mismatch of weton or the number of neptu. This decision not only provides freedom for couples, but also prevents them from stigma or negative social impacts arising from violating Javanese customary provisions.¹⁹

Malem Songo marriage itself is influenced by socio-cultural factors, among others because this tradition has become a hereditary inheritance from ancestors. The Javanese believe in the sacredness of a certain time as an effort to obtain blessings, smoothness in the celebration, and

¹⁶ Mr. PF, Interview Results with the Head of KUA Widang District, October 21, 2024.

¹⁷ Ibu P, Hasil Wawancara Dengan Pelaku Nikah Malem Songo, October 21, 2024.

¹⁸ EP, Interview Results with Malem Songo Marriage Actors, October 21, 2024.

¹⁹ S, Interview Results with One of the Parents of the Malem Songo Marriage Perpetrators, October 21, 2024.

safety for the bride-to-be and her family. In the implementation of *the Malem Songo* wedding, there are two main principles that support its sustainability in Tuban Regency, especially on that night. First, the belief in Islam that *the night of lailatul qadar* is believed to descend on the 29th night of Ramadan is the driving force behind the *Malem Songo* wedding tradition. Because the wedding is held on a day and month that is considered full of blessings, it is believed that the marriage will bring blessings. The bride-to-be also hopes that the blessing can accompany their lives after legally marriage and is expected to continue to flow throughout their lives. Second, the rise of weddings held at *Malem Songo* is based on the view of the Javanese people that finding and setting a wedding date is one of the most important aspects in wedding preparation.²⁰

From the aspect of preparation and implementation, the Office of Religious Affairs (KUA) helps prepare the head for people who want to carry out weddings at *Malem Songo*, which is usually held after the Tarawih prayer. The *Malem Songo* tradition is no different in terms of its implementation from weddings on ordinary days, except that its implementation takes place during the fasting month. In practice, *Malem Songo weddings* in Tuban are always carried out on a recorded basis. Even though *Malem Songo* is a custom, the conditions and pillars of marriage regulated in fiqh are still fulfilled. For example, all married couples are fellow Muslims.²¹

At *Malem Songo*, the marriage contract is usually carried out at their respective homes or at the village mosque, with the attendance of the head of the local KUA, nuclear families, and close neighbors. The main focus of the event is on the legalization of the marriage, not on the grand celebration that often accompanies other weddings. The celebration itself is usually held on a date or month that has been agreed upon between the groom's and bride's families. Javanese people tend to celebrate weddings with a festive and happy atmosphere, involving family, friends, and the surrounding community. This tradition is known, which is characterized by traditional ceremonies typical of each region, the presentation of snacks and traditional foods, as well as gamelan or music that adds to the excitement of *the ngdownload mantu* event.²²

The existence of *Malem Songo's marriage* is also proven through data from the last three years obtained from interviews with the officer of the Widang District Religious Affairs Office,

²⁰ Mansur, Fauziah, and Mangar, "Marriage on the Night of 29 Ramadhan in Parengan, Tuban Regency, Perspective of Customary Law and Islamic Law."

²¹ Prafit, Qurba, and Mukaromah, "Malem Songo Wedding Tradition in Tuban, East Java."

²² Noris Roby Setiyawan, "The Javanese Customary Ngunduh Mantu Procession Is: Definition and Procedures," detikjateng, accessed November 9, 2024, <https://www.detik.com/jateng/budaya/d-6713339/prosesi-ngunduh-mantu-adat-jawa-adalah-pengertian-hingga-tata-cara>.

Mr. PF.²³ It is recorded that there are 47 couples of prospective brides (CATIN) in 2024, 38 couples in 2023, and 31 couples in 2022. In 2024, Widang District will become the sub-district with the highest number of *Malem Songo* weddings in all of Tuban Regency. In line with statistical data, there has been an increase in the number of *Malem Songo* marriages in Widang District over the past three years. In Kedungharjo Village itself, in 2024 there will be 4 CATINs, while in 2023 there will be 3 CATINs who will carry out weddings in *Malem Songo*.²⁴ Meanwhile, overall, the number of *Malem Songo* weddings in Tuban Regency every year reaches more than 300 couples. Data for the last three years shows that in 2022 there will be 391 couples, in 2023 there will be 353 couples, and in 2024 there will be 303 couples. Despite the decrease in numbers, this figure still shows the existence of *the Malem Songo* tradition in Tuban Regency.

