

## THE MARRIAGE PRACTICES OF INDIGENOUS PEOPLES OF LAMPUNG SEBATIN FROM THE PERSPECTIVE OF ISLAMIC FAMILY LAW IN INDONESIA

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### ABSTRACT

This study analyzes the problems related to the existence of Lampung *Sebatin* Indigenous Marriages. Where the Lampung indigenous people *Sebatin* started a new life order in marriage combining custom and Islamic law. Marriage is divided into two ways, namely *Nyakak/ Jujokh* and *Semanda* marriages. The traditional marriage procedures have values and norms or rules. The problem in this research is how the practice of marriage and how the description of the relationship between customary law and Islamic law as well as positive law in Indonesia in the marriage of the indigenous community of Lampung *Sebatin*. The purpose of this study was to obtain information about: first, the practice of marriage traditional Lampung *Sebatin* procedures; and Second, positive law and Islamic law in the traditional marriage customs of Lampung *Sebatin*. This study uses the qualitative research method with a sociological legal approach that focuses on the process of implementing marriage based on Islamic law and customary law with predetermined objectives. The research data were obtained using the interview method conducted on the object of research or respondents. The findings of this study indicate that first, the practice of marriage traditional Lampung *Sebatin* in its implementation uses Islamic law, but there are several processions such as pre-marriage and after-marriage. Marriage Lampung traditional customs are *Sebatin* divided into two, namely *Nyakak/ Jujokh* and *Semanda* with the traditional stages before, the implementation customary stages and the customary stages after marriage and the pattern of settling after marriage. Second, the law of marriage in the teachings of the Islamic religion with the law on marriage, in the procedure of marriage, in *Nyakak/ Jujokh* and *Semanda* is general it can be said that line, in practice it is in accordance with the basis and reference, namely the law on marriage is al-Quran, al-Sunnah, *Qaidah Fighiyah* and *Consensus (Ijma)* of Muslims in Indonesia.

**Keywords:** *Marriage, Tradition, Lampung, Sebatin, Islamic Law.*

### A. INTRODUCTION

The indigenous people of Lampung *Sebatin* are one of the indigenous tribes of the Province of Lampung. Inhabit the coastal area of Lampung which stretches from east, south, to west. Tribe *Sebatin* or *Peminggir* embraced patrilineal kinship system. Thus, the indigenous

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*Sebatin people* in one group have only one king who is the leader. Customary positions can only be inherited through lineage. However, the tribe *Sebatin* has uniqueness in terms of community structure and tradition of inheriting cultural heritage that has a high civilization, besides that the cultural treasures of the Lampung Community are *Sebatin* very diverse. The variety of traditional ceremonies that develop in the cultural community in the Lampung Society *Sebatin* is a means of socialization which is full of important customary values or norms in society, so it is not surprising that the Lampung *Sebatin* people respect customs and highly uphold the values in the marriage bond. . The sacred meaning in the marriage of the people of Lampung *Sebatin* is that there is only one marriage in a lifetime, for Lampung *Sebatin* divorce is a disgrace to the family. The indigenous people are *Sebatin* strong enough to hold on to traditional customs, especially with regard to marriage, although currently this tradition is not fully implemented (I. Sukur, Personal Communication, October 29, 2020).

In practice, the community marriage is *Sebatin* divided into two ways, namely *nyakak/ngakuk* and *semanda marriages*. *Nyakak/ Ngakuk* is where the male party takes the girl in two ways *first: cakha tekahang (sakicik Betik)*, *second: a piece*. Meanwhile, *Semanda* is where the girl takes the bachelorette. This marriage model is what differentiates and determines which party is responsible for the marriage which is by an agreement *initiated muli/ mekhanai* (*bujang/ girl*). In determining a marriage, it is the status or position of the marriage itself, because this status is the principle for carrying out the process of customary events as well as their relationship with residence, the status of descent, and inheritance. The meaning of *bujokh* and *semanda* in the minds of the people of *Sebatin* is the key to a person's behavior, *Sebatin* whether he will marry under the status of *bujokh* and *semanda* or other means. Marriage intent *Bujujokh* and *semanda* is if someone decides his choice, then he must do so with all the consequences, although this time the marriage means a lot is not used again.

