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The Marriage of Indigenous Peoples of Lampung Saibatin in the Perspective of Islamic Law and Tafsir of Gender Verses

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Abstract. The indigenous people of Lampung Saibatin are adherents of the Islamic religion. However, in the marriage tradition, there are still several gender-biased customs that are not in harmony or even contrary to the values of Islamic teachings. The formulation of the problem in this article is how is the level of compatibility between the marriages of the Lampung Saibatin indigenous people and the teachings of Islam they believe? The purpose of this article is to describe the concept of marriage in the Qur'an and marriage customs in the Lampung Saibatin indigenous community and their compatibility with Islamic teachings through the study of gender verses in the Qur'an. The method used is qualitative, with a sociological approach. The focus of this study is to present an interpretation of the gender verse, then relate it to what is practiced by the Lampung Saibatin indigenous people in their marriage customs. The results of the study show: *First*, there is still a gap between the teachings adopted by the Lampung Saibatin indigenous people and their marriage customs. *Second*, gender inequality is still often practiced in the marriage customs of the Lampung Saibatin indigenous people. *Third*, referring to the values of religious teachings adopted by the indigenous people of Lampung Saibatin, it is a solution to the gender injustice in their marriage customs. *Fourth*, the local wisdom in the marriage of the Lampung Saibatin indigenous people in ending conflicts between families and minimizing the divorce rate. The results of this study contribute to explaining the marriage customs in the internal Lampung Saibatin indigenous community and enlightening the external parties that it is not always what is traditions by a Muslim community is a representation of their religious teachings. Besides, not all marriage practices in the traditional Lampung Saibatin community are poor because there are the values of local wisdom in their marriage customs.

Keywords: Marriage, indigenous peoples, Saibatin, interpretation of gender verses

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Abstrak. Masyarakat adat Lampung Saibatin secara keseluruhan merupakan penganut agama Islam. Akan tetapi faktanya, dalam tradisi pernikahannya masih didapatkan sejumlah adat bias gender yang tidak selaras bahkan bertolak belakang dengan nilai-nilai ajaran Islam. Pertanyaan adalah: bagaimana tingkat kesesuaian antara perkawinan masyarakat adat Lampung Saibatin dengan ajaran Islam yang menjadi keyakinan mereka? Tujuan penelitian artikel ini adalah mendeskripsikan konsep pernikahan dalam al-Qur'an, dan adat pernikahan dalam masyarakat adat Lampung Saibatin serta keserasiannya dengan ajaran Islam melalui kajian ayat gender dalam al-Qur'an. Metode yang digunakan adalah kualitatif, dengan pendekatan sosiologi. Fokus kajian ini menghadirkan penafsiran seputar ayat gender, kemudian mengaitkannya dengan apa yang dipraktikkan oleh masyarakat adat Lampung Saibatin dalam adat pernikahan mereka. Hasil penelitian menunjukkan: Pertama, masih terdapat jurang pemisah antara ajaran yang dianut oleh masyarakat adat Lampung Saibatin dengan adat pernikahan mereka. Kedua, ketidakadilan gender masih kerap dipraktikkan dalam adat pernikahan masyarakat adat Lampung Saibatin. Ketiga, merujuk kepada nilai-nilai ajaran agama yang dianut oleh masyarakat adat Lampung Saibatin, merupakan solusi atas praktik ketidakadilan gender dalam adat pernikahan mereka. Keempat, adanya kearifan lokal dalam pernikahan masyarakat adat Lampung Saibatin dalam mengakhiri konflik antar keluarga dan meminimalisir angka perceraian. Hasil penelitian ini diharapkan menjadi perbaikan bagi adat pernikahan di internal masyarakat adat Lampung Saibatin dan pencerahan bagi pihak eksternal bahwasannya tidak selalu apa yang ditradisikan oleh sebuah komunitas muslim merupakan representasi dari ajaran agamanya, disamping tidak semua praktik pernikahan dalam adat masyarakat Lampung Saibatin juga jelek, dikarenakan kita dapatkan juga nilai kearifan lokal dalam praktik pernikahan adat mereka.

Kata Kunci: Pernikahan, masyarakat adat, Saibatin, tafsir ayat gender

Introduction

The condition of women when Islam came to the Arabian peninsula was very pathetic. There is no respect for women's rights. In marriage, women in pre-Islamic times were often used as objects to fulfill the biological needs of men because men were allowed to marry women without limits. The dowry paid by the man does not belong to the woman but belongs to her parents or guardian. Children born from a marriage with the female gender are an insult. Women also do not inherit, even those who are inherited.¹ Islam came to eliminate this

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¹ R Magdalena, "Kedudukan Perempuan dalam Perjalanan Sejarah," *Harkat An-Nisa: Jurnal Studi Gender dan Anak* 11, no. 1 (2017): 21.

¹ <http://jurnal.arraniry.ac.id/index.php/samarah>

discriminatory practice against women.² The Qur'an was revealed to honor and elevate the dignity of women from adversity.³ the practice of polygamy is also limited, and the dowry becomes women's rights, not their parents or guardians, as women also have the right to inherit.

There is often a gap between the teachings of Islam and the practices of its followers. It can be due to the traditional factors that have been practiced for generations. The problem is when the custom is contrary to the essence of Islamic teachings, but they understand it as part of Islamic teachings. This wrong understanding certainly contributes a lot to the discrediting of Islamic teachings because customs that are contrary to and not following the values of Islam have the potential to cause unfair and discriminatory practices, so they must be straightened out and should not be preserved.⁴ The writing of this research focused on the interpretation of the gender verse, particularly concerning the practice of marriage. It will contribute to eliminating misunderstandings about Islamic teachings in treating women and men in the bonds of a family.