The data reflect that this tradition is not only enduring, but is also gaining attention as an alternative to marriage that bridges religious and cultural needs. The *Malem Songo* wedding tradition in Kedungharjo Village has a deep socio-cultural meaning, both in terms of religious blessings and as a form of strengthening local cultural identity. On the one hand, marriage in *Malem Songo* is recognized as a manifestation of spiritual values that strengthen the couple's religious commitment. On the other hand, this tradition represents a cultural adaptation strategy that offers practical solutions for the Javanese people in overcoming customary challenges.

Sacredness of *Marriage in Songo Afternoon* Perspective of Couples in Kedungharjo

The Javanese people are known to have a belief in the sacredness of a certain space and time, which is manifested in a system of calculations (*petung*) that includes years, months, days, and even hours.²⁵ This system is used as a guide in making important decisions, such as marriage.²⁶ For the Javanese people, *the petung* system is considered an effort to achieve smooth events and safety in the family. Although this science of calculation is old-fashioned, the practice is still practiced by some people today.

However, the practice of believing in the calculation of good or bad days can vary from region to region, with characteristic differences between places and places. Each region has a local uniqueness that becomes the traditional identity of the local community. For example, in the selection of the time of marriage among the Tuban people, there is a special tradition known as *the*

²³ Mr. PF, Interview Results with the Head of KUA Widang District, October 21, 2024.

²⁴ Mr. MS, the results of an interview with the Modin of Kedungharjo Village.

²⁵ Hartono, "Petung in the Javanese Primbon," *letter 15*, no. 2 (November 29, 2016): 256–68, <https://doi.org/10.21831/ltr.v15i2.11827>.

²⁶ Asadurrohman, "The Phenomenon Of Marriage Malem Songo Community Of Baureno Bojonegoro District."

Malem Songo nikah. The phenomenon of *Malem Songo* marriage has its own uniqueness because the practice is not entirely based on the Javanese primbon system, which is generally used as a basis by the Javanese people.²⁷

The Malem Songo *wedding* is a tradition maintained by the Javanese Muslim community in Tuban, which is held on the 29th night of Ramadan. This night is believed to be a good time to hold a wedding, so that tens to hundreds of brides-to-be hold a marriage contract that night. The *Malem Songo marriage tradition* reflects a deviation from the beliefs of the Javanese people who are generally very close to traditional calculations. In this context, the rules of counting weton and neptu are no longer determinants that limit individual freedom to think and act.²⁸ In addition, for people who choose to get married tonight, *the Malem Songo marriage tradition* has been considered part of the structure or social institution in Tuban Regency. This shows that there is a dialectical relationship between the actions of individuals as actors and the prevailing social structures or institutions.

The Malem Songo *wedding tradition* has become a cultural heritage of the people in Tuban Regency which is preserved from year to year. The philosophy of *Malem Songo* itself is considered by some Javanese people to be a good night as well as a blessing.²⁹ As is the case with the people of Kedungharjo Village, considering *Malem Songo marriage* is not just a traditional rite, but also contains a deep spiritual meaning. This is in agreement with the statement of the Head of KUA Widang (EPY), that the choice of the time of the 29th night in the month of Ramadan in the implementation of this marriage is closely related to the hope of the blessings of the night of *lailatul qadar*. This moment is believed to be a time that brings peace and blessings, so for couples who get married in *Malem Songo*, their marriage is considered to have a high sacred value.³⁰ This view is also approved by the head of KUA Widang (PF), who added that the night is an alternative for couples who have difficulties in matchmaking based on the Javanese primbon count, so that they can avoid the weton calculation and obtain blessings in marriage.³¹

²⁷ "Petung In Javanese Primbon."

²⁸ Savira Oktavia, "Malem Songo Marriage in Tuban, Alternative for Couples Struggling with Weton Calculations," detikjatim, accessed November 3, 2024, <https://www.detik.com/jatim/budaya/d-7028397/nikah-malem-songo-di-tuban-alternatif-pasangan-terbentur-hitungan-weton>.

²⁹ Ardiyani Sekarningrum, "Getting Married on 'Malam Songo': Islam and Javanese Traditions," kumparan, accessed November 1, 2024, <https://kumparan.com/ardiyani-sekarningrum/menikah-di-malam-songo-islam-dan-tradisi-masyarakat-jawa-20E11bDds00>.

³⁰ Bapak EPY, Interview Results With The Head KUA Kecamatan Widang, October 21, 2024.

