



THE TRADITION OF DAU BALAK IN LAMPUNG TRADITIONAL MARRIAGE 'URF PERSPECTIVE

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ABSTRACT

Indonesia has a very diverse marriage tradition, one of which is the marriage fee (Dau Balak) which must be given to the prospective husband to the prospective wife's family in the Lampung traditional marriage system. The marriage is canceled if there is no nominal agreement between the Dau Balak, whereas previously for several days. Moreover, Dau Balak's funds are not part of the marriage dowry. This study aims to analyze the requirements of Dau Balak in Lampung traditional marriages from the perspective of 'urf. This research is included in the type of empirical research (field research) using a qualitative descriptive approach. The results showed that the deliberation process in determining the number of Dau Balak was based on the spirit of kinship, if the prospective husband's family had not been able to accept the number of Dau Balak, it could be continued with a proposal (nyukak) to the prospective wife. Then the husband was given the opportunity for some time to pay Dau Balak, if he could not pay then the proposal was cancelled. The values and goals of Dau Balak are proof of the seriousness of the prospective husband in navigating domestic life. Therefore, Dau Balak is included in the category of 'urf sah, because in the process there are no practices that are contrary to Islamic law. The Dau Balak fund in the Lampung traditional Seimbangan marriage system includes authentic evidence that can be accepted by 'urf.

Keywords: *Dau balak, Lampung traditional marriage, 'urf.*

ABSTRAK

Indonesia memiliki tradisi perkawinan yang sangat beragam, salah satunya adalah biaya perkawinan (*Dau Balak*) yang wajib diberikan calon suami kepada keluarga calon istri pada sistem perkawinan adat Lampung. Perkawinan batal dilangsungkan jika tidak ada kesepakatan nominal *dau balak*, padahal sebelumnya calon suami sudah membawa lari calon istri selama beberapa hari. Lebih dari itu, dana *Dau Balak* bukan termasuk bagian dari mahar perkawinan. Penelitian ini bertujuan menganalisis persyaratan *Dau Balak* dalam perkawinan adat Lampung ditinjau dari perspektif 'urf. Penelitian ini termasuk dalam jenis penelitian empiris (*field research*) dengan menggunakan pendekatan deskriptif kualitatif. Hasil penelitian menunjukkan bahwa proses musyawarah dalam menentukan jumlah *Dau Balak* berdasarkan semangat kekeluargaan, jika keluarga calon suami belum bisa menyanggupi jumlah *Dau Balak*, maka dapat dilanjutkan dengan peminangan (*nyukak*) terhadap calon istri. Kemudian pihak suami diberi kesempatan beberapa waktu untuk membayar *Dau Balak*, jika tidak bisa membayar maka peminangan tersebut batal. Nilai dan tujuan dari *Dau Balak* adalah sebagai bukti keseriusan pihak calon suami dalam mengarungi kehidupan rumah tangga. Oleh sebab itu, *Dau Balak* termasuk dalam kategori 'urfshahih, karena dalam prosesnya tidak ada praktik yang bertentangan dengan syariat Islam. Dana *Dau Balak* dalam sistem perkawinan *Sebambangan* adat Lampung termasuk *hujjah shahih* yang dapat diterima oleh 'urf.

Kata Kunci: *Dau balak*, Perkawinan adat Lampung, 'urf

INTRODUCTION

Marriage is an inner and outer bond between two pairs of people. The bond was born from the existence of an agreement between a man and a woman to live a household together, to create a *sakinah, mawaddah, warahmah* family.¹ Not only that, one of the purposes of marriage is to have children, have a desire for wealth, and like the opposite sex. Religion accommodates this desire because it is by human nature, and marriage is a method that is legalized by faith and the state. Even marriage from a

¹ Pasal 3 Kompilasi Hukum Islam. See, Abu Zahrah, *Ahwal Asy-Syakhsiyah* (Cairo: Dar al Fikr, 1957), 109.

religious perspective can be of worship value.²

Not only that, one of the purposes of marriage is to get offspring, have a desire for wealth, and like the opposite sex. Religion accommodates this desire because it is by human nature, and marriage is a method that is legalized by faith and the state. Even marriage from a religious perspective can be of worship value. Even marriage from a spiritual perspective can be of worship value. Prophet Muhammad identified that marriage is his sunnah and those who follow it (sunnah) are part of the Prophet's people. As for those who oppose and do not follow the sunnah, they are not considered followers.³ Allah SWT also emphasizes that marriage is a legal matter and means humans to produce offspring. In this verse, also Allah shows His power by making humans in pairs.⁴

One of the rights of citizens regulated in favorable legal regulations in Indonesia is related to marriage. The 1945 Constitution states that every community has the right to marry, form a happy family, and obtain offspring with a legal marriage.⁵ The interpretation of a valid marriage is a marriage by religious and state law provisions.⁶ According to the requirements of religion (Islam), a valid marriage is a marriage that is approved by the bride and groom and their families, in the presence of two witnesses and a guardian from the woman.⁷ Meanwhile, according to state law, marriage is considered valid if carried out according to the law of each religion and belief.⁸ The

² Muhammad Ilyas and Dewi Ayu Maharani, "Konsep Kepribadian Islam Menurut Taqiyuddin An Nabhani," *Jurnal Islamika* 2, no. 2 (2019): 137–138.