One of the phenomena of the dissonance between teachings and behavior is in the marriage tradition practiced by the indigenous people of Lampung Saibatin. We also get the practice of injustice and discrimination, not only against women but also against men. We can see in the phenomenon of not having the right of women to inherit the inheritance of their parents in the Nyakak marriage,⁵ as well as men in the Semanda marriage.⁶ This is a glimpse of the portrait of injustice and discrimination experienced by both women and men in the marriages of the Lampung Saibatin indigenous people. Whereas in Islamic teachings, both men and women have the right to inherit. Departing from this problem, the theme in this article is urgent to study.

The purpose of this article is to describe the concept of marriage in the Qur'an and marriage customs in the Lampung Saibatin indigenous community and their compatibility with Islamic teachings through the study of gender verses in the Qur'an. There has been no research that specifically discusses the marriage of the Lampung Saibatin indigenous people from the gender verse interpretation perspective. Indeed, several studies have relevance to this title, such as that conducted by Ahmad Zarkasi that examined the influence of Islam in Lampung

² Maḥmūd Ḥamdī Zaqqūq, *Al-Islām fī Muwajjahah Hamalāt al-Tasykīk* (Cairo: Dār al Ma'rifaḥ, 1990).

³ Ḥabās Maḥmūd al-'Aqqād, *Al-Mar'ah fī al-Qur'ān* (Cairo: Nahḥah Miṣr, 2000).

⁴ Buhori, "Islam dan Tradisi Lokal di Nusantara: Telaah Kritis Terhadap Tradisi Pelet Betteng pada Masyarakat Madura dalam Perspektif Hukum Islam," *Jurnal Al-Maslahah* 13, no. 2 (2017): 24-42.

⁵ Laksanto, no. 32, *Hukum Adat* (Depok: Raja Grafindo Persada, 2017).

⁶ Zuhriani, "Hak Kewarisan Suami dalam Pernikahan Semanda pada Masyarakat Hukum Adat Lampung Sebatin," *ASAS: Jurnal Hukum Ekonomi Syariah* 10, no. 01 (2018): 47.

¹ <http://jurnal.arraniry.ac.id/index.php/samarah>

culture.⁷ However, the level of compatibility between marriage practices and Islamic teachings has not been studied in-depth in this book. Idham also discussed the marriage of the Lampung Saibatin indigenous community. But, it is not clear which of these marriage practices are compatible and are not in harmony with Islamic teachings.⁸ Likewise, Dasrun Hidayat presents gender domination in the variety of marriages adopted by the Lampung Saibatin indigenous people,⁹ there has not been any discussion about how gender domination is from the perspective of gender verse interpretation.

Research on the Lampung Saibatin Ulun Adat was carried out by Bina Yusha, who photographed discriminatory practices against women in the Lampung Saibatin indigenous people because they are not entitled to inheritance.¹⁰ However, ⁷⁷is study only captures one of some gender discriminatory practices that have been passed down from generation to generation in the Lampung Saibatin indigenous community. Likewise, the research that is written by Ali Imron discussed the changes that occur in the marriage pattern of the Lampung Saibatin indigenous people, wherein the course of time and due to external cultural influences, the matrilineal system was eventually recognized by the Lampung Saibatin indigenous people in the form of Semanda marriage.¹¹ An article with an ethnographic approach, and there is no discussion in terms of the study of gender verse interpretation. From several previous studies, this study attempts to fill in the empty spaces that have not been studied in previous studies, particularly concerning how the marriage of the Lampung Saibatin indigenous people in the perspective of gender verse interpretation.⁷⁴

The research method used in this research is qualitative, with a sociological approach because this study examines the indigenous people of Lampung Saibatin. The data in this study include primary, secondary, and tertiary data. The primary data come through interviews with traditional leaders and academics of the Saibatin community and people who were directly involved in

⁷ Ahmad Zarkasi, *Islam dan Budaya Lampung* (Lampung: Fakultas Ushuluddin IAIN Raden Intan Lampung, 2014).

⁸ Idham, "The Marriage Practices of Indigenous Peoples of Lampung Sebatin From The Perspective of Islamic Family Law In Indonesia," *Smart (Journal of Sharia, Tradition, and Modernity)* ⁴⁷ no. 1 (2021).

⁹ Dasrun Hidayat, "Konstruksi Gender dalam Perkawinan 'Nyakak' dan 'Semanda' di Masyarakat Adat Saibatin ⁴Lampung," *Jurnal Liski* 02, no. 01 (2016): 3.

¹⁰ Bina Yusha, "Kedudukan Anak Perempuan dalam Sistem Pewarisan pada Adat Ulun Lampung Saibatin di Kecamatan Pesisir Tengah, Kabupaten Pesisir Barat," *SOCIA: Jurnal Ilmu-Ilmu Sosial* 18, no. 1 (2016): 21.

¹¹ Ali Imron, "Perubahan Pola-Pola Perkawinan pada Masyarakat Lampung Saibatin," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 22, no. 01 (2020): 121.

¹ <http://jurnal.arraniry.ac.id/index.php/samarah>

the marriage practices of the Lampung Saibatin indigenous people. In addition, observations at the time of the implementation of the Lampung Saibatin indigenous people's wedding. In obtaining the secondary data through studies that discussed the marriage practices of the Lampung indigenous people and writings about the impact of marriage in the perspective of interpretation of gender verses. The tertiary data comes from supporting data that is closely related to the discussion of this research, including research on the indigenous people of Lampung Saibatin and writings on the concept of marriage in the Qur'an.

`Urf (Custom)

The word *`urf* is a synonym for adat that means a habit and is practiced from generation to generation in the community.¹² Islam is responsive and accommodating to any customs that exist in a society.¹³ In principle, Islam recognized all commendable customs, mainly the customs practiced in a Muslim community that has nuances of worship are considered part of Islamic teachings. The fact is that not all customs practiced by the Muslim community are in line with Islamic teachings.¹⁴ To clear up misunderstandings about Islamic teachings, it is important to explain which customs are in harmony with Islamic teachings and which are not because not all customs are in harmony with Islamic teachings.

