

Analysis of the Temon Bayi Tradition from the Perspective of 'Urf

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ABSTRACT

The adoption of children in Indonesia is not a new phenomenon.

In Islamic jurisprudence (fiqh), the adoption of a child is referred to as tabanni. The practice of adopting children has existed since the era of Jahiliyyah (pre-Islamic ignorance). One of the customary traditions that gives rise to legal events related to child adoption is the Temon Bayi tradition. The Temon Bayi tradition is a customary practice carried out when a mother gives birth to two babies in succession, both of whom pass away. When she gives birth to a third child, according to this tradition, the third child must be "entrusted" to a traditional birth attendant (dukun bayi), and symbolically becomes the child of the birth attendant. Therefore, this research aims to examine how the practice is carried out and how 'urf (customary law) views the Temon Bayi tradition. This research is a qualitative study using field research methods and a normative-sociological approach. Based on the findings, it is concluded that the Temon Bayi tradition process includes: a symbolic entrustment contract (akad) to a non-family member, naming of the child, a thanksgiving ceremony (syukuran), and a redemption ritual (penebusan) once the child reaches puberty. This tradition is a part of valid custom (al-'urf al-shahih) in Islam because it does not contradict sharia, preserves lineage (nasab), and contains elements of public benefit (maslahah). The tradition reflects al-'urf al-lafzi in terms of its scope and is categorized as al-'urf al-khas in terms of its object.

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Introduction

Tradition constitutes a form of cultural wealth closely related to the human life cycle, from birth to death. It embodies noble values that serve as guiding principles for local communities and continues to be practiced as a means of preserving ancestral cultural heritage (Jawa et al., 1939). In the context of Islamic law, traditions or customary practices prevailing in society are known as 'urf (Sumarjoko, 217). 'Urf is recognized as one of the sources of Islamic law and is

accepted as a method of legal determination insofar as it does not contradict the textual sources of the Qur'an and the Hadith. Scholars of *uṣūl al-fiqh* regard *ʿurf* as a valid legal proof in establishing Islamic law, albeit under certain conditions (Mujib, 1996). This demonstrates that Islamic law gives serious consideration to social realities and cultural contexts in the formulation of legal rulings. One tradition that gives rise to legal implications related to child status is the *temon bayi* tradition. This tradition is still preserved in several areas of Central Java, particularly in Wanadri Hamlet, Donomulyo Village, Secang District, Magelang Regency.

The *temon bayi* tradition is a customary practice performed when a mother has given birth to two consecutive infants who both passed away, and subsequently gives birth to a third child. According to this tradition, the third child must be “entrusted” to a traditional midwife (*dukun bayi*) and is symbolically regarded as the child of the midwife. However, the child does not live with the midwife but remains with the biological parents. This symbolic entrustment is conducted verbally between the child's biological parents and the midwife, witnessed by family members from both sides. The entrustment is temporary and lasts until the child reaches puberty (*baligh*). Once the child has at least reached puberty, the biological parents are required to “redeem” the child from the midwife. This tradition is carried out with the hope that the child will grow up healthy and serves as an effort to protect the child from misfortune or calamities believed to have occurred in previous experiences.

Method

This study is descriptive in nature and employs a qualitative research design, with field research as the primary method and a case study approach as the type of research applied. The case study used falls under a collective case study, which examines multiple cases simultaneously to obtain broader understanding, draw generalizations, or identify patterns within a particular phenomenon or population. This research adopts a normative–sociological approach. The sociological approach aims to comprehensively describe societal conditions, including social structures, stratification, and various interacting social phenomena (Nata, 2000). Meanwhile, the normative approach focuses on values, norms, and formal rules governing social behavior (Nata, 2000). By integrating these two approaches, this study seeks to understand law not merely as a set of written rules but also as a social phenomenon that both influences and is influenced by society. Data collection methods include interviews, observation, and documentation. Two types of data sources are utilized in this study: primary and secondary data. Primary data are obtained through interviews with families practicing the tradition, community members, elders, and religious leaders. Secondary data are derived from

books, academic journals, documents, and other materials relevant to this research.