³ Abū 'Abd Allāh Muḥammad ibn Ismā'īl ibn Ibrāhīm ibn al-Mughīrah ibn Bardizbah al-Ju'fī al-Bukhārī, *Sjāhī>h Bukha>ri>*, vol. IV (Beirut: Da>r Kutub al-Ilmiyah, n.d.), 121.

⁴ *Al-Qur'an al-Karim*, n.d. Marriage basically legitimizes the concept that Islam does not accept humans who live alone and do not want to marry. Religion describes marriage as a half religion. Muhammad Tahir and Stephan Larmar, "Conceptualizing the Development of Personality in Children: An Analysis of Islamic Philosophy and Contemporary Western Psychology," *Jurnal Agathos* 11, no. I (January 2020): 177–186.

⁵ Pasal 28B, ayat (1), "Undang-Undang Dasar 1945".

⁶ Mujiburrahman Salim, "Konsep Keluarga Masalah Perspektif Lembaga Kemaslahatan Keluarga Nahdlatul Ulama (LKK NU)," *Jurnal Al-Mazahib* 5, no. 1 (2017), <http://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1392>.

⁷ Rizki Perdana Kiay Demak, "Rukun Dan Syarat Perkawinan Menurut Hukum Islam Di Indonesia," *Lex Privatum* 6, no. 6 (2018): 123.

⁸ Pasal 2, "Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan".

belief in question is also related to customary law beliefs, where Indonesia has various tribes, customs, and cultures. There are standard provisions that have grown and been trusted for a long time by the local community.

Customary law in Indonesia generally explains that marriage is related to a civic engagement and is also a regular engagement and an engagement of kinship and neighborhood.⁹ For example, in the provisions of the customary law of the people of Lampung, which is related to the marriage of the indigenous people of *Pepadun*¹⁰ which has several types of marriage systems, one of which is the *Sebambangan* marriage system.¹¹ *Sebambangan* is the act of a prospective husband who runs his future wife to the parent's house or close relatives of the prospective husband. The duration of running this future wife can last for days.¹² The settlement of the *Sebambangan* tradition is carried out using deliberation between the male and female families led by the *punyimbang* (customary head) of each family, with the aim that *Sebambangan* can be continued at the marriage stage. The deliberation process provides an opportunity for the prospective wife's family to submit the terms of marriage to the future husband's family, one of which is the *Dau Balak* fund requirement, namely the marriage fee that must be met/given by the prospective husband's family to the prospective wife's family as a mandatory requirement to marry. The future wife who was taken away.

The *Sebambangan* marriage system is still practiced by Melinting District, East Lampung Regency, to preserve ancestral traditions. The community in the area requires *Dau Balak* funds as the primary condition for implementing marriages, even though the nominal value of these *Dau Balak* funds does not include the dowry, which is the obligation of the prospective husband in carrying out marriages as stipulated in Islamic law. The problem arises if the

⁹ Wajardi Dharmabrata and Ardhi Wibowo, *Psikiatri Forensik* (Jakarta: Buku Kedokteran EGC, 2003), 96. Lihat pula Claudia Amanda et al., "Tradisi Sebambangan Dan Eksistensinya Bagi Masyarakat Muslim," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 925.

¹⁰ Pepadun: Etnis dalam masyarakat adat Lampung. Roveneldo, "Prosesi Perkawinan Lampung Pepadun: Sebagai Bentuk Pelestarian Adat Lampung," *Ranah: Jurnal Kajian Bahasa* 6, no. 2 (2017): 7, <https://doi.org/10.26499/rnh.v6i2.265>.

¹¹ Muhammad Junus Melalatoa, *Ensiklopedi Suku Bangsa Di Indonesia Jili LZ* (Jakarta: CV Eka Putra, 1995), 466.

¹² This elopement tradition does not only apply to traditional Lampung marriages. A similar ritual also occurs in Lombok, which is known as *Merariq*. Lalu Muhammad Hariadi, "Islam Sasak: Sebuah Manifestasi Fikih-Budaya," *Jurnal Schemata* 6, no. 6 (2017): 155–166.

prospective husband or his family cannot fulfill the nominal amount of *Dau Balak's* funds while the person concerned has run away from his future wife for several days.

Based on the problems described above, this study aims to analyze the requirements for the *Dau Balak* fund, a tradition of the Lampung indigenous people in Melinting District, East Lampung Regency, in the perspective of 'urf.

Several related articles will be presented in the following discussion to see the novelty in the current research. First, Suparta's study analyzes the tradition of lost money in marriages carried out by the Padangpariaman people by holding the Minangkabau tradition. The practice is giving the prospective wife's family money to the future husband's family. This tradition is a must for the people of Nagari South Campago.¹³

The similarity of this research with the research conducted by Suparta is related to local traditions which require the issuance of several pre-marital assets. In contrast, these assets do not include dowry. At the same time, the difference is the locus of research and the object given the property. In the previous research, the prospective husband was given property, while the future wife was given property in this study.