Wahbah al-Zuhaylī explained, "That *`Urf* to be associated with Islamic teachings can be divided into two. Namely: *al-`Urf al-Ṣaḥīḥ* (good custom) and *al-`urf al-fāsid* (damaged custom)".¹⁵ A good custom is when it does not violate or contradict the teachings of Islam, on the contrary with a damaged custom, which is a customary practice carried out by a community that violates and contradicts Islamic teachings. *Al-`urf* theory is beneficial in this research to identify which of the marriage practices of the Lampung Saibatin indigenous people are compatible and which customs are not in harmony with Islamic teachings. It is because there are still many marriages in Lampung Saibatin's traditional community that do not yet reflect even contrary to Islamic teachings.

Gender

There is considerable disagreement among Muslims in how Islam says about many gender issues. One factor that influences the ways in which people

¹² Abd Rauf, "Kedudukan Hukum Adat dalam Hukum Islam," *Jurnal Tahkim* IX, no. 1 (2013): 22.

¹³ Kastolani, "Relasi Islam dan Budaya Lokal: Studi Tentang Tradisi Nyadran di Desa Sumogawe Kecamatan Getasan, Kabupaten Semarang," *Jurnal Kontemplasi* 04, no. 01 (2016): 53.

¹⁴ Maḥmūd Syaltūt, *Al-Fatāwā* (Cairo: Dār al-Syurūq, 2001).

¹⁵ Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī* (Damaskus: Dār al-Fikr, 2019).

22 understand gender issues in Islam and deal with the associated controversy is the approach they take when reading and interpreting Islamic texts.¹⁶ Ethymologically, gender means sex.¹⁷ Terminologically, gender is a concept used to identify differences between men and women from a socio-cultural perspective.¹⁸ Islam is a religion that positions humans fairly and honorably and does not see their gender.¹⁹ No difference between men and women in carrying out the religious obligations,²⁰ In several verses,⁶⁸ Quran clearly stipulates equal status to both genders.²¹ Islam gives women the right to work,²² the right to study,²³ and the right to politics just like the rights of men.²⁴ In other words: Islamic teachings did not recognize the practice of gender bias. Rifa'at Ath Tahthawi, a contemporary Arab scholar who liberated women from patriarchal interpretations in religion, emphasised women's education⁷⁶ eliminated domestic and public boundaries,²⁵ and was the first to introduce in the Arab world the equality between men and women, or what is known today as gender theory, said: Women have similarities with men. Only the reproductive organs clearly distinguish between the two.²⁶

Differences are indeed found in Islamic teachings between men and women, such as the distribution of inheritance. The share of a man is equal to the allocation of two women. Such differences in Islamic teachings are not an insult to women's human dignity²⁷ because Islamic teachings cannot be understood

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¹⁶ Alimatul Qibtiyah, "Mapping of Muslim' Understandings on Gender Issues In Islam at Six Univesities in Yogyakarta, Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (2018): 30. ³³

¹⁷ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia* (Jakarta: Gramedia Pustaka Uta ⁴⁸, 2008).

¹⁸ Zaitunah Subhan, *Al-Qur'an & Perempuan Menuju Kesetaraan Gender dalam Penafsiran* (Jakarta: Prenadamedia Group, 2015).

¹⁹ Maḥmūd Ḥamdī Zaquq, *Humūm al-Ummah al-Islāmiyyah* (Cairo: Dār al-Rasyad, 1998). ³⁶

²⁰ Maḥmūd Syaltūt, *Al-Islām 'Aqīdah Wa al-Syarī'ah* (Cairo: Dār al-Syurūq, 2001).

²¹ Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia" ³⁵ *Studia Islamika* 27, no. 2 (2020): 300.

²² M. Quraish Shihab, *Wawasan Al-Qur'an* (Bandung: Mizan, 2007).

²³ Shihab.

²⁴ ¹¹ Shihab.

²⁵ Yulia Nasrul Latifi, "The Autonomy of Indonesian Muslim Women in the Novel 'Adhra Jakarta by Najib Al-Kylani: A Feminist Literary Criticisme Perspective," *Journal of Inodensia Islam* 15, no. 0 ⁶⁶ (021): 111. ⁷²

²⁶ Iqbal Barakāt, *Al-Mar'ah al-Muslimah fī Shirā' al-Tharbūsy wa al-Qubba'ah* (Cairo: al-Hai'ah al-Miṣriyyah al-'Āmmah al-Kitāb, 2000). ²³

²⁷ Tim Penyusun Tafsir Tematik Depag RI, *Kedudukan dan Peran Perempuan (Tafsir Al Qur'an Tematik)* (Jakarta: Lajnah Pentashihan Mushaf al-Qur'an, 2009).

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partially but should be understood comprehensively. Why do women get less share than men, at least because men in the context of financial obligations, have responsibilities that exceed the onuses of women,²⁸ even this financial responsibility is paid by men to parties women, such as payment of dowries and family support.

Marriage in the Perspective of Contemporary Interpretation

Marriage in Islam is a strong agreement that must be maintained by the bride and groom. This agreement comes from a man who testifies in the marriage contract to carry out God's commands in treating and having good sex with his wife.²⁹ Men in pre-Islamic times often played with women. Many of the men divorced their wives rashly at that time, then reconciled before the end of their 'iddah (wait). This bad habit is even possible for a man to do over his wife even up to a thousand times until then a woman came to see Aisha, the wife of the Prophet Muhammad. This woman complained to Aisha about the behavior of her husband that often divorced and referred to her. Even this news was then conveyed to the Messenger of Allah, after how long a long time later the word of Allah came down in Surah al-Nisā' (4): 21, so that men do not play with their wives by divorcing and referring to them.