³¹ Bapak PF, Interview Results with Penghulu KUA Kecamatan Widang, October 21, 2024.

Furthermore, for the Javanese people in Kedungharjo Village, *the Malem Songo wedding* provides an opportunity to get married without being burdened by prohibitions or complicated customary calculations, as explained by the local Modin (MS). He explained that this phenomenon is closely related to the term *ngebo confused* "exception to the primbon rule in the calculation of mates" making the wedding on that night more widely accepted. This tradition has been going on for generations and reflects the value of the trust of the people who still highly respect their ancestral customs.³² This is supported by data that shows the high number of couples who are married in *Malem Songo* in Widang and Tuban Districts. For some people, the evening is even the main choice for getting married, given the belief in the blessings and comfort obtained after marriage.³³

From the perspective of the couple who carry out *the Malem Songo wedding*, the value of the sacredness of this marriage is very felt. Mrs. P, one of the perpetrators of *Malem Songo's* marriage, stated that the wedding on that night allowed them to avoid the hassle of calculating weton. This makes her feel calmer and avoids the potential negative stigma of getting married outside of that time. By carrying out the wedding on a night that is considered sacred, Mrs. P believes that she and her partner will be better avoided from bad luck that is often associated with incompatibility, such as economic difficulties or even death.³⁴ This view shows that *Malem Songo* marriage has a strong moral aspect, where couples seek blessings and avoid the negative impact of the incompatibility of Javanese primbon calculations.

A similar view was also conveyed by Mrs. K, who considered that marrying *Malem Songo* not only fulfilled the spiritual aspect, but also strengthened her belief in the meaning of the sacredness of marriage as worship. He believes that the marriage that takes place on an odd night in the month of Ramadan will lead to purity and *sakinah mawaddah warahmah* in the household.³⁵ This shows that the choice of wedding time is more than just an adjustment to tradition, but also a worship that connects couples with sacred religious values. For Mrs. K, *Malem Songo* is a symbol of blessings and prayers for a harmonious future of the household.

In the context of Javanese tradition, the perspective of the sacredness of *Malem Songo* marriage shows that there is a syncretism between Islamic religious values and Javanese customs. Mr. S, as the parent of one of the perpetrators of *Malem Songo's* marriage, stated that the

³² Bapak MS, Interview Results With Modin Desa Kedungharjo, October 21, 2024.

³³ Faby Toriqirrama, "Marriage at Night" (Diss, Tesis: UIN Sunan Ampel Surabaya, 2020).

³⁴ Mrs. P, Results of an Interview with the Perpetrator of the Malem Songo Marriage, October 21, 2024.

³⁵ Mrs. K, Interview Results with One of the PP Families, October 21, 2024.

implementation of this marriage was an effort to minimize the risk of mismatch in customary calculations that could lead to unwanted social impacts.³⁶ For the local community, by choosing a night that is considered free from weton rules, the marriage can take place more safely from negative stigmas and social conflicts that may arise due to the non-fulfillment of the primbon calculation. The choice of *Malem Songo* thus not only makes it easier for couples, but also becomes a means for families and communities to maintain harmony in living traditions, as well as acknowledging the blessings of the holy month of Ramadan. Thus, the sacredness of *Malem Songo marriage* in Kedungharjo Village can be understood as a form of spiritual and religious obedience that is firmly rooted in community customs. For couples who get married on the night, *Malem Songo* is an opportunity to start a married life with a belief in blessings, while fulfilling their moral obligations to local traditions and beliefs.

Obedience of the *Malem Songo* Tradition to the Principle of Morality

According to Thomas Aquinas, *natural law* is a reflection of God's eternal law that serves to achieve the principles of morality and true happiness in life.³⁷ Since this natural law is derived from God, the law and justice it embodies are eternal and universal law and justice. Aquinas was of the view that positive laws were contrary to natural laws, so the natural laws were won and the positive laws lost their power. This shows that the laws of nature have a fairly strong legal force. Positive law only applies if it comes from natural law.³⁸

Thomas Aquinas's thought is closely linked to theology, where he recognizes the existence of two sources of truth: the truth of divine revelation and the truth of the human mind.³⁹ According to Aquinas, there are certain limits in the ability of the human mind to understand the various mysteries of life. In situations where reason is incapable of penetrating a higher truth, faith becomes a necessary element to complement it. However, even though the intellect cannot fully comprehend the mysteries, it can still prepare the way to achieve a deeper understanding of them. Therefore, Aquinas saw that there are two types of knowledge that go hand in hand: natural knowledge that comes from the ability of the human mind, and the knowledge of faith that comes from divine revelation. The two complement each other, with reason serving as a tool for processing worldly reality, while faith provides enlightenment of divine truths that are beyond the

³⁶ Bapak S, Interview Results with One of the Parents of the Malem Songo Marriage Perpetrators, October 21, 2024.