The paradigm shift in thinking also affects the practice of marriage which leads to small changes that follow each other without any planning. In line with the turnaround time, the value of marriage *bujujokh* and *semanda* relatives solidarity binding the two pairs of husband and wife began to shake and the least and show symptoms of neutral family individuality. The reality that has occurred is that there are efforts by the people of Lampung to adapt themselves to needs that are considered to help ease the implementation of activities in the traditional ceremony process, the causes of which are the reasons for the community not to completely implement the Lampung wedding *Sebatin* Customs are as follows (M. Bahrum, Personal Communication, January 15, 2020):

1. Starting to grow basic people's understanding of customs in the implementation of the traditional wedding ceremony process.
2. Along with the times and technology has eroded the understanding of learning traditional traditions so that there are fewer traditional leaders in the local community so that the development of local culture does not work because one of the duties of local traditional leaders is to clarify the regional cultural identity and socialize the development of a local culture that is there is.
3. In the perspective of financing and time, it is clear that it provides efficiency in a series of cultural customs and the wedding ceremony with several stages is a traditional

ceremony that requires a long time and costs a lot. Today's people in Lampung want a wedding that is short.

On the other hand, the Lampung indigenous people *Sebatin* currently carry out the marriage procession without knowing the meaning or symbols contained in it. Basically, it is just carrying out the traditions of the culture they have. Lack of understanding of the Lampung indigenous people *Sebatin* regarding these meanings, so that they consider the series of traditional wedding processions not important to be commemorated because they are considered to only complicate the implementation of the wedding procession, so that the current marriage procession is more concise (Risodar, Personal Communication, November 2, 2020).

The marriage ceremony is a cultural value system that provides direction and views to maintain life values, especially in terms of maintaining and preserving offspring. When Allah., Says in Surah an-Nisa 'verse I (Depag RI., 2006):

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

Means: "Hi all Man, fear your Lord Who created you from alone, and from him Allah created his wife; and from both of them Allah has reproduced a large number of men and women and fear Allah, who by (using) His name you ask each other, and (maintain) a friendly relationship. Indeed, Allah always watches over you and watches over you"(Surah an-Nisâ: I).

In the practice of marriage, there are still some traditions that are considered irrelevant to Islamic teachings and what often becomes a problem is that custom/ tradition takes precedence over *sharia*. For Marriage of a *mining pool*, example, for example, it is feared that it cannot be built and a strong foundation in building the *Sakinah Mawaddah Wa Rahmah* family. This is caused because marriage *seimbangan* can be done by forcing *muli* or girls even if the *muli* or girl does not love her husband. Furthermore, marriages *semenda* can eliminate the right of a child to obtain inheritance rights from their parents and marital assets when a divorce occurs, someone who has been married as widow will lose all rights from their parents and move to become the obligation of their parents-in-law.

Departing from the rationalization of the reality of the implementation of religion and custom, it can be argued that there has been a common vision in the marriage ceremony in the community, but the implementation of the ceremony is different. Islam has provided signs so that at the ceremony there are no deviations that are considered to be out of the path of Islamic teachings. But when the provisions of the ceremony are in the order of actualization in society, there is an unequal change between one community and another, this is none other than the result of the influence and guidance of traditions or customs adopted by the community.

As a religious society and the majority are followers of Islam, the values that dominate the wedding ceremony procession are the Islamic teachings they adhere to. These concepts will

be examined in relation to the traditions of the Lampung indigenous people of *Sebatin* with Islamic teachings, especially regarding the process of traditional ceremonies in marriage.

The paradigm of change in the marriage practice of the Lampung community is *Sebatin* influenced by various factors in line with the cycle of time. The value of the *nyakak/ngakuk* and *semanda marriages* that bind the solidarity of the relatives of the two pairs of husband and wife begins to waver and is neglected and shows symptoms of neutral family individuality. The pattern of marriage between the many/*ngakuk* and *semanda* will greatly determine the status of the child, the status of inheritance, and the status of the wife in the family, as well as as a housewife in her own house. This is what encourages researchers to conduct a study of the practice of marriage and how the description of the relationship between customary law and Islamic law and positive law in Indonesia in the people of Lampung *Sebatin* in Pesawaran.

## **B. LITERATURE REVIEW**

### **The Marriage Practices of the Lampung Indigenous Peoples The *Sebatin***

Indonesia is a country where the majority of the population is Muslim, and a country that is pluralistic in terms of ethnicity and culture. The marriage procession of the Indonesian people does not only refer to religious provisions, but the culture that develops in the community itself, sometimes even the nuances of culture is thicker than those of religion. Indonesian people themselves are more bound to the customs that become a culture in the community compared to the provisions contained in religion. However, Islam does not prohibit marriages carried out according to the customs prevailing in the community as long as these customs do not conflict with the teachings of Islamic Shari'a, and the marriage procession with customs does not place a burden on the bride and groom, because according to Islam, the entire procession is nothing more than from mere symbols, while the substance is the bond and commitment of the two of them (Direktur Bina KUA dan Keluarga Sakinah, 2017; Susanto et al., 2021).