Although marriage in Islam is a strong agreement that every married couple must take care of, it does not mean that it cannot let it go. Islam provides space to release it, as for the legal consequences, a divorce can be judged Mubah (allowed), Makrûh (disliked), Mustahab (recommended), Obligatory (ordered), and Haram (forbidden), depending on what is behind the divorce.³⁰ There are several tips to avoid divorce, such as the importance of instilling piety, as understood from the command to be pious as repeated in Surah Ath Thalâq. The repetition of the command to be pious in this surah is not without correlation, at least because "Taqlwa" is the key to avoiding a couple from divorce. Many studies have shown that among the factors that cause divorce is the spouse's selfish

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²⁸ M. Quraish Shihab, *101 Soal Perempuan yang Patut Anda Ketahui* (Jakarta: Lentera Hati, 2010).²⁵

²⁹ Muḥammad Rasyīd Ridhā, *Tafsīr al-Qur'ān al-Ḥakīm* (Bayrūt: Dār al-Kutub al-Ilmiyyah, 1999).

³⁰ Said Muḥammad, "Al-Taqlwā Wa'ahammīyatuhā Wa'atsaruhā min Khilālī Sūrah al-Ṭalāq," accessed September 15, 2021, www.alukah.net.

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<http://jurnal.arraniry.ac.id/index.php/samarah>

attitude,³¹ economic factors,³² and domestic violence factors.³³ The factors that cause this divorce can be avoided when embedding piety in each partner.

Marriage in Islam seeks to unite a large family from the wife's side and the husband's side. The contribution of the two families for the continuation of a marriage bond is highly expected. So, when there is an internal conflict between the wife and husband. The Qur'an also recommends the involvement of the family from the wife and husband's side in a mediation effort in an internal conflict between the two, with the hope that this conflict will not lead to divorce. What is meant by "Ḥakaman Min Ahlihī" in al-Nisā' (4): 35 is: a mediator approved by the husband, as meant by "Ḥakaman Min Ahlihā is: a mediator approved through the wife.³⁴ Why does the Qur'an suggest the involvement of the family, not foreigners? because the family is more likely to resolve internal conflicts within the family, the family is also more appropriate to know the secrets that occur within the family and are more trusted not to reveal them to external parties.³⁵

The birth of offspring is also the purpose of marriage in Islam.³⁶ Humans will become extinct if they ignore the purpose of this marriage, for example, by using marriage as a medium to channel biological needs only, or the human regeneration process is abolished by conducting same-sex marriage. To create quality offspring, Islam also divides the roles of each husband and wife among the family. Islam requires husbands to provide for their families because they have strong physical abilities. On the other hand, the gentleness of temperament is more dominated by women,³⁷ so the wives should play the duties of nurturing, educating, and raising offspring.

This is the general description of marriage in the Qur'an and a portrait of a marriage in normal conditions. The abnormal conditions in the field are possible for a married couple to adopt a child when they do not have offspring. For

³¹ Alfian Sari, "Kondisi Kehidupan Rumah Tangga Pasangan Sebelum Berceraai dan Faktor-Faktor Penyebab Terjadinya Perceraian: Studi Pada Masyarakat Suku Jawa di Kecamatan Sei Dadap Kota Kisaran)," *Jurnal Konseling dan Pendidikan* 4, no. 3 (2016): 41.

³² Urip Tri Wijayanti, "Analisis Faktor Penyebab Perceraian Pada Masa Pandemi Covid-19 di Kabupaten Banyumas," *Jurnal Ilmu Keluarga dan Konsumen* 14, no. 1 (2021): 14.

³³ Martina Purna Nisa Jaliansyah, "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia and the Maldives)," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 1 (2021): 1.

³⁴ Sayyid Qutub, *Zilāl al-Qur'ān* (Cairo: Dār al-Syuruq, 1995).

³⁵ Burhān al-Dīn al-Biqā'i, *Naẓm al-Durar fī Tanāsuh al-Āyāh wa al-Suwar* (Hyderabad: Dā'irah al-Ma'ārif al-'Utsmaniyyah, 1991).

³⁶ Ahmad Atabik, "Pernikahan dan Hikmahnya Perspektif Hukum Islam," *Jurnal Yudisia* 5, no. 2 (2014): 287.

³⁷ Dyah Purbasari, "Pembagian Peran dalam Rumah Tangga Pada Pasangan Suami Istri Jawa," *Jurnal Penelitian Humaniora* 16, no. 1 (2015): 73.

example, the prophet Muhammad adopted Zaid bin Harithah as his adopted son.³⁸ The practice of adopting children can be used as an alternative solution for married couples, compared to the absence of offspring as a justification for husbands to have polygamy³⁹ or divorce.⁴⁰ Because the presence of a descendant is determined by both the husband and the wife, it is not only determined by one of the two,⁴¹ besides the presence of descendants is also the prerogative of the Creator.

⁸⁷ In Islam, the husband is obliged to provide for the family, but the husband's obligation to provide for his family is not rigid. In abnormal conditions, such as the limitations experienced by the husband, whether economically or physically, the wife can help her husband earn for his family. The Islamic history records the involvement of women in various professions, both during the time of the Messenger of Allah or in the Companions era, and there is no rejection from them. This phenomenon shows the ability for women to be involved in various professions beyond their capacity as housewives. This flexibility of Islamic teachings concerning the relationship between husband and wife is more than enough to provide an opportunity for married couples to continue to feel calm in a strong marriage bond. Where imperfections in the family do not have to lead to divorce, as long as they have mutual love and affection between the two.⁴²

Marriage in the Indigenous People of Lampung Saibatin

Lampung has long been inhabited by a prehistoric human population, estimated since 1 AD. It is evidenced by several inscriptions, such as a statue in the shape of a rhinoceros in Batu Badak village, Central Lampung regency, which is thought to have been made by prehistoric humans.⁴³ As for when did Islam enter Lampung? It is estimated that around the 15th century through three directions. First, Islam spread in Lampung from the west. Precisely, come from Minangkabau through the Belalau plateau. Second, it comes from the north. Precisely, come from Palembang through the Komering area. Third, it comes from the east. Precisely, come from Banten through the Labuhan Meringgai area.⁴⁴ In the present context, Lampung is a province inhabited by various ethnic groups in

³⁸ ¹⁵u Hisyām, *Al-Sīrah al-Nabawīyyah* (Cairo: Dār al Mannār, 2015).