Then the subsequent research is related to the dowry scheme in Islam. This research on dowry from an Islamic perspective was carried out by Putra Halomoan, who stated that the concept of dowry in Islam is not excessive and not burdensome for prospective husbands.¹⁴

The similarity of this research with previous research is related to the assets that must be given before the marriage occurs. While the difference lies in the type of research, if the previous article is normative, then this research is empirical. In addition, this research is not specific about the dowry regulated in religious texts but related to the property given to the prospective wife, which is part of the local tradition.

Furthermore, an article presented by Deviani Mayasari analyzes the merariq marriage of the Batunyala community, Central Lombok. The

¹³ Riyen Gusti Suparta, "Tradisi Uang Ilang Sebagai Hukum Adat Dalam Pelaksanaan Pernikahan Di Nagari Campago Selatan," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 1 (June 30, 2018): 99–115.

¹⁴ Putra Halomoan, "Penetapan Mahar Terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam," *JURIS (Jurnal Ilmiah Syariah)* 14, no. 2 (October 18, 2016): 107–118.

research concludes that merariq is a tribute to Lombok women and takes care of local traditions. Their purpose of carrying out the merariq tradition is due to several factors, including tradition, religion, and economy.¹⁵

The similarity of this research with previous research is the object of study related to marriage which is a tradition of the local community. The difference is that this research's object emphasizes the nominal amount (Balak Fund) that must be given pre-wedding. The next difference is related to the research locus.

Then there is research on "resistance" to the Lampung wedding tradition, which is patriarchal. The concept of patriarchal culture has received a response from the millennial generation, which is open in determining potential life partners. As a result, the public and domestic aspects are no longer the dichotomies of each partner.¹⁶ The similarity of this research with previous research is related to the object of the study of marriage conducted in the Lampung area. However, the difference lies in the specifics of the study; if previous research analyzed the role of millennials in "breaking" patriarchal traditions, then in this study, more emphasis is placed on the practice of giving nominal marriage fees outside the dowry called *Dau Balak* funds.

Furthermore, Sulfan Wandu analyzes the existence of 'urf and customs as sources of Islamic law. He classifies if 'urf is a common habit in a community and can be used as a legal reference, while customs are personal preferences that apply in a community.¹⁷ This research emphasizes the tradition of *Dau Balak* funds analyzed using 'urf. The description of previous research shows that the current research has novelty which has the appeal to be studied more comprehensively and systematically.

RESEARCH METHODS

This research is a type of empirical research (field research) conducted

¹⁵ Deviana Mayasari, "Tradisi Merariq Pada Masyarakat Desa Batunyala Lombok Tengah," *Civicus: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 2 (September 30, 2016): 78–86.

¹⁶ Siti Zulaikha, Muhamad Nasrudin, and Enny Puji Lestari, "Dialectic of Public Sphere vs. Private Sphere in Millennial Families in Lampung Customary Law Community," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (December 26, 2021): 928–956.

¹⁷ Sulfan Wandu Sulfan Wandu, "Eksistensi 'Urf dan Adat Kebiasaan Sebagai Dalil Fiqh," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 2, no. 1 (May 5, 2018): 181–196.

in the field.¹⁸ The approach used in this study is a qualitative approach that produces descriptive data, namely what is stated by the respondent in writing or verbally and actual behavior.¹⁹ Researchers collect data with several qualitative data collection techniques in the qualitative approach: observation, interviews, and documentation. The data obtained during the research will be edited, classified, verified, and then analyzed.

RESULTS AND DISCUSSION

1. Definition of *Sebambangan* and *Dau Balak* in Lampung Traditional Marriage

Sebambangan is an effort towards marriage that begins by taking the prospective wife to the house of the prospective husband or his relatives without the permission of the future wife's parents. So when a man and a woman run away to marry, their act is called *sebambangan*.²⁰ As for if it is further detailed, if a prospective husband takes his future wife away from his house with the approval of the prospective wife to carry out the marriage process through the *sebambangan* marriage system, then this in Lampung custom is called "Nakat." However, on the other hand, if a man takes a woman away by the force of his own free will without the consent of the woman, then this act is called "ditikep".²¹ In essence, the actions of taking women away without the permission of their parents are a violation of young people's customs, but this can be resolved peacefully with the applicable customary law so that the implementation of the *sebambangan* marriage system is allowed according to customary law and is still often practiced by the indigenous people of Lampung.

According to the explanation given by SE as the traditional head of Lampung in Melinting District, East Lampung Regency, the *sebambangan* tradition begins with the practice of men taking women running to the male family's house. According to customary law, a woman's departure to

¹⁸ Nurul Qomar, *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal* (Makassar: CV. Social Politic Genius (SIGn), 2020), 8.