Process of implementing the Lampung traditional wedding ceremony *Sebatin* requires a long process that must be carried out by the family and the prospective bride and groom who will carry out the ceremony. There are several steps that must be prepared before the Lampung wedding ceremony is held *Sebatin*.

The Traditional marriage process is *Sebatin* known as *Nayuh*. The procession begins with the sacred ceremony of the marriage contract; solemnization of a marriage. *Bend*; the term typical of the bride 's food served at the event *Manjau Maju* or a visit to meet the bride and groom. *Nyanik Kubu*; make preparations for a place to process food or cook or a tent for the community who will help cook. *Nyanik Furnace*; make a cooking utensil. *Nyanik Relief*; making wedding decorations. *Bukhakhedaian*; decorating the bridal house in the form of wall hangings from long fabric arrangements. *Ngakuk Kemunduk*; take young jackfruit to be cooked by the mothers. Kapisang and Kalapa; collect bananas and coconuts for consumption purposes for the wedding ceremony. *Kahebos, Nyakak Hebos*; looking for young coconut leaves to make as a special snack food. *Ngelepot Napai, Majak Lepot*; making typical food from glutinous rice

wrapped in hebos or young coconut leaves. *Dice*; procession of the bride and groom from the elder's traditional Punyimbang house to the bride's house to continue the procession *Ngahantok*; sit together to listen to the procession *Nettah-Adok* or the delivery and embedding of the customary title or Juluk Adok. All of these series were carried out solemnly. Each stage contains many meanings which as a whole are described in the five characteristics of the Lampung people, namely *Piil-Pusanggikhi*; uphold self-respect (Isnaeni & Hakiki, 2016).

In some literature, the elements of *Piil-Pusanggikhi* consist of 4, namely *N Meet-Nyimah*; open friendly. *Nengah-Nyampokh*; jaunty. *Sakai-Sembaian*; likes to work together and *Juluk-Adok*; adat title as a reflection of attitudes and behavior. The 4 traits are used as symbols in one of the marriage artifacts, namely "Siger or *Segokh*" which is an attribute worn on the bride's head. This understanding needs to be straightened out, because basically *Piil-Pusanggikhi* is an attitude that reflects the self-esteem of each individual or every Lampung person, while *Nemu-Nyimah*, *Nengah-Nyampokh*, *Sakai-Sembaian*, *Juluk-Adok* are the identities of the Lampung people (Risodar, Personal Communication, November 2, 2020).

Procedures and the Lampung traditional ceremony *Sebatin* can be done if it is achieved an agreement from both parties between the groom and the bride, the series of traditional wedding ceremonies *Sebatin* include (M. Tabrani, Personal Communication, December 23, 2019):

- I. Before Marriage
  - a. *Nindai/nyubuk*.  
Namely the initial process in which the parents of the prospective groom will judge whether the girl is pleased or not.
  - b. *Retrying* (asking questions)  
After completing the scan process, and when the girl has pleased her heart, it means that it is one more step towards a marriage that will be agreed.
  - c. *Nunang* (applying)  
On the appointed day the groom comes to the residence of the prospective bride and proposes bringing in the luggage of food, cakes, lunkhead, and cigarettes, the amount of one type is adjusted to the throne position of the prospective groom.
  - d. *Nyirok (ngikat)*  
This event can be done at the same time as an event when applying where the prospective groom gives a tie to the prospective bride.
  - e. Negotiating (*mengeu*) delegation  
The of the prospective groom comes to the house of the prospective bride (*manjau*) with a cake and so on Wedding.
2. Day
  - a. Traditional ceremonies.  
Several types of traditional ceremonies are carried out at the place of the bride's party, one of which is at night *Manjau forward/ bend*.
  - b. Kabul Ijab Ceremony.  
According to the traditional Lampung tradition, the implementation of the Kabul consent is usually held at the bride's residence.

3. After Marriage

a. *Manjau pedom* (bridal stay)

After the wedding ceremony (2,3,4,7 or 9 days) there is still a series of events included in traditional ceremonies, namely bridal stay, a visit to the place of origin

b. *Ngarak advanced* (parade)

In the marriage of the coastal Lampung community there is what is known as the term "advancing".

According to the customary provisions of the marriage system, the people of Lampung *Sebatin* who adhere to the father's lineage (Patriachaat) adhere to 2 main systems, namely (L. Kadir, Personal Communication, January 6, 2020):

1) The *Nyakak System Marriage/ Cuckoo*

This system is also called the honest marriage system because men spend money to pay honestly / *Jojokh (Bandi Lunik)* to the family of the girl (the future wife). The *nyakak* or *mantudau* system can be implemented in two ways, namely:

a) The *Sabambangan* method in this way the girl is taken away by the bachelor from his house and is taken to the traditional house or the house of the bachelor. Usually the first time until the girl in the *sibujang* place is raised to the house of the customary head or *jukhagan*, just brought home by the family of the single person.