³⁷ Muhamad Basyrul Muvid, "The Thought of Thomas Aquinas: The Relevance of Aquinas's Spiritual and Moral Education to Islamic Education in the Midst of an Era of Disruption," *Al-Liqo: Journal of Islamic Education* 6, no. 2 (December 31, 2021): 131–58, <https://doi.org/10.46963/alliqo.v6i2.418>.

³⁸ Otje Salman Soemadiningrat, *Rekonseptualisasi Hukum Adat Kontemporer* (Bandung: Alumni, 2002), h. 64-65.

³⁹ Kamarusdiana, *Philosophy of Law* (Jakarta: UIN Jakarta Press, 2018), p. 67.

reach of reason.⁴⁰ Questioning the law, Aquinas defined it as the provision of reason for the common good, made by the person who takes care of society, which is fully enumerated “*Law is nothing else than an ordinance of reason for the common good, promulgated by him who has the care of the community*”.⁴¹ Furthermore, Thomas Aquinas divided the law into 4 groups, namely: (1) *lex aeterna* (God's law of ratio that cannot be captured by man's five senses), (2) *lex divina* (God's law of ratio that can be captured by man's five senses based on the time it receives), (3) *lex naturalis* (natural law, i.e. the incarnation of *lex aeterna* into human ratio), and (4) *lex positivis* (The Application of *Lex Naturalis* in Human Life in the World).⁴² The division of Thomas Aquinas' law will be further elaborated by comparing the principles of morality in the *Malem Songo* marriage tradition, as follows;

1. Lex Aeterna

The *lex aeterna* is a major pillar in Thomas Aquinas's legal theory. He defines it as an eternal law that cannot be fully understood by the human mind, but man can grasp some of these laws through divine revelation (*lex divina*) and profound moral reasoning through the laws of nature (*lex naturalis*). In Aquinas's view, *lex aeterna* is God's design that includes all creation, including humans. This law is universal and unchangeable, for it is a manifestation of God's eternal will and wisdom. *Lex aeterna* has great relevance in human life because it organizes everything towards a good and harmonious end goal.⁴³ In the social and legal context, this concept asserts that all human laws must be designed to reflect universal justice and goodness that originate from God. Human law that violates the principle of *lex aeterna*, according to Aquinas, has no moral force and is not obligatory to be obeyed.

In the *Malem Songo* tradition, although local customs such as weton calculations have an important role, the flexibility given on a particular night shows that the custom does not conflict with the principle of *lex aeterna*. Rather, this tradition seeks to reflect social and spiritual harmony, which is in harmony with the ultimate goal set forth by the *lex aeterna*. This is reflected in the community's efforts to achieve blessings and prosperity through customary adjustments that remain in harmony with universal moral laws. By choosing a night that is

⁴⁰ Heo Hujibers, *Filsafat Hukum Dalam Lintas Sejarah* (Jakarta: Kanisius, 1982), h. 39.

⁴¹ Lysons, *Ethics and the Ride of Law* (Cambridge: Cambridge University Press, 1983), h. 7.

⁴² Farkhani et al., *PHILOSOPHY OF LAW; Paradigm of Modernism Towards Post Modernism* (Solo: Pubishing Caravan, 2018), p. 85.

⁴³ Dian Agung Wicaksono, "Islamic Law Norms in the Indonesian Legal System Reviewed from the Teachings of Thomas Aquinas' Legal Theology," *Journal of Philosophy* 31, no. 1 (April 24, 2021): 49, <https://doi.org/10.22146/jf.51754>.

believed to be full of blessings to hold a wedding, the people of Kedungharjo Village indirectly practice the values of *lex aeterna* in their daily lives.