¹⁹ Ajat Rukajat, *Pendekatan Penelitian Kualitatif (Qualitative Research Approach)* (Yogyakarta: Deepublish, 2018), 4.

²⁰ Claudia Amanda, Putri Kharisma Milandhikasyah, et al., "Tradisi Sebambangan Dan Eksistensinya Bagi Masyarakat Muslim," *NUSANTARA : Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (November 30, 2021): 923–930.

²¹ Interview with Mr. JH, November 14, 2021.

the man's residence must depart from her own house and leave a letter and *tangepik* money as a statement that she is carrying out a *sebambangan* with a man whose name and address are mentioned in the *tangepik* letter.²² Then women as potential wives will be picked up by men as potential husbands and their relatives at the place they have agreed to.

Arriving at the prospective wife's house at the future husband's family home, then the parents of the prospective husband will report the *sebambangan* to the *punyimbang* (customary head) of the prospective husband's family to send a *pemerep* (delegation) to the *punyimbang* (customary head) of the future wife's family to notify that the members of the community are carrying out *sebambangan* with a man, who then on the side of the prospective wife will immediately inform the woman's family and mate with *menyerak warei*²³, that their daughter is carrying out *sebambangan* and is now in the hands of the male *punyimbang* (customary head).

Then the settlement of *Sebambangan* will be continued with the *Bebalah* or *Bawasan* process, namely sending several *punyimbang* people and relatives from the prospective husband's side to the future wife's family to express an apology and deliberation requesting that *Sebambangan* can be adequately resolved towards the direction of marriage. During this *bebalah* or subordinate consideration, the prospective wife's family will propose marriage conditions, such as requesting the fulfillment of *Dau Balak* funds and other customary costs.

2. Opinion of The Lampung Indigenous People in Melinting District East Lampung Regency on the Obligation of the *Dau Balak* Fund in the *Sebambangan* Tradition

The process of completing the *sebambangan* tradition at the *bebalah* or subordinate stage provides rights and opportunities for the prospective wife's family to submit several marriage requirements to the future husband's family, one of which is to apply for the fulfillment of *Dau Balak* funds. *Dau Balak* itself means funds/costs for organizing a wedding reception. According

²² Hilman Hadikusuma, *Masyarakat Dan Adat Budaya Lampung* (Bandung: CV. Mandar Maju, 1990), 151.

²³ *Menyerak warei* is kinship relatives in the tradition of the indigenous people of Lampung Pepadun either from the father's or mother's side, due to blood relations or marriage. Interview with Mr. JH, November 14, 2021.

to the provisions of Lampung customary law in Melinting District, East Lampung Regency, the minimum amount of *Dau Balak* funds is Rp. 4,800,000. Still, the prospective wife's family can apply for *Dau Balak* funds more than the minimum amount of wedding fees determined by customary law. In the end, not a few families of the prospective wife applied for *Dau Balak* funds exceeding the minimum limit because they assumed that the wedding reception cost was higher than the minimum amount of *Dau Balak* funds determined. The submission of *Dau Balak* funds with a reasonably high amount sometimes makes the negotiation process tough and long; not only that, sometimes deliberations at the *Bebalah* or *Bawasan* stage can be held two to three meetings because the amount of *Dau Balak* funds has not yet reached an agreement.²⁴

According to SE, the high application for *Dau Balak* funds is due to the background of the women's family; for example, if the woman comes from a family with middle to upper economic status, then usually the application for *Dau Balak* funds can exceed the minimum amount of customary law provisions, especially if the woman has a high educational background, such as having a D3, D4, Strata 1 or Strata 2 degree, the amount of *Dau Balak* funds will soar even higher, the higher the educational background of a woman, the higher the request for the amount of *Dau Balak* funds submitted by a woman's family to her future husband and family.²⁵

SB as the resource person said that the high application for *Dau Balak* funds which was motivated by the economic status of women's families or even the level of education of women, was understandable for the Lampung indigenous people in Melinting District, this was because women's parents were considered to have cared for and educated them very well to the level of higher education so that parents want their child's marriage to be more respected and respected with this *Dau Balak* fund application.²⁶

Ms. SM said that the submission and fulfillment of the *Dau Balak* fund was a form of respect and gratitude for permitting men and women to marry and proof of the seriousness of men in proposing to women so that the submission of *Dau Balak* funds is considered reasonable and should be

²⁴ Interview with Mr. SB, November 13, 2021.

²⁵ Interview with Mr. SE, November 12, 2021.

²⁶ Interview with Mr. SB, November 13, 2021.

preserved in the deliberation process towards marriage.²⁷

In general, applications for *Dau Balak* funds from family backgrounds that have middle to upper economic levels or because of women's educational experience, requests for the fulfillment of *Dau Balak* funds can usually reach approximately Rp. 20,000,000,²⁸ this will become a new problem when it turns out that the man who carries out the *Sebambangan* does not yet have the cost of the number of funds proposed by the woman's family, or the man only comes from a family with middle to lower economic status because the negotiation process will be challenging and lengthy when women's families maintain the amount of *Dau Balak* funds at a high price.