Results and Discussion

1. The Practice of the Temon Bayi Tradition

The term temon bayi consists of two words: temon and bayi. The word temon means “to find” or “to meet” (Poerwadarminta, 1976, p. 1939), while bayi refers to a newborn child (Dian Vita Sari, n.d., p. 1). Thus, temon bayi literally denotes an encounter with a baby or the act of finding a baby (Koentjaraningrat, 2009). In practice, the temon bayi tradition is carried out through several stages. First, there is the process of symbolic entrustment, which takes place when the child has just been born. This entrustment is conducted either at the place of delivery or at the biological parents’ home. The process is simple yet sacred, carried out through a verbal agreement (akad) between the biological parents and the symbolic adoptive parents. The biological parents state, “anak niki tak titipkan lan pasrahke teng jenengan, nyuwun tulung di emong” (this child I entrust and surrender to you; please take care of them), which is then answered by the symbolic adoptive parents with, “nggeh, tak emonge sak mampune kulo” (yes, I will take care of the child to the best of my ability). This entrustment is purely symbolic, as the daily care of the child remains the responsibility of the biological parents. After this symbolic entrustment, the child is given a combined name that incorporates elements from both the biological parents and the symbolic adoptive parents. Typically, the symbolic parent’s name contains elements associated with safety or well-being, such as “Slamet” in Javanese, meaning safety or salvation.

Second, there is a thanksgiving ceremony (syukuran), which is held after the baby’s umbilical cord falls off. This ceremony consists of six stages. First, the family publicly announces the child’s name before invited guests, who witness the official naming of the child. This is followed by the recitation of barzanji, prayers to the Prophet Muhammad (peace be upon him), and the chanting of mahlul qiyam, accompanied by shalawat and collective prayers led by a kyai. These prayers are derived from verses of the Qur’an. Subsequently, the child is brought out of the room and carried by a male family member, then introduced to all guests by circling them once while holding an umbrella as a symbol of protection. Afterward, the child is brought forward to the kyai for the first haircut. The cut hair is placed in a bowl containing water and rose petals. The haircut may only be performed by the kyai or by older male family members who are senior to the biological parents. The child is then returned to the room to

rest. On the following day, the baby's hair is completely shaved by the traditional midwife (dukun bayi), and the baby is bathed as the final stage of the thanksgiving ritual.

The thanksgiving ceremony involves several ritual objects, each with deep philosophical meaning, including scissors, water, three rose flowers, an egg, and an umbrella. The scissors symbolize the hope that any improper behavior the child may display in the future can be "cut off" or removed. Water represents the source of life, reminding participants that human life originates from water as a fundamental element of existence. The three rose flowers symbolize the hope that the child will grow up "fragrant," meaning possessing good character and being well-liked by others. The egg represents the newborn baby, symbolizing purity and the potential of new life. The umbrella used to shade the child during the introduction to guests symbolizes protection, with the hope that the child's life will be shielded from hardships and trials.

Third, there is the process of redemption, which may be carried out at any time from when the child reaches puberty (baligh) until just before marriage. This redemption takes place at the home of the symbolic adoptive parents. Similar to the entrustment process, redemption is conducted through a symbolic verbal agreement. The biological parents say, "anak niki ajeng kulo suwon maleh" (this child I wish to take back), which is answered by the symbolic adoptive parents with, "nggeh, tak parengke jenengan" (yes, I return the child to you). During the redemption process, several items are required, including a rooster, obo rampe (a complete set of basic foodstuffs), and money. The rooster is a primary requirement, reflecting the long-standing tradition that thanksgiving ceremonies are accompanied by the slaughtering of a chicken as an expression of gratitude to Allah SWT. The obo rampe serves as ingredients for cooking the chicken and symbolizes completeness in conducting the ceremony. The money functions as a form of mahar or an expression of gratitude. After the redemption process is completed, the child no longer has a symbolic relationship with the adoptive parents and fully returns to the responsibility of the biological parents.

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1. Classification Based on Its Object

From the perspective of its object, 'urf is divided into al-'urf al-lafẓī and al-'urf al-'amalī. Al-'urf al-lafẓī refers to customary linguistic usage in society, where certain expressions convey specific meanings commonly understood by the community (Dahlan, 2011, p. 210). Based on analysis, the temon bayi tradition does not fall under al-'urf al-lafẓī, as the term temon literally

means “to meet,” which corresponds directly to its usage in the tradition. Moreover, the verbal agreements used in the ritual are clear and easily understood by all members of society. Therefore, temon bayi cannot be categorized as al-‘urf al-lafzī.

In contrast, al-‘urf al-‘amalī refers to customary practices related to actions or civil transactions (mu‘āmalāt), encompassing everyday social practices (Dahlan, 2011, p. 210). The temon bayi tradition clearly falls under al-‘urf al-‘amalī, as this aspect is dominant throughout the entire ritual sequence. This includes the symbolic entrustment of a child to a non-family member, the structured thanksgiving ceremony involving specific stages such as the haircut, circling guests under an umbrella, and the use of ritual objects, as well as the redemption process conducted upon the child reaching puberty or approaching marriage, accompanied by a rooster, obo rampe, and money as expressions of gratitude.