³⁹ Muhamad Arif Mustofa, "Poligami dalam Hukum Agama dan Negara," *Jurnal Al-Imarah: Jurnal Pemerintahan dan Politik Islam* 2, no. 1 (2017): 57.

⁴⁰ Deby Syahputri Ritonga, "Tinjauan Yuridis Terhadap Perceraian Disebabkan Kemandulan Istri dalam Perkawinan," *Jurnal Ilmiah Penegakan Hukum* 4, no. 1 (2017): 7.

⁴¹ Mirawati Syam, "'Butta Kodi, Biné Kodi': Stigma dan Dampaknya Terhadap Tu Tamanang Kabupaten Gowa," *ETNOSIA: Jurnal Etnografi Indonesia* 2, no. 2 (2017): 154–55.

⁴² M. Quraish Shihab, *Membumikan Al-Qur'an* (Jakarta: Lentera Hati, 2011).

⁴³ Sabaruddin, *Lampung Pepadun dan Saibatin* (Jakarta: Way Lima Manjau, 2013).

⁴⁴ Zarkasi, *Islam dan Budaya Lampung*.

Indonesia. Also, this province is often nicknamed “Mini Indonesia” due to the diversity of ethnic backgrounds of inhabitants in Lampung.

In general, Lampung indigenous peoples are divided into two major groups. They are the Lampung Saibatin indigenous people and the Lampung Pepadun indigenous peoples.⁴⁵ Domiciled, the indigenous people of Lampung Saibatin live in areas that stretch from the coast to the hills and mountains that follow along the ⁶⁵ east of Lampung,⁴⁶ they dominate the areas on the coast of Lampung, such as East Lampung, South Lampung, Bandar Lampung, Pesawaran, Tanggamus, and West Lampung. In terms of religion, the indigenous people of Lampung Saibatin are all Muslims,⁴⁷ because, in Lampung, every indigenous people must adhere to Islam. People who are not Muslim cannot be accepted as members of the indigenous community.⁴⁸

There are two marriage systems known in the Lampung Saibatin indigenous community. First, the Nyakak marriage system. There are two ways to do marriage with the Nyakak system. The first method is Jujokh, while the second method is called Sebambangan. The Jujokh way is a marriage practice that is carried out openly, where ⁷⁸ in this marriage practice, the Makhanai family (the bachelor) is obliged to pay a certain amount of money to the Muli (girl) family. As a consequence of the Nyakak marriage system using the Jujokh method is that women no longer receive an inheritance from their fathers because the woman has left her family's rights and responsibilities. It is because she has entered into the rights and obligations of her husband's family.⁴⁹

The Sebambangan method is a marriage practice where girls are taken away by bachelors on a consensual basis. This marriage actually cannot be perceived the same as elopement. At least, the difference between the two was that the Sebambangan case was finally resolved by traditional leaders from the girl's side and the bachelor's side and led to a marriage based on deliberation between them. It is different from the marriage in the case of elopement that took place without the involvement of traditional leaders, let alone the blessing of the girl's parents. Among the triggering factors for marriage by the Sebambangan method is the social status of the women who are higher than the men⁵⁰ and the

⁶⁰ ⁴⁵ Rizani Puspawidjaja, *Hukum Adat dalam Tebaran Pemikiran* (Bandar Lampung: Universitas Lampung, 2006). ¹⁸

⁴⁶ Anisatu Z. Wakhidah, “Homegarden Ethnobotany of Two Saibatin Villages In Lampung, Indonesia: Species Diversity, Uses, and Values,” *Forest and Society* 4, no. 2 (2020): 339.

⁴⁷ ⁴⁵ mad Zarkasi, “Traditional Lampung Saibatin” (2021).

⁴⁸ Hilman Hadikusuma, *Hukum Perkawinan Adat* (Bandung: Citra Aditya Bakti, 2003).

⁴⁹ Utomo, *Hukum Adat*.

⁵⁰ Amirudin, “Saibatin Lampung Traditional Wisdom” (2021).

inability of the men to pay Jujokh, namely: the amount of money demanded by the women.

Second, the Semanda marriage system. In this marriage, the groom is taken by the bride on a consensual basis.⁵¹ He does not have to pay Jujokh to the bride. Consequently, the man relinquishes the rights and responsibilities towards his family and is responsible and obliged to take care of his wife's family after marriage. The economic limitations of the men were the dominant factor behind the occurrence of Semanda's marriage.⁵² So, not only did the men not pay Jujokh, even in this Semanda marriage, the women had to issue gifts to the men's families.

The trigger factor from the women's side is because the women's parents do not have sons. The woman's parents want their inheritance to be inherited by their grandchildren born from their daughters. Besides, the fear of losing a title in the family and efforts to preserve that title also became the cause of Semanda's marriage.⁵³ At first glance, there are similarities between Semanda's marriage and the marriage that applies to the Minangkabau indigenous people who adhere to the matrilineal kinship system. Some people even think that Semanda's marriage is influenced by the assimilation practice of the Lampung Saibatin indigenous people with the Minangkabau indigenous people,⁵⁴ because basically, the kinship system adopted by the Lampung indigenous people is patrilineal.⁵⁵

Marriage of Indigenous Peoples of Lampung Saibatin Perspective of Islamic Laws and Gender Verse Interpretation

a. The Inheritance Rights of Women

Each region has different inheritance traditions,⁵⁶ in the Pre-Islamic era, the marginalization of women in the Arabian peninsula occurred by the discriminatory treatment of the patriarchal system. Women often experienced this discrimination at that time.⁵⁷ In the case of inheritance, they are not only not entitled to inherit, even those who are inherited. The Islamic teachings provide commendable treatments to women and pursue their economic empowerment by giving them the right of inheritance. Narrated from Jabir, he said: the wife of

⁵¹ Amirudin.