The persistence of women's families in fixing the amount of *Dau Balak* funds they propose to men's families often burdens men's families, as stated by Ms. IR's in an interview "*Aduh dik, sai guwai saro ino anjak keluargo sai sabia kukuh kilu dana haghto sai balak, inolah sai guwai sagho haga pulamban, mulo sai wat syaghat ngemik dau haghto balak inolah sai jadei penghalang jimo ago pulambang*".²⁹

According to Mr. JH, problems related to the negotiation of *Dau Balak* funds that arise when the male family cannot fulfill the female family's request can be adequately resolved. Usually, each *punyimbang* from both sides of the family will consult to find a solution or middle ground for both of them. *Dau Balak*'s funds can be reduced or deferred until an agreement between the two families during the negotiation process. Neither of them feels disadvantaged or benefited, and *sebambangan* can be completed until the marriage stage.³⁰

Mr. SE explained that in the deliberation process regarding the negotiation of the *Dau Balak* fee at the *Bebalah* or *Bawasan* stage, if the prospective husband's family agreed and agreed to the request for the amount of *Dau Balak* funds submitted by the future wife's family, the *sebambangan* process would be continued at the "*Ngakuk Maju*" stage (the operation of the marriage ceremony). However, suppose the prospective husband's family has not met the requirements proposed by the future wife's family. In that case, *Sebambangan* can continue by tying the prospective wife first or referred

²⁷ Interview with Mrs. SM, November 17, 2021.

²⁸ Interview with Mrs. IR, November 16, 2021.

²⁹ Interview with Mrs. IR, November 16, 2021.

³⁰ Interview with Mr. JH, November 14, 2021.

to as "*Nyukak*" namely fiancé. So even though the future husband's family has not been able to meet the number of *Dau Balak*'s funds, customary law still provides relief by suspending *Sebambangan* through the *Nyukak* stage. Then if the prospective husband's family has agreed to the amount of *Dau Balak* funds proposed by the future wife's family, *Sebambangan* can then be completed in the procession of the marriage contract.³¹

At the *Nyukak* stage, the prospective wife will be returned to her family to carry out life as usual, only that she has been tied up by the man who is her future husband, so that women as potential wives are not allowed to carry out *Sebambangan* or accept applications from other men. Without the permission of her future husband.³² Suppose the woman performs *Sebambangan* with another man during *Nyukak*. In that case, she will be given a customary sanction, namely replacing the *Dau* fund that the prospective husband's family has provided at the time of binding the future wife as much as twice the money that has been given.³³

3. Analysis of '*Urf*' on the *Dau Balak* Fund in the *Sebambangan* Tradition

The definition of '*urf*' according to Wahbah al-Zuhaili, is the habit of humans doing actions continuously so that the act becomes popular among them, or interprets a *lafadh* with a special meaning even though the original purpose of the said *lafadh* is different.³⁴ The word '*urf*' in Indonesian is often synonymous with *adat*, but scholars have discussed these two words at length; in short, '*urf*' is accepted by human nature and common sense, while *adat* is defined as something that is done repeatedly without any rational connection.³⁵

'*Urf*' is divided into three types, including³⁶: 1) In terms of material, '*urf*' is divided into two: (a) '*urf Qauli*' or '*urf Lafdhi*', namely habits that apply in the

³¹ Interview with Mr. SE, November 12, 2021.

³² Interview with Mrs. IR, November 16, 2021.

³³ Interview with Mr. SB, November 13, 2021.

³⁴ Wahbah Az-Zuhaili, *Ushul Al-Fiqh al-Islam, Juz II*, (Bayrut: Dar al-Fikr, 1986), 828.

³⁵ Sucipto, "'Urf Sebagai Metode Dan Sumber Penemuan Hukum Islam," *Asas* 7, no. 1 (2015): 27.

³⁶ Muhammad Tahmid Nur, Anita Marwing, and Syamsudin, *Realitas 'Urf Dalam Reaktualisasi Pembaruan Hukum Islam Di Indonesia* (Pamekasan: Duta Media Publishing, 2020), 27.

use of words or speech; (b) *'urf Amali*, namely habits in the form of actions. 2) In terms of its scope, *'urf* is divided into two: (a) *'urf Am*, namely habits that apply to all places, times, and circumstances; (b) *'urf Khās*, namely the unique habits of a particular community or area. 3) Judging from the point of view of its legitimacy from the perspective of the Shari'a, *'urf* is divided into two: (a) *'urf Shahih*, namely habits that apply to the society that does not conflict with the Qur'an and as-Sunnah, do not eliminate their problems, and do not bring harm to them, in other words, *'urf* authentic is something that is known to humans and does not conflict with Shari'a also does not justify what is forbidden and does not invalidate what is obligatory; (b) *'urf Fasid*, namely habits that apply in society, but these habits are contrary to the Shari'a and the basic rules in the Shari'a.