The things that are regulated in *Ngebambang* are as follows:

- (1) The girl is rushed by the boy (even though in one village or near his house) to the house of the *bujang's* traditional head. In escaping, the bachelor is usually assisted by several people from the bachelor's family in secret, while women when they are far away (outside the village) usually bring a girlfriend who is called "*Penakau*".
- (2) When the girl was going to leave, she had to leave the money that was given by the bachelor as much as asked by the girl who was called "*Pangluahan*" (expenditure), and leave a letter as a sign that the girl had gone "*Nyakak*" (escaped by the bachelor).
- (3) When the girl arrived at the house of the traditional head of the bachelors group, the single family party gave a notification, while bringing money in the amount of several rupiahs to the customary head of the woman called "*Money Attention*".
- (4) If the girl is already at the house of the customary head of the bachelor group, then the girl is given protection and cannot be disturbed by the girl's family or to be taken back. If there is taking it back, it actually violates custom. The length of time the girl stayed at the customary chief's house was the odd number of days, namely 1, 3, 5, or 7 days (nights).
- (5) Usually the girl's family according to custom will look for her daughter (even though she already knows) to a place where the sound of her child's letter indicates that she was taken away by a bachelor, this is called "*Nyussui Luut/ netokh*" (looking for traces). This is done in a maximum period of 7 nights (if the places of the girl and the bachelor are far apart).

- (6) If within 7 nights the girl's family does not look for her child (*nyussul luu/netokh*), then the single family who comes to the girl's house explains the mistakes of running her child. Usually the girl's family will demand a fine for the flight of her child (actually the request for the fine is a mere lip service, because the fine will eventually return to the bride and groom, whether used for the celebration of the *Manjau Pedom* (party for the reception of guests from the single party who is out of marriage) or used for buyers of household tools as *banatok* (household furniture carried by the bride / *advanced*)
- (7) If the negotiation between the two families of the bachelor and the girl is sufficient, the time of marriage (marriage *aqad*) is determined.

b) The Method *Tekahang* (*Sakicik Betik*):

This method is done openly. The single-family proposes to the girl directly after receiving a report from the bachelor that he and the girl agree to establish a household application meeting between the bachelor and the girl, if the match has been made to determine the date of marriage, place of marriage, honest money, artisan money, *jama hulun tuha bandi balak* (*dawry*), how do you pick it up, when does it take you and others. Animating system *tekhang* this *pengepik* money, letters of administration and *ngebekhitahu* no, the important thing to remember in the system in *nyakak* or *mentudau* groom's party liability is:

- (1) Spending money honestly (*Bandi Lunik*) was notified to the bride.
- (2) The bride and groom pay in cash the dowry (*Bandi Balak*).
- (3) *Ajang* is rice with side dishes as a bed friend.

Marriage *jujokh* has consequences that both husband and wife must endure. The consequences of a marriage *jujokh* are:

- (a) The wife leaves the rights and obligations as well as the responsibilities of the family and enters the rights and obligations as well as responsibilities of the husband's family who has joined her.
- (b) Children born to the upper lineage through their father and inherit from the father.
- (c) The position of husband and wife is equal.
- (d) Children, both boys and girls, belong to their father's clan.

Basically, the form of marriage *jujokh* will transfer the rights of the woman from her parents and will move to become a man, including inheritance rights. Women who are married and follow their husbands do not receive any inheritance from their fathers.

The change of the acquisition of the estate because is caused by marriage *jujokh* proves that customary inheritance laws Lampung *Sebatin* in practice not entirely follow the law society of Islamic heritage, in the Holy Qur'an where inheritance between men and women two to one, meaning men get two parts, while women get one share (Utomo, 2017).

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### 2) The Mating System of *Cambokh Sumbai/ Semanda*

Mating system *Cambokh Sumbay* also called Marriage *semanda*, which is actually a form of marriage that the prospective husband is not issued *jujokh* (*Bandi Lunik*) to the wife, the man after conducting the marriage ceremony relinquish their rights and responsibilities towards his own family he is responsible and obliged to take care of and implement duties on the wife's side. *Semanda* (*Cambokh Sumbay* There are several types of) according to the agreement during the marriage contract between the prospective husband and the prospective wife or the family of the bride.

In a *semanda/ Cambokh sumbay* marriage, it is important to remember that the wife must issue a gift to the male family in the form of:

- a) Giving a bed or *jajulang* to the groom.
- b) *Ajang* With the side dishes as a friend of the bed.
- c) Provides a set of clothes for the groom.
- d) Giving title/*adok* according to the bride's stratum.