⁵² Amirudin.

⁵³ Amirudin.

⁵⁴ Imron, "Pola-Pola Perkawinan Pada Masyarakat Lampung Saibatin."

⁵⁵ Hidayat, "Konstruksi Gender dalam Perkawinan 'Nyakak' dan 'Semanda' di Masyarakat Adat Saibatin Lampung."

⁵⁶ Tarmi, "Inheritance System of Bugis Community in District Tellu Siattinge, Bone, South Sulawesi," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (2020): 179.

⁵⁷ Wardah Nuronyah, "Perempuan Arabia dalam Lingkaran Perkawinan di Era Pra-Islam," *Yinyang: Jurnal Studi Islam, Gender dan Anak* 14, no. 02 (2019): 175.

¹ <http://jurnal.arraniry.ac.id/index.php/samarah>

⁵¹ Sa'ad bin Rabi' came to the Messenger of Allah, she said: O Messenger of Allah, with me the two daughters of Saad ibn Rabi, their father died with you in the battle of Uhud as Sahid, and indeed the uncles of both of them took the property of both and did not leave anything for both of them, and neither of them was married except with both property, then the Messenger of Allah said: Allah will punish this case, then the verse about the division of inheritance was revealed.⁵⁸

The half reserved for women from the male portion, as understood by most Muslims,⁵⁹ refers to the word of Allah in Surah An Nisâ' [4]: 11, which does not reflect the Islamic gender-biased teachings. Understanding the concept of the inheritance between men and women in Islamic teachings must be seen from all aspects. It is unfair to see the product of Islamic law partially because one legal product in Islamic teachings has the relation to other legal laws.⁶⁰ For example, the share of men is equal to the share of two women in Islam because men are obliged to pay the dowry and provide for their families.⁶¹

The right to inherit for women in Islam applies whether she lives her family life with her family or her husband's family. This provision straightens the Nyakak marriage system with the Jujokh method in the Lampung Saibatin traditional community that does not give women the right to inherit because the woman is out of her responsibilities. family responsibilities, and enter into the family responsibilities of her husband.⁶² Even if she was given the inheritance rights, it is based on the policies of her parents because of their economic stability, not because she is innately entitled to inherit.⁶³ Besides, the amount she gets is far less than the amount she is entitled to inherit under Islamic law.⁶⁴

The phenomenon that women are not entitled to inherit their parents' inheritance occurred in Lampung, despite their status as biological children.⁶⁵ It also becomes a trigger why the traditional women of Lampung Saibatin object to being divorced by their husbands, even though disharmony often occurs in the family ark. They prefer to be combined rather than divorced.⁶⁶ The Nyakak's

³⁹ ⁵⁸ Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr fī al-'Aqīdah wa al-Syarī'ah wa al-Manhāj* (Damaskus: Dār al-Fikr, 2010).

⁵⁹ Nina Nurmila, "The Spread of Muslim Feminist Ideas in Indonesia efore and After the Digital Era" *Al-Jamiah: Journal of Islamic Studies* 59, no. 1 (2021): 108.

⁶⁰ Muḥammad Mutawallī al-Sya'rāwī, *Tafsīr al-Sya'rāwī* (Cairo: Dār Akhbār al-Yaum, 1991).

⁶¹ Abū 'Abd Allāh al-Qurṭūbī, *al-Jāmi' li Ahkām al-Qur'ān* (Cairo: Dār al-Hadīts, 2010).

⁶² Zarkasi, "Traditional Lampung Saibatin."

⁶³ Amirudin, "Saibatin Lampung Traditional Wisdom."

⁶⁴ Eva Rodiyah Nur, "Gender and Indigenous Peoples of Lampung Saibatin" (2021).

⁶⁵ Yusha, "Kedudukan Anak Perempuan dalam Sistem Pewarisan pada Adat Ulun Lampung Saibatin di Kecamatan Pesisir Tengah Kabupaten Pesisir Barat."

⁶⁶ Zarkasi, "Traditional Lampung Saibatin."

marriage with the Jujokh method is very effective in minimizing the occurrence of divorce. The philosophy of marriage, according to them, is once in a lifetime. It is also a trigger to minimize the divorce rate.⁶⁷ On the one hand, this phenomenon is good, because according to the Islamic teachings, divorce is an act that is principally allowed by Allah, but at the same time is despised by Him.⁶⁸ But on the other hand, it is not wise and just, a good intention if it built on a violation of the teachings of the religion that he believes in. Because it is not justified in Islamic teachings, women do not have the right of inheritance, only because she carries out the Nyakak marriage system in the Jujokh way.

b. Jujokh Payments

Jujokh in the traditional Lampung Saibatin wedding procession is not a dowry because the men are obliged to give Jujokh to the women.⁶⁹ At the same time, they are also obliged to pay the dowry. Often the amount of Jujokh paid is much greater than the dowry. The obligation to pay Jujokh, if the amount exceeds the amount of the dowry, is often a barrier factor for marriage in the Lampung Saibatin indigenous community. There is even an impression of commercialization in Jujokh's payments, so that marriage also resembles the practice of buying and selling. This phenomenon is not only burdensome for men but also is not beneficial for women. It is because the practice of exploitation of the wife is very likely to be shown by the husband in the future because he feels he has bought it at an expensive price when he gives Jujokh to her.