Based on the data obtained by the researchers in the explanation above, the *sebambangan* event is an activity carried out before the marriage between a man, and a woman is carried out. *Sebambangan* requests that the prospective groom and bride be approved to carry out the wedding. The process of implementing the *sebambangan* by taking the wife-to-be to her husband-to-be's family home without asking the woman's parents for permission directly, only by leaving a Tangeplik letter as a form of notification that her daughter is doing *Sebambangan*. Events like this at first glance seem to violate the rules of Islamic law; this is because a man takes a woman who is not yet a mahram without asking her parents for permission directly. However, if viewed from one of the rules of *'urf*, namely the rule of;

الْكُتَابُ كَالْحِطَابِ

“What is written in the same as what is said.”

So this rule is quite relevant and significant if it is related to the *sebambangan* tradition, namely that a woman leaves a Tangeplik letter in her room when she runs away during the *sebambangan* process. Tangeplik's letter is a form of notification to the woman's parents that the woman concerned is carrying out the balancing process with the man whose name and address are mentioned in the Tangeplik letter. Therefore, the notification letter (Tangeplik letter) is the same as stating the notification directly to his parents. Then the meaning of the rule *الْكُتَابُ كَالْحِطَابِ* is

everything that is written as what is spoken orally.³⁷

A simple analogy is the honesty canteen which displays the words “All Rp. 1000”, then all goods sold are for the stated price, and all buyers can pay according to the written word even if they do not say a *sighat* sale and purchase. So leaving Tangepik's letter when you want to carry out *Sebambangan* is considered the same as saying it directly to parents. This is by the 'urf rule above, especially customary law also allows it.

Furthermore, the *sebambangan* tradition will be resolved using deliberation between the prospective husband and wife's two families to discuss the amount of *Dau Balak* funds as a condition for the marriage to be carried out. The prospective wife's family's submission of *Dau Balak* funds to the future husband's family is used for wedding expenses. The husband's family must fulfill the existence of this *Dau Balak* fund requirement as a form of appreciation and respect for the family of the prospective wife who has nurtured and cared for her well, as well as a symbol of the husband's responsibility who is ready to provide for his wife. However, the nominal value of *Dau Balak*'s funds which is too high, sometimes burdens the men in fulfilling and agreeing to these conditions. Hence, the settlement of *sebambangan* towards marriage becomes difficult. In essence, Islamic law recommends making it easy for anyone who wants to get married. This is mentioned in the hadith of the prophet Muhammad SAW, narrated by Abū Dawud that “The best marriage is the simplest marriage”.³⁸ Then the *Dau Balak* funds in the *Sebambangan* tradition when analyzed with the 'urf rules are as follows:

First rule:

المَعْرُوفُ عُرْفًا كَالشُّرُوطِ شَرْطًا³⁹

“Good things that are justified by custom are the same as something that is part of the conditions.”

³⁷ Muhammad Shidqi, *Al- Wajiz Fi Idhah Qawaid al-Fiqh al-Kuliyat* (Beirut: Muassasah Risalah, 1996), 301.

³⁸ Sulaiman bin Al-Asy'as bin Ishak bin Basyir bin Syidad bin Amar Al-Azdi As-Sijistani, *Sunan Abi Dāwud*, vol. 2 (Beirut: Dar Kutub al-Ilmiyah, 1988), 101.

³⁹ Abd al-Wahab Khallaf, *Ushul Fiqh* (Beirut: Dar al-Fikr, 1986), 146.

The purpose of this rule is that customs in muamalah have binding power as a condition that is made, even though it is not explicitly stated.⁴⁰ For example, if people work together to build an orphanage, then based on custom, the people who work together are not paid, so they do not demand payment. It is different from carpenters and painters who are usually paid if he comes to a house that is being built. He works there; then he must be paid his wages like the others even though he does not require anything because the habit of carpenters and carpenters paint when he works he gets born.⁴¹

Sebambangan is an activity that has become a tradition of the indigenous people of Lampung Pepadun when they want to carry out marriages, especially for people in Melinting District, East Lampung Regency. Customary law has regulated how to resolve the *sebambangan* tradition in a peaceful and familial way. For example, in the process of determining the number of *Dau Balak*'s funds during *Bebalah/Bawasan*, the determination of a relatively high amount of *Dau Balak*'s funds often takes a long time, but this can be resolved using amicable negotiations. In essence, the nominal amount of *Dau Balak*'s funds is not rigid, so a mutual agreement will be found that will facilitate and not burden the prospective husband's family. Meanwhile, the future wife's family also did not feel humiliated by the number of *Dau Balak*'s funds. In addition, if the amount of *Dau Balak* funds have reached an agreement, the prospective husband's family cannot fulfill it directly. The *sebambangan* procession can be postponed until the future husband's family can meet the agreed amount of *Dau Balak* funds.