Meanwhile, *Bandi Hunik* or honesty does not exist, while *Bandi Balak* or dowry can not be in cash (debt). The repayment has been the husband was able to pay it. There is also no money for the Silapun. Apart from the two marriage systems above, there is a marriage system that is widely practiced by many people in the present era. However, what is not recognized by tradition is actually against or against the custom of this system is the "Marriage System or Mid Naib marriage". This marriage system means running away from custom, escape is meant here is not the same as *Sebambangan*, because a *sebambangan* is taken to a legal entity. Adat or balancing, while this elopement is the girl running away to the Islamic religious legal entity *Naib* (KUA) to ask for a marriage, the customary issue is not touched on, the settlement of such a marriage is not customary, because sometimes the family did not know anything, the completion of customary usually after the marriage ceremony took place when the two sides are no matches problems customary, between who has the right of both women *Nyakak/mentudau* or man *Cambokh Sumbay/ Semanda*.

If the daughter who after the marriage is "*ngakuk khagah*", which is called *semanda* or *cambokh sumbai*, will affect the position of the man towards the family, namely the loss of his rights in the family. This includes when the eldest son in his marriage is a *semanda* or *cambokh sumbai* marriage, it is customary to the inheritance rights from the parents and will fall on the second son.

In a *semanda* or *cambokh sumbai* marriage the cost factor is borne by the women only, therefore it is certainly very burdensome for the family of the woman, not only for the cost of the wedding but also for the cost of living after marriage. Given that at the present time there are many other needs and costs that must be incurred. The main requirement in a *semanda* marriage is that both men and women have the same ethnicity, namely the Lampung tribe. So if a woman does not marry a man from the Lampung tribe, she cannot do a marriage *semanda*.

However, nowadays the tradition of marriage *semanda* is fading and it is rarely used in the practice of marriage among the people of Lampung *sebatin*, the fading of marriage *semanda*



this is an implication of social change in the community. In the past, the philosophy of *semanda* marriage was to continue the descendants of the woman's family, the causes were several factors, among others: the woman did not have a son, the woman had the economic ability to refuse to have large agricultural land, large fields and a lot of livestock, so that able to provide housing and property facilities to the man who was taken (*semanda*). Generally, women who take boys are the eldest daughters, although it does not rule out the possibility that all of one's daughters can take men, all depending on how many children they have and the ability of a person economically. Men who are *widowed* only bring their bodies from their parents' houses, everything is borne by the woman.

As the influence of the development and changes of the times and technology marriage *semanda* is rarely in practice again on Lampung *sebatin* people. According to Hilman, that the cultural values of the people of Lampung in the present have undergone many changes by adjusting themselves according to the conditions of the times, although there are still some here and there who retain their traditional characteristics (Hadikusuma, 1989, 2003).

Some of the causes include the effect of education, reduced ownership of agricultural land as the only means of earning a living for married people, opening up business opportunities in the business sector (trade), working as laborers, employees of both government and private institutions, inheritance systems, livelihood systems. a family support, a place to live after marriage, and a form of men's freedom to assist and be responsible to their families. So that children are free to determine the household life that will be carried out, they do not have to take it or take it. It is in line with Hilman Hadikusuma's opinion that the form of *semanda* marriage has almost faded or is no longer valid today. Fading marriage *Semanda* is also due to the enactment of Law No. 1 of 1974 which regulates marriage (Hadikusuma, 1992).

## C. DISCUSSION

### I. Interactions Law Islamic Law and Customary Law in Lampung Marriages *Sebatin*

There have been many studies on the relationship between Islamic and customary law in Indonesia that have been the concern of scholars since the colonial era. Van den Berg with the theory of *receptie in complexu* and Snouck Hurgronje with the *theory of receptie* which has become a classical theory of Islamic law in Indonesia shows the attention of scholars to this issue. The existence of Islamic law and customary law are positioned to always have hegemony so that the ideas dictated by the dominant group against the dominated group can be accepted as something that naturally defeats and conflicts with each other. For example, Yuliatin study, which positions adat as a reference in the distribution of inheritance. This study concludes that customary law dominates over Islamic law. Likewise with Darussamin, who positioned the two legal entities dichotomically. The Shabana study is more on the ethical substantive study of adat as a philosophical foundation in the development of Islamic law.

The Islamization brought by the Sultanate of Banten had a major influence on the diversity of the people of Lampung *Sebatin*. This success has made most of the people of Lampung *Sebatin* embrace Islam. If any of the Lampung people do not embrace Islam, then their existence is not recognized by custom, in other terms that the person is considered to have

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left the Lampung ethnicity. Even though Islam has become an inseparable part of the people of Lampung *Sebatin*, Islam has not erased the traditions that have long lived in the community as a whole. Among the people of Lampung *Sebatin* there has been an interaction between religion (Islam) and local culture so that customs and religion have come to color the practice of the life of the people of Lampung *Sebatin*, including in the issue of marriage.