2. Classification Based on Its Scope

In terms of scope, ‘urf is divided into al-‘urf al-‘āmm (general custom) and al-‘urf al-khāṣṣ (particular custom). Al-‘urf al-‘āmm refers to customs that are widely practiced across broad regions (Shidiq, 2017, p. 100). The temon bayi tradition cannot be classified as al-‘urf al-‘āmm, because although it is recognized within Javanese culture, its specific practice is limited to Wanadri Hamlet, Donomulyo Village, Secang District, Magelang Regency, with distinctive features such as symbolic child entrustment for safety, ritual objects with philosophical meanings, a six-stage thanksgiving ceremony, and redemption conducted within a specific timeframe.

Conversely, al-‘urf al-khāṣṣ refers to customs practiced by particular groups in specific locations or periods (Qodriyah et al., 2022, p. 196). The temon bayi tradition is appropriately classified as al-‘urf al-khāṣṣ, as its practice in Wanadri Hamlet exhibits unique characteristics not found elsewhere. These include entrustment to non-family members, a highly structured six-stage thanksgiving ceremony, the use of specific ritual objects such as three rose flowers and an umbrella as symbols of protection, and redemption procedures with defined requirements. The central role of the traditional midwife, the specific formulation of the verbal agreements, and the redemption period ranging from puberty to pre-marriage further highlight the particularity of this tradition. This demonstrates that even within shared cultural

roots, communities may develop localized variations shaped by their social and spiritual contexts.

3. Classification Based on Its Validity

In terms of validity, ‘urf is divided into al-‘urf al-ṣaḥīḥ and al-‘urf al-fāsid. Al-‘urf al-ṣaḥīḥ refers to customs that are widely practiced and do not contradict Islamic legal evidence (dalīl shar‘ī) (Haroen, 1997, p. 129). Based on analysis, the temon bayi tradition qualifies as al-‘urf al-ṣaḥīḥ for several reasons. First, it reinforces spiritual values by directing all prayers and hopes toward Allah SWT. The recitation of barzanji, mahlul qiyam, and shalawat demonstrates alignment with Islamic teachings. Second, the tradition contains elements of public benefit (maṣlaḥah), such as strengthening social bonds, preserving cultural heritage, and providing psychological comfort to families who have experienced the loss of children. Third, it has been widely accepted by the Muslim community in Wanadri Hamlet and does not result in significant harm. Moreover, it aligns with the principle of ḥifẓ al-nasl (protection of lineage), one of the objectives of Islamic law (maqāṣid al-sharī‘ah). The values embodied in the tradition—gratitude, social care, respect for elders and community leaders, and trust in Allah—are consistent with Islamic ethics. The use of symbolic objects does not involve shirk or deviant beliefs but serves merely as expressions of gratitude and remembrance.

By contrast, al-‘urf al-fāsid refers to customs that contradict Islamic teachings or legitimize what is prohibited, such as immoral practices that have become normalized in certain communities (Syarifudin, 2009, p. 97). The temon bayi tradition does not fall into this category. It does not contradict the Qur’an or authentic Hadith, nor does it alter Islamic legal rulings. The symbolic entrustment does not change the child’s lineage (nasab), and parental responsibility remains with the biological parents. The tradition does not contain elements of shirk or superstition, as Allah SWT remains the sole source of protection and salvation, and ritual objects are understood only as symbols without inherent supernatural power. Furthermore, the tradition generates benefits rather than harm, supporting social cohesion, cultural preservation, psychological well-being, and moral education. Finally, it is consistent with the objectives of Islamic law, particularly ḥifẓ al-nasl (protection of lineage) and ḥifẓ al-dīn (protection of religion), as it aims at safeguarding the child while upholding religious values through prayers and remembrance of Allah SWT.

Conclusion

As the final part of this discussion, the following conclusions can be drawn:

The temon bayi tradition begins with a symbolic entrustment ceremony conducted on the day of the child's birth. This is followed by a thanksgiving ceremony (syukuran) held after the baby's umbilical cord has fallen off. The final stage is the redemption ceremony, which is carried out when the child has reached at least the age of puberty (baligh).

From the perspective of 'urf, the temon bayi tradition constitutes a valid and legitimate custom, as it does not contradict Islamic law. In terms of its object, the tradition is classified as al-'urf al-'amalī. In terms of its scope, it falls under al-'urf al-khāṣṣ. Regarding its validity, the temon bayi tradition is categorized as al-'urf al-ṣaḥīḥ, as it aligns with Islamic principles and does not violate any provisions of the Sharī'ah.

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