The process of negotiating the submission and fulfillment of *Dau Balak* funds by mutual agreement is the best way that can be accepted by the Lampung customary law community in Melinting District because the settlement of *sebambangan* by deliberation will feel more peaceful and tend to be familial. The payment of balances using consideration has also been taught in Islam, as stated in the letter Ali-Imran verse 159:

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

⁴⁰ Muhammad Abū Zahrah, *Uṣūl Al-Fiqh* (Mesir: Dār al-Fikr al-'Arabi>, 1958), 89.

⁴¹ Ahmad Jazuli, *Kaidah-Kaidah Fikih* (Jakarta: Prenada Media, 2019), 86.

"So by the grace of Allah, you (Muhammad) were gentle with them. If you were hard-hearted and harsh-hearted, they would have distanced themselves from those around you. Therefore, forgive them, ask forgiveness, and consult with them in this matter. Then, when you have made up your mind, put your trust in Allah. Indeed, Allah loves those who put their trust in him." (Ali-Imran:159)

The family traditions and agreements above are pretty relevant to the rules *المعروف عرفاً كالشروط شرطاً* so that the implementation of the *Dau Balak* tradition of funds in the *Sebambangan* process is a good tradition and can be accepted for its performance because it does not burden or harm both families, both the family of the prospective husband and the family of the future wife.

Second rule:

إِسْتِعْمَالُ النَّاسِ حُجَّةٌ يُجِبُّ الْعَمَلَ بِهَا⁴²

"What people usually do is evidence that must be practiced."

The purpose of this rule is that everything that has become a custom in the community must become a guide and be adhered to together as long as it does not conflict with religious law. In other words, if the custom is general, then it can be used as evidence in direction. This opinion was corroborated by Yūsuf al-Qarāḍawī, who stated that the trades carried out by the people in the area must be followed and implemented as long as they do not conflict with the texts of Islamic law. He continued that such conditions could be used as evidence in the area. The jurists regard this phenomenon as proof in *'urf khās*.⁴³

According to SM's explanation in the research results above, the *Dau Balak* fund in the *Sebambangan* tradition is a form of appreciation and respect for the prospective wife's family who has nurtured and cared for her well, as well as a form of gratitude and proof of the husband's seriousness in

⁴² Saif ad-Dīn Abū Hasan 'Alī bin Abī 'Alī bin Muhammad al-Āmidī, *Al-Ihkām Fi Uṣūl al-Abkām*, vol. 1 (Riyāḍ: Da'r as-Ṣamī'iy li an-Nasyr wa at-Tauzī', 1987), 120.

⁴³ Yūsuf al-Qarāḍawī, *Al-Ijtihād Fi Asy-Syarī'ah al-Islāmiyyah Ma'a Naẓārat Tahliyyah Fi al-Ijtihād al-Mu'āṣir* (Kuwait: Dār al Qalam, 1998), 79.

marrying his daughter. The following explanation of the *Dau Balak* fund by SM is proof that it was well-received by the Lampung indigenous people in Melinting District, East Lampung Regency. This act is valid proof regarding the conditions for *Dau Balak* funds in traditional Lampung marriages. So if the prospective bride and groom carry out the *sebambangan* procession, the future wife's family is given the right to apply for *Dau Balak* funds as a wedding expense, and the prospective husband's family is obliged to fulfill it based on a mutual agreement that is not burdensome.

After conducting an analysis related to implementing *Sebambangan* in terms of several exposures to the rules above, the practice of *Sembambangan* marriage can be categorized as *'urf*, which is authentic. This is because the *Sebambangan* procession does not conflict with the Shari'a, especially when a man takes a woman away from her parents' house to carry out *Sebambangan*; the man does not take her alone but with his family. Then when residing in the prospective husband's residence, the woman is guarded by the future husband's family and given special regulations according to customary law; this is done to maintain women's self-esteem and dignity so that women and men are not allowed to live alone in the same house. But also with the parents and family of the future husband.

This is in line with the hadith of the Prophet SAW regarding the prohibition of seclusion, which reads:

لَا يَخْلُونَ رَجُلًا بِأَمْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ (رواه البخاري)⁴⁴

"It is not permissible for a man to seclude himself with a woman (ajnabiyyah), unless accompanied by a mahram." (Bukhārī)

This *khalwat* prohibition applies if there is no accompanying mahram. If there are other people from his mahram, such as his father, brother, or uncle, it is not forbidden to gather in one place, as explained in the hadith above.⁴⁵ The various explanations above demonstrate that the process of carrying out *sebambangan* by taking the wife-to-be to the husband's family home is not classified as *khalwat* because when carrying away, the prospective wife

⁴⁴ al-Bukhārī, *Sahīh Bukhārī*, IV:92.

⁴⁵ Sayyid Muhammad Mūsa Tiwana, *Al- Ijtihād Wa Mazā Hajatunā Ilaih Fi Hazā al-'Aşr* (Beirut: Dār al-Fikr, n.d.), 106.

is not done alone but together with family members who have a *mahram* relationship.