One of the results of the long interaction process between Islam and the customs of the people of Lampung *Sebatin* is the practice of marriage between *sebambangan* and *semanda*. The meaning of this marriage model has led to multiple interpretations in various circles. One party views it as a natural thing because it is part of the culture that lives in the community, but there is also an understanding on the other side who does not agree with these customs and even claims it with a priori and tendentious accusations so that they want to remove the custom from the community's traditions. The last group often thinks that everything that comes from adat is something different from Islamic law, so it must be eliminated (I. Sukur, Personal Communication, October 29, 2020).

When examined further, it turns out that these traditional marriages have a point of contact with Islam. Marriage *nyakak/ ngakuk* and *semanda* actually is one form of conflict resolution provided by tradition for someone who has found a potential partner and then continues to the next level, namely marriage. However, due to several factors, it is difficult for prospective partners to immediately marry. However, there is another side to the *nyakak/ ngakuk* and *semanda marriages* that have spread and been cultured among the people of Lampung *Sebatin*, which are carried out differently from what Islam wants or in an Indonesian context, namely the Compilation of Islamic Law (KHI), especially marriage in the same way.

According to KH. Khairudin Tahmid, *Sebambangan* contains a lot of disadvantages rather than its benefits, therefore it is better to avoid it, the law is permissible. One side of this marriage is preceded by a *pot* (stealing) of the future wife by the prospective husband, while in general fiqh, requires a marriage to be preceded by a marriage. Thus there is a tug of war between *prestige* and *default* and the laws that live in society. This is where the interaction meeting lies which needs to be explored more deeply (K. Tahmid, Personal Communication, October 20, 2020).

The practice of marrying off the girl first has long been practiced by the people of Lampung *Sebatin*. There is no exact time this practice was carried out, it's just that some opinions state that this model of marriage was carried out even before the arrival of Islam. They mention it is a tradition that has been carried out by their ancestors or ancestors. The habit of bringing girls first can be understood that in the traditions of the people of Lampung, women are the crown of the family that must be kept chaste. This then raises the basic value which states that relations between the opposite sex that do not have a gracious relationship are a disgrace to the family. Girls in the Lampung ethnic community are a sign of family honor that must be properly guarded (M. Tabrani, Personal Communication, December 23, 2019).

However, there are other opinions that do not deny the historical reality (historicity) of the Lampung people including the cultural traditions that live in it, including marriage. One

thing that can be seen is the existence of social caste levels that exist in the traditions of the people of Lampung which are some relics of Hindu culture and traditions. This level of caste/title (in Lampung language it is called *adok*) is still preserved until now in life. Caste (*Adok*) is a noble title customary structure. This title is an official call given by *punyimbang* (traditional leaders) through a hierarchical descending process.

Marriage *Sebambangan* and *semanda* as a cultural reality that still remain to be implemented by the tribal people of Lampung has contacted historical and cultural traditions of Hinduism. Usually, a child who has a high noble title will marry off his child to someone who has a nobility title that tends to be the same. This then became an *entry point* for the people of Lampung, especially young people who in essence already love each other to bind promises and continue to a more serious level, namely marriage. Through a marriage process with a *balance* customary, a man who does not have a high aristocratic title can marry a girl who is the daughter of a person with a high aristocratic title.

Practice Marriage *sebambangan* and *semanda* as a form of marriage practices carried out by the majority of the tribal people of Lampung *Sebatin* is one manifestation of the interaction between Islamic law and customary law. The marriage practice is ratios more practiced compared to the types and models of marriage in the Lampung ethnic community.

## 2. The Influence of Islam in The Traditional Marriage of Lampung *Sebatin*

Islam actually does not recognize the concept of running away as the initial process of a marriage. Islam provides the concept of *khitbah* or proposals (Adha, 2019). *The sermon* is activities that aim to lead to a marriage bond. Even though the *sermon* is not something of a character mandatory but this process is very important to create a harmonious household later. Both Islamic law and customary law in principle uphold the principles of mutual love, mutual love, mutual acceptance in the process of the *sermon*. Marriage is a process that precedes a marriage is carried out with the aim of getting to know each other better between each prospective husband and future wife. Even so, there are norms and ethics that are adhered to in the process of implementing the application. Do not do things that are contrary to religious law.