2. Lex Divina

In Thomas Aquinas's philosophy of law, *lex divina* (divine law) is part of the *lex aeterna* (eternal law) that is revealed directly to man through scripture.⁴⁴ This law serves to guide humans to achieve the ultimate goal of eternal happiness and salvation of the soul. The *Malem Songo* wedding tradition in Kedungharjo Village can be seen as the application of the principle of *lex divina* in people's lives. By choosing a time that has high religious value, this tradition not only fulfills aspects of natural law but also affirms the spiritual dimension of marriage as worship. In Thomas Aquinas's perspective, *lex divina* provides moral and spiritual guidance that ensures that human actions are in harmony with the divine will, leading them to ultimate happiness.

In Islam, marriage is not only a social contract but also a worship that has a spiritual dimension. This is in line with Aquinas's view that the *lex divina* confirms the laws of nature in moral and spiritual contexts. As stated by Sister EP, *Malem Songo*'s marriage was chosen to start domestic life with the blessings of the month of Ramadan, which is believed to bring happiness and purity in the household.⁴⁵ In this case, the implementation of *Malem Songo* marriage serves as a concrete step towards a domestic life that is in harmony with the divine will, namely creating a family *of sakinah mawaddah warahmah*. In the *Malem Songo* tradition, the dimension of blessing is an important element that is strengthened by the *lex divina*. Weddings performed on this holy night are expected to bring a better life, free from negative things such as conflicts or economic difficulties that are often associated with customary violations such as *weton* incompatibility. The blessings believed to be present at *Malem Songo* reflect divine intervention that gives a higher moral and spiritual dimension to the act of marriage. Thus, *lex divina* serves as a reinforcement of morality, ensuring that human actions aim not only at the worldly good but also at eternal happiness.

⁴⁴ Umi Salamah, "Theory Of Legal Knowledge In Ushul Fiqh (Study Of Natural Law Theory) Qistie Scientific Journal of Law Vol. 10 No. 2 Nov 2017," *QISTIE 10 Scientific Journal of Law*, no. 2 (November 2017): 123–39.

⁴⁵ EP's sister, the results of an interview with the perpetrator of *Malem Songo*'s marriage, October 21, 2024.

3. Lex Naturalis

According to Thomas Aquinas, *lex naturalis* is a law of nature derived from *lex aeterna* (eternal law), which is the divine ratio that governs the universe.⁴⁶ *Lex naturalis* is a part of human reason that allows humans to distinguish between good and bad based on universal moral principles.⁴⁷ In the context of *the Malem Songo* marriage tradition in Kedungharjo Village, the principle of *lex naturalis* can be identified in several aspects that reflect compliance with natural laws. One of the important elements of *lex naturalis* is the ability of humans to adapt moral rules to concrete situations for the common good. In the Javanese tradition, the calculation of *weton* is often an obstacle for couples who want to get married. However, *the Malem Songo* tradition offers a solution by exempting couples from the provisions, as explained by Penghulu (PF) and Modin (MS).⁴⁸ On that night, the calculation of *weton* is considered invalid because the night is believed to have its own spiritual specialties. Likewise, Mr. S, one of the parents of the perpetrator, emphasized that choosing the time of *Malem Songo* helps avoid customary prohibitions such as *weton* mismatches that can cause negative prejudices in society.⁴⁹ Thus, this tradition serves a broader moral purpose, which is to create peace and social balance while adhering to the principles of natural law that prioritize the common good.

This decision reflects the principle of *epikeia* in the *lex naturalis*, which is the exception to certain rules of law in order to achieve greater justice or good. In this case, the flexibility of *the Malem Songo* tradition ensures that couples can still carry out the marriage without violating basic moral values or causing social conflict. Aquinas recognized that the laws of nature provide room for man to adjust his application according to the specific needs of the situation, as long as his main moral principles were respected. The *Malem Songo tradition* also reflects efforts to harmonize universal moral obligations and local social needs. According to Aquinas, the law of nature regulates human relationships within communities to achieve common well-being. Marriage in *Malem Songo* not only fulfills the spiritual obligations of the couple, but also maintains social harmony by avoiding the couple from stigma or conflict due to the violation of customs. In *the Malem Songo* tradition, there is a clear balance between reason and faith. The

⁴⁶ Wicaksono, "The Norms of Islamic Law in the Indonesian Legal System Reviewed from the Teachings of Thomas Aquinas' Legal Theology."

⁴⁷ Siti Nur Azizah et al., "Understanding & Interpreting The Concepts Of Lex Aeterna As A Theology Of Law According To Augustine, Albertus Magnus, & Thomas Aquinas," *Journal of Research and Service* 4, no. 2 (August 30, 2024): 595–616.