In Islam, the material obligation given by a prospective husband to his future wife is only a dowry.⁷⁰ This straightens the practice of paying Jujokh in the Nyakak marriage system known in the Lampung Saibatin indigenous community. The benchmark for the payment of a dowry in Islam is not based on the size of the dowry. But, it is based on the voluntarism of the men.⁷¹ This is what the commentators understand when they interpret the word of Allah in the letter al-Nisā' (4): 4. The flexibility of Islamic teachings related to the payment of this dowry emphasized by the Prophet Muhammad, both in word and deed. Verbally, we can read from his statement that the most blessed marriage is the one with the

⁶⁷ Amirudin, "Saibatin Lampung Traditional Wisdom."

⁶⁸ Eko Saputra and Busyro, "Kawin Maupah: An Obligation to Get Married After Talak Tiga In The Tradition of Binjai Village In Pasaman District a Maqasid al-Shariah Review," *QIJS: Qudus International Journal of Islamic Studies* 6, no. 2 (2018): 182.

⁶⁹ Kasi, "Traditional Lampung Saibatin."

⁷⁰ 'Imād al-Dīn Ibnu Kašīr, *Tafsīr al-Qur'ān al-'Azīm* (Cairo: Dār al-Hadīts, 1993).

⁷¹ Muḥammad Sayyid Tanṭāwī, *al-Tafsīr al-Wasīṭ li al-Qur'ān al-Karīm* (Cairo: Dār al-Sa'ādah, 2007).

easiest dowry to pay.⁷² By deeds, when the Prophet married his wives, it is stated in a narration that the dowry paid by the Prophet to each woman he married was twelve uqiyah gold, or the equivalent of 480 dirhams,⁷³ such a large nominal for a dowry.

Between the words and actions of the Prophet above, it is not then understood as an inconsistency, but the message is the importance of honoring women when we are capable. Besides, it is a warning that a person does not force himself to pay a large dowry if he does not have the capability or burdens others to do so. The payment of dowry is beyond the ability of the person concerned. The dowry is unrelated to social status because the basic principle in Islam applies to all its teachings, including in the payment of dowry that Allah does not burden His servants except according to their abilities. The concept of paying dowry in Islam like this is in stark contrast to the practice of Jujukh payments, wherein the element of pride in the amount of Jujukh paid by men to women often occurs in the Lampung Saibatin indigenous community. The size of the dowry for them is a measure of their social status

The amount of dowry in Islam is not a standard for the good or bad quality of the dowry. Its standard is the ability and willingness, which are part of the moderate value possessed by Islamic teachings. Moreover, if we look back at how women were previously not entitled to the dowry paid by the man when he was about to be married because the dowry paid was the property of his parents or guardian. Narrated from Abu Salih, he said: the men (during the time of ignorance) when marrying their daughters, took the dowry in its entirety without giving anything to his daughter,⁷⁴ then the word of Allah came down in Surah al-Nisā' (4): 4, wherewith the verse, In this case, Islamic teachings seek to cancel the practice of exploitation of women and make the dowry the property of a woman who wants to marry.

Guided by Islamic teachings that only oblige the male party to pay a dowry, minus Jujukh can minimize and even erode the practice of marriage using the Nyakak system with the Sebambangan method, which often occurs in the Lampung Saibatin indigenous community. A marriage practice with among the triggering factors is the high amount of Jujukh is undeniable implies the negative psychological effects are arising from this kind of marriage for the continuity of the relationship between the male and female extended family. It is because

⁷² Ahmad, "Musnad Ahmad," accessed February 1, 2022, <http://www.islamic-council.com>. 90

⁷³ Abū Bakr Abd al-Raziq, *Muṣannaf Abd al-Raziq* (Bayrūt: al-Maktabah al-Islāmī, 1990). 55

⁷⁴ Jalāl al-Dīn al-Suyūṭī, *Lubāb al-Nuqūl fī Asbāb al-Nuzūl* (Cairo: al-Maktabah al-Taufiqiyah, 2015).

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<http://jurnal.arraniry.ac.id/index.php/samarah>

starting this marriage begins with a conflict even though it was ultimately resolved by the traditional leaders.⁷⁵ A conflict resolution that is part of local wisdom needs to be preserved in the indigenous people of Lampung Saibatin.

c. Why Do Men Get More Inheritance Rights than Women?

In Islam, there is a correlation between one legal product and another. When it does not enforce as a legal product, it will result in the effectiveness and sustainability of other legal laws. Men in Islam have the right to inherit property left by their families even their share right is twice as large as the share of women. This portion obtained by men is not at all a form of discrimination against women in Islam, but because there are several material religious obligations, which are obligatory only on men and not on women, such as the obligation to pay dowries and the obligation to provide for the family.

Eliminating the right to inherit for men will have an impact on the material obligations that are borne by the man, chaos in the application of the law will occur. This phenomenon occurs in the practice of Semanda marriage in the Lampung Saibatin indigenous community. Where the elimination of the obligation to pay Jujokh for men to women, has an impact on the loss of the right to inherit for the man, and there is no longer any obligation on him to provide for his family.⁷⁶ The position of the man in this case is uprooted from his family and makes him merge into his wife's family, as a consequence of the absence of Jujokh being paid when the man marries his wife.⁷⁷ Marriage is like the practice of buying and selling, but more than that, this phenomenon is clearly contradictory and eliminates a number of Islamic teachings around family law, such as: inheritance law and living law.

d. The Gender of the Child

The Islamic teachings never discriminate against humans just because of sex. Humans with male or female gender are equal before God. Many verses of the Qur'an implied the equality of the sexes, such as in Surah al-Nisā' (4): 1. Regarding the origin of humans, both male, and female, referring to this verse, come from the same soul, namely: Adam.⁷⁸ It is not without the editorial message that this verse is beneficial as the opening editor for Surah al-Nisā means: women. At least among the messages in [84](#) love each other between humans because humans come from one lineage, [there is no difference between men and women.](#)

⁷⁵ Zarkasi, "Traditional Lampung Saibatin."