In the process of *nyakak/ngakuk* and *semanda*, although they are not known in Islamic jurisprudence, there are things that are in harmony and intersect with the *khitbah* itself. Suppose a single person escaping a girl does not act freely towards the girl, let alone do things that violate the noma of religious ethics. The woman who is being run away is well looked after by the male family, especially the female relatives. The safety and honor of women will continue to be properly guarded by the male family members until the marriage contract occurs (K. Tahmid, personal Communication, October 20, 2020).

In the marriage contract process, the procession is still carried out both religiously and nationally. The party who is married off still has to be the guardian of the girl in the presence of traditional leaders. The role of traditional leaders in the marriage process is quite central. From the start of the peace process between two villages and two families to the contract

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process. The national process referred to is that the marriage that is carried out still refers to the applicable juridical basis in Indonesia, namely that every marriage should be registered by a marriage registrar employee. However, in certain cases, if one of the parties is not yet old enough (i.e. under 19 years old for men and 16 years old for women), the marriage is carried out without the presence of a marriage registrar official. It is sufficient for the marriage to be carried out by the guardian and all witnesses and close relatives and attended by traditional leaders.

The process of *nyakak/ ngakuk* and *semanda* as a result of the creation of culture and traditions that live in a society with a background of differences in aristocracy (caste). Caste is a noble title attached to a person.

The guardians will usually marry someone under their guardianship to a potential spouse who has the same caste level. Once again, someone with a high caste must come from a high economic level. In the case of a stock, that is the reason some people do it. Islam teaches to prioritize equality in the field of religion, although the economic and lineage and face aspects are also a reference in marriage.

The influence of Islam in *nyakak/ ngakuk* and *semanda marriages* can be seen from the procession carried out in a marriage that uses the recitation of holy sentences in Islam. The wedding sermon is delivered using the principles of Islamic teachings. Each procession also ends with a prayer. The bride and groom also say the shahada sentence before the consent and qabul process is carried out. Thus, the principles of Islamic marriage include the terms of the harmonious marriage as a whole in accordance with the applicable provisions of the Islamic religion (K. Tahmid, Personal Communication, October 20, 2020).

With the strong influence of Islam in the tradition of *nyakak/ ngakuk* and *semanda marriages*, the people of the Lampung tribe have the belief not to run away from girls of different religions (non-Muslims) in the tradition *Sebambangan*. Islam for the people of the Lampung tribe has become a fixed price. Islam is a guide in everyday life. Likewise in the issue of marriage, that Islam is the philosophical foundation of the marriage of the Lampung ethnic community. Apart from the prohibition against running away from girls of different religions, they believe that divorce is very taboo in the traditions of the Lampung tribe”.

### 3. Synthesis of Lampung's Marriage *Sebatin* and Islamic Law

In essence, people's behavior will be faced with a choice of different instruments, each legal concept with the tools attached to it will retain its characteristics. The strength of the characteristics has an impact on its difficulty. Unified between each of these legal concepts. This is a matter of reasonableness and does not go out of the common corridor that is commonly experienced by all kinds of law. Customary law as an entity and Islamic law as another entity will continue to dialogue and interact in the course of life and differences, in reality, social that continues to develop.

The relationship between Islamic law and customary law is further, there is a perspective that can be seen in observing the discourse of the relationship between Islamic law

and customary law, especially in *nyakak/ ngakuk* and *semanda* marriages. It has a correlation with some of the inheritance from the previous religious distribution, such as the existence of castes or social class which has become a separate dynamic in the middle of the Lampung community, *Sebatin* (Juliansyahzen, 2019). After the advent of Islam, along with its legal system and regulations, brought changes in the arrangement of his marriage. It is not tradition oriented but also considers regulatory elements that come from religion. This is due to the existence of a legal transplant between the two of them, thus creating a new mode in the arrangement of their marriage.

In some literature, especially Western scholars, in their analysis using a conflict approach in understanding the relationship between customary law and Islamic law, this has implications for conclusions that seem to clash with each other strongly and defeat. The conflict approach suggests that between Islamic and customary law it is difficult to unite so that a compromise between the two becomes difficult to materialize. Seeing this reality, Ratno Lukito in a book entitled Tradition of Law in Indonesia concluded that there was a need for a common ground to dialogue between the two (Kurniawan, 2014). According to him, in an effort to build a pluralistic human civilization, Islamic law and customary law have actually positioned itself in a very strategic place in human life (Huda, 2013). This can be seen from several things that demonstrate the mutual dialogue between Islamic law and customary law.

In its implementation, the combination of elements originating from Islam and traditional rituals can be seen from the marriage procedure, the terms and conditions of marriage and matters related to it. Islam as a religion that came after the spread of Hinduism with all its religious practices and accompanying traditional rituals gradually influenced the practice of traditional marriage for the indigenous people of Lampung.