⁴⁸ Mr. PF and Mr. MS, Interview Results with the Head of KUA of the Local Widang and Modin Districts, October 21, 2024.

⁴⁹ Mr. S, Interview Results with One of the Parents of the Perpetrator of the Malem Songo Marriage.

choice to get married on this night is not only based on religious beliefs about the blessings of Ramadan, but also on rational considerations to avoid customary conflicts and social stigma. This is in line with Aquinas' view that natural laws help humans rationalize their moral actions while still acknowledging a higher spiritual dimension.

4. Lex Positivis

In Thomas Aquinas's legal theory, *lex positivis* or *lex humanis* is the embodiment of *lex naturalis* in the context of human life in the world. *Lex positivis* is created by the authority authorized to regulate social life, provided that it does not conflict with the laws of nature and eternal law (*lex aeterna*).⁵⁰ In the *Malem Songo* tradition in Kedungharjo Village, *lex positivis* can be analyzed through the role of local customs that function as social laws to maintain harmony in society. Exceptions (*epikeia*) to the law for the sake of justice, is a key concept in the *lex positivists*. In the context of *Malem Songo*, strict customary rules were relaxed to support the marriage of couples who were hindered by the calculation of *weton*. Modin (MS) emphasized that this tradition has been going on for generations as a practical solution for couples who want to get married but are hindered by customs.⁵¹ Aquinas acknowledged that in certain situations, positive laws can and should be changed to achieve greater moral goals. By freeing couples from the provisions of *weton*, the *Malem Songo* tradition creates a more inclusive and harmonious environment, where people can fulfill their customary obligations without sacrificing their personal happiness.

In the *Malem Songo* tradition, although local customs have significant authority, their implementation is still in line with the principles of natural law. Marriage, as a moral and spiritual institution, remains grounded in the goal of achieving goodness and blessings, in accordance with natural and divine laws. The *Malem Songo* tradition also demonstrates adherence to this legal hierarchy by upholding universal moral values such as justice, love, and common welfare. The decision to get married on the night reflected a balance between respecting local customs and fulfilling a higher moral obligation. The *Malem Songo* tradition in Kedungharjo Village is a real example of how *lex positivism* functions as a tool of social adaptation in meeting the needs of the community. By offering flexibility in customary rules, this tradition reflects the positive legal principle emphasized by Thomas Aquinas that laws should be designed to serve the common good and maintain social harmony. In this context, *Malem Songo* is not only a local

⁵⁰ Wardani and Delasa, "Indonesian Legal Justice: Thomas Aquinas on Legal Justice in Life as a Pluralist Nation."

⁵¹ Mr. MS, Interview Results with Modin Kedungharjo Village, October 21, 2024.

tradition, but also the embodiment of positive laws that are in harmony with natural law and eternal law.

Overall, the *Malem Songo* marriage ceremony indicates adherence to the principle of morality of natural law, which is an action aimed at the common good and happiness. The choice of marriage at this time provides space for couples to meet their spiritual and social needs without frontally violating customary norms. This tradition proves its existence through statistical data that shows that the practice continues in Tuban Regency, especially in Widang District which is the area with the highest number of *Malem Songo marriages* today. The strength of this existence shows that this tradition is not only accepted but also seen as a practice that is in harmony with the values of morality of natural law in the midst of the dynamics of Javanese society.

Conclusion

The results of this study show that the *Malem Songo wedding tradition* in Kedungharjo Village, Tuban is not only the preservation of local culture, but also a concrete manifestation of the principles of *natural law* of Thomas Aquinas. This tradition represents the meeting between local wisdom and Islamic spiritual teachings that are internalized through the choice of time that is considered full of blessings, namely the 29th night of Ramadan. Through *Aquinas's natural law* approach, this tradition reflects the applicability of *lex aeterna* (God's eternal law) which is manifested in the form of *lex naturalis*, which is the ability of man to respond to divine wisdom through reason and morality. The *Malem Songo* marriage practice not only fulfills religious and social values, but also demonstrates the principles of natural law such as rationality, justice, *free consent*, and the achievement of "*beatitudo*" or true happiness as the ultimate goal of man. In addition, *Malem Songo* is understood as a form of exception (*epikeia*) to rigid customary norms, such as the weton count, in order to achieve a higher moral goal, namely social and spiritual harmony. Thus, this tradition can be read as a form of active participation of the community in realizing a legal order that is harmonious between customs, sharia, and the values of a universal moral nature as initiated by Thomas Aquinas.

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