⁷⁶ Zarkasi.

⁷⁷ Amirudin, "[81](#) patin Lampung Traditional Wisdom."

⁷⁸ Muḥammad Alī al-Ṣābūnī, *Ṣafwah al-Taḥāsīr* (Cairo: Dār al-Ṣābūnī, 1980).

All of them are required to build peace and security in society and do mutual respect for one another.⁷⁹

Differentiating the sex of children born and assuming that a child with a female gender is not better than a male gender, moreover considering the birth of a child with a female gender is a deficiency and an insult this is part of the jahiliyyah tradition. pre-Islamic. The pre-Islamic Arab society considers the birth of a child as a calamity when the one who is born is a female. The husbands show dislike and anger to the wives who have given birth to female children as if the wives were the cause of the birth of this female child.⁸⁰ The Qur'an perpetuates the attitude of men towards their wives in Surah al-Nahl (16): 58

No human being can determine the sex of the child born because this is part of God's provisions. No one can oppose Him⁸¹ No guarantee that marriage will produce children of a specific gender, even produce offspring. This message is what we read from the word of God in the letter al-Syūrā (42): 49-50. Accepting gracefully the gift of children given by the Creator, regardless of gender, is a wise attitude. Moreover, it is not a guarantee that the birth of a male child will have a positive impact on the family. The disobedient son of the Prophet Noah, whose name is: Kan'an,⁸² is one concrete example. On the other hand, is the figure of Mary that the Qur'an described as a holy and chosen woman.

Gender in the perspective of Islamic teachings above is not fully understood by the indigenous people of Lampung Saibatin, due to their assumption that a family is not perfect before having a child of the male gender.⁸³ Various attempts have been made to present the existence of a child of the male gender. Male gender, or making a man to be considered part of his family, such as the Semanda marriage practice carried out by the Lampung Saibatin indigenous community. In our opinion, this practice is an excessive effort carried out by a family and makes up something that is the prerogative of the Creator, moreover, this kind of practice will harm the male family. Due to his marriage, the man is uprooted from his family and is considered worthy of being born into his wife's family.

If the birth of a child of the male gender, in the Lampung Saibatin indigenous community, be a sign of the perfection of a family, the reverse condition relates to the birth of a child of the female gender. Although there is a

⁷⁹ Quraish Shihab, *Tafsir Al Mishbah* (Jakarta: Lentera Hati, 2002).

⁸⁰ Muḥammad al-Tāhir Ibn 'Āsyūr, *Tafsīr al-Tahrīr wa al-Tanwīr* (Tunis: Maison Souhnoun, 577).

⁸¹ Tim Penyempurnaan Al-Qur'an dan Tafsirnya, *Al-Qur'an dan Tafsirnya* (Jakarta: Departemen Agama RI, 2008).

⁸² Jalāl al-Dīn al-Suyūti Jalāl al-Dīn al-Maḥallī, *Tafsīr al-Qur'ān al-'Aẓīm* (Bayrūt: Dār al Fikr, 1991).

⁸³ Eva Rodiyah Nur, "Gender and Indigenous Peoples of Lampung Saibatin."

relationship between the children with their parents, from a young age, girls in the Lampung Saibatin indigenous community have been prepared by their parents to become other people's children.⁸⁴ The dominance of boys over girls in the Lampung Saibatin Indigenous Community is stronger. Even discriminatory treatment is often experienced by girls from boys in the Lampung Saibatin indigenous community, even by their own parents.⁸⁵

Conclusion

The Lampung Saibatin indigenous people are the domicile communities that dominate along with the coastal areas of Lampung Indonesia. In the religious ideology, one hundred percent of them embrace Islam, although the influence of customs is strong in carrying out religious rituals, especially in their wedding traditions. In the marriage tradition of the Lampung Saibatin indigenous people, we still find discrepancies between practices based on customs and Islamic teachings. This discrepancy can be in the form of discriminatory and exploitative practices against women, even against men. On the other hand, the local wisdom in the marriage in the Lampung Saibatin indigenous community, especially in the involvement of traditional leaders to resolve internal conflicts among themselves. In addition to the philosophy of marriage in their tradition that is only once in a lifetime, two things that are very effective in minimizing divorce rates among them.

Returning to the values of Islamic teachings under the belief of the Lampung Saibatin indigenous people become a solution to many discriminatory practices and exploitations in their marriage customs. The Lampung Saibatin indigenous people who live in urban areas or their Islamic students have widely do. Also, their objective assessment of Islam, particularly concerning the practice of marriage, as practiced by the indigenous people of Lampung Saibatin, a distinction should be made between the traditions of a Muslim community and the teachings of Islam itself. It is because Islam cannot be associated with the customs of its followers who do not reflect its teachings.

⁸⁴ Hadikusuma, *Hukum Perkawinan Adat*.

⁸⁵ Eva Rodiyah Nur, "Gender and Indigenous Peoples of Lampung Saibatin."

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⁷⁹ Al-Shābūnī, Muḥammad Alī. *Ṣafwah al-Tafāsīr*. Cairo: Dār al-Shābunī, 1980.

⁶² Al-Sya’rāwī, Muḥammad Mutawallī. *Tafsīr al-Sya’rāwī*. Cairo: Dār Akhbār al-Yaum, 1991.

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³⁷ ———. *Ushūl al-Fiqh al-Islāmī*. Damaskus: Dār al-Fikr, 2019.

²⁹ Atabik, Ahmad. “Pernikahan dan Hikmahnya Perspektif Hukum Islam.” *Jurnal Yudisia* 5, no. 2 (2014).

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