The influence of Islamic law and customary law in the practice of marriage *nyakak/ ngakuk* and *semanda* on Lampung ethnic communities *sebatin* among which are (I. Sukur, Personal Communication, October 29, 2020):

a. In the process of pre-marriage

The nuances of customary law are more dominant than elements that come from religion. The involvement of customary leaders is something that cannot be separated in resolving the "conflict" that initially occurred between the two sides of the family. Nuances start from the presence of a letter *Traditional nepik* when a pot, honest money with provisions, customary fines for violating customary procedures for escaping a girl (running away from a girl's house directly), to a procession when a girl is about to enter the house of a single family by washing her feet, and using the clothes provided by the single family, including wearing traditional clothes to the implementation of the marriage contract. Even so, there are traditional teachings that synergize and synthesize with Islamic teachings, for example deliberation to reach a consensus to determine a decision, prohibition of running away from girls of different religions.

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### b. When the marriage contract

On Islamic law is very influential in the value system of the marriage of many *Nowadays/ ngakuk* and *semanda*. This can be seen from the use of systems in Islamic marriage, such as the terms and conditions of marriage according to the applicable provisions in Islam, which is preceded by reading the syahadah sentence, the presence of a groom and a woman, a guardian and if unable to do so, they are handed over to the guardian. judge, two male witnesses and *sighat ijab qabul* pronounced in accordance with the applicable provisions in the teachings of the Islamic religion

### c. After the marriage contract.

The customary atmosphere can be said to be more dominant, however, it does not leave religious nuances. After the procession of the contract takes place, this can be seen from the habits of the community to conduct marriage sermons and even hold religious lectures that convey quotes from the holy verses of the Koran and Hadith as the norm in building a family *sakinah, mawadah* and *rahmah* contain guidance on values in building a family based on Islam. Then continued the procession of a series of marriages is accompanied by a traditional procession, including the giving of *adok*. This process was carried out purely by using customary procedures led by the elders of the local village and inviting representatives of traditional leaders from several villages appointed by the customary counterpart.

Referring to the reality of traditional marriage in the community of Lampung *Sebatin*, starting from the pre-marriage process, during the contract period and after the contract, shows the compatibility between local traditions and Islamic law. This can be seen from the two systems simultaneously working in society to form a harmonious social order and deliver them to the same goal, namely the realization of a *sakinah, mawadah* and *rahmah family* or in other terms it is called a happy family in the world and the hereafter. This is a new mode in the customary marriage system that was not seen before the advent of Islamic law. The unity of good values that comes from customary law and Islamic law becomes one goal of indigenous peoples in carrying out a marriage.

Various problems of the relationship between Islamic law and customary law in Lampung traditional marriages *have* worked well. The differences caused by the nature and influence of each legal tradition can be muted and a common ground is sought so that conflicts do not occur. The process of the relationship between the two legal traditions leads to a customary marriage legal entity that provides opportunities for all people to get married. In this integration process, it focuses more on the search for similarities and unravels the main differences in the substance contained in each legal tradition.

Indeed, marriage *nyakak/ ngakuk* and *semanda* in Lampung people *sebatin* as a solution in the hold of a marriage that showed understanding between religions and customs. In practice,

these two different traditions try to find common ground by minimizing the existing differences, then both try to find similarities to complement each other in order to realize the ideal of a happy family, *sakinah*, *mawadah* and *rahmah*.

#### D. CONCLUSION

In this study, it shows that there is a correlation between Islamic law and customary law in relation to the customary marriage of *nyakak/ ngakuk* and *semanda* in the Lampung community *sebatin*. The two can go hand in hand side by side in harmony. Islamic teachings serve as guidelines in harmonizing the provisions of the marriage process which is followed by a traditional marriage procession.

Although Islam is the religion of the majority of Lampung *sebatin*, but does not necessarily remove the customary marriage traditions. In the practice of marriage *nyakak/ ngakuk* and *semanda* occur legal pluralism dialectic and harmony between Islamic law, the state and customs of each other are complementary and needed to form a legal entity recently in the context of marriage as a result of their transplant two different legal systems.

Changes occur because of two important factors, namely internal factors originating from within the society *Saibatin* itself, such as privilege and economy. Meanwhile, external factors are the culture that comes from other people, the education and wisdom of the ruler or government. Changes in the pattern of marriage were found in the marriage procedures of the community *Saibatin partners*, among others, from how to choose a mate, how to get acquainted and where to date, how to convey messages, propose, restrictions on matchmaking, dowry, marriage ceremonies and customary settlements after marriage. Basically, the change in the marriage pattern that occurred in the Lampung community *Saibatin* led to the freedom of the community (bachelor-girl) in choosing a life partner and determining their own life based on Islam in order to ensure that the offspring continued.

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