Then regarding the requirements for *Dau Balak* funds in the *Sebambangan* tradition, including the customary category that can be accepted by 'urf, this is because the determination of the amount of *Dau Balak* funds is carried out by deliberation between the two families of the prospective husband and prospective wife so that the amount of *Dau Balak* funds is not decided individually. Unilaterally, but based on a mutual agreement so that no one feels aggrieved by the existence of the *Dau Balak* fund requirements. This familial process produces Indonesian Islamic values so that in the end, the process of balancing towards marriage becomes easy and fast. This fact refutes the opinion that the *Dau Balak* tradition contradicts Islamic law. The *Dau Balak* tradition is a religious tradition full of the noble values of Indonesian culture and can be categorized as authentic evidence.

Based on the analysis above, it can be said that the process of *sebambangan* and *Dau Balak* funds in the wedding tradition of the Lampung indigenous people is a good tradition and can be done because it does not conflict with religious rules. This kind of condition is by the rules:

العَادَةُ مُحْكَمَةٌ⁴⁶

“Customs can be made into law.”

The jurists think that customary boundaries that can be used for legal legitimacy are customs that do not have shari'a (*qayyid syar'i*) or language (*qayyid lughawi*) boundaries if shari'a only provides general provisions. The limits are left to the regulations customs. For example, in the term *muqaranah 'urfyyah* or aligning intentions in takbiratul ihram, namely the effort to present the form of prayer in the heart globally (*isthidhar al-'urfi*) when takbiratul ihram is carried out. In this case, neither the texts nor the validity rules provide a definite limit regarding the "simultaneous" between the beginning to the end, the middle to the end, or the end of takbiratul ihram. Because the texts do not provide boundaries, assessing

⁴⁶ Ammi Nur Baits, *Pengantar Kaidah Fiqih Kubro* (Muamalah Publishing, n.d.), 111, https://www.google.co.id/books/edition/Pengantar_Kaidah_Fiqih_Kubro/hHwmEAAAQBAJ?hl=id&gbpv=1&kptab=overview.

"simultaneous" intentions and takbiratul ihram is left to the general practice between meanings in all takbirs; some takbirs can be the beginning of the end of Takbir.⁴⁷

The *Sebambangan* tradition, as an effort to apply for blessing towards marriage, does not have definite provisions on how or the process of its implementation in Islamic law, so customary law has the right to regulate it as long as the conditions are made do not conflict with Islamic law.

This is also confirmed in the rule:

كُلُّ إِسْمٍ لَيْسَ لَهُ حَدٌّ فِي اللُّغَةِ، وَلَا فِي الشَّرْعِ، فَالْمُرْجِعُ فِيهِ إِلَى الْعُرْفِ 48

"Every action that has no limitations, both in language and in the Shari'a, will be returned to him through custom or habit."

CONCLUSION

This study indicates that the *sebambangan* procession that carries away the prospective wife in the Lampung traditional wedding tradition is not against Islamic law because in practice, there is a notification addressed to the future wife's family. In addition, this *sebambangan* process is carried out by the prospective husband and wife. Still, they are accompanied by relatives or relatives who understand the tradition, and the person concerned guarantees that the future husband and wife will not commit acts prohibited by religion. While the nominal *Dau Balak* proposed by the family of the prospective wife is a symbol of gratitude for the responsibility of the prospective husband in providing for his wife in the future. *Dau Balak* also means thanking the future wife's family who gave up her child for marriage. If there is no agreement regarding the number of *Dau Balak*, then deliberation is carried out to find a mutually beneficial solution for both parties. The community members of Melinting District maintain this Lampung traditional marriage tradition East Lampung Regency. The act is included in the 'urf sahih category because, in every practice, its implementation is by Islamic law.

⁴⁷ Ramdan Fawzi, "Aplikasi Kaidah Fikih اعداءكم في مجالسهم Dalam Bidang Muamalah," *Amwaluna: Jurnal Ekonomi Syariah* 2, no. 1 (2018): 150.

⁴⁸ Muhammad Musthofa Az-Zahili, *Al-Qawaid Fiqhiyyah Wa Tathbiqatuba Fi Madzahibu Al-Arba'ati* (Damaskus: Dar al-Fikr, 2006), 314.

REFERENCES

Al-Qur'an al-Karim

- Amanda, Claudia, Putri Kharisma Milandhiksyah, Jesslyn Ozora Yostofa, Kirana Assalavia, and Mustika Kusuma Wardhani. "Tradisi Sebambangan Dan Eksistensinya Bagi Masyarakat Muslim." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 923–930.
- al-Āmidi, Saif ad-Din Abū Hasan 'Ali bin Abi 'Ali bin Muhammad. *Al-Ihkām Fi Uṣūl al-Ahkām*. Vol. 1. Riyāḍ: Da>r as-Ṣami'iy li an-Nasyr wa at-Tauzi', 1987.
- As-Sijistani, Sulaiman bin Al-Asy'as bin Ishak bin Basyir bin Syidad bin Amar Al-Azdi. *Sunan Abi Dāwud*. Vol. 2. Beirut: Dar Kutub al-Ilmiyah, 1988.
- Az-Zahili, Muhammad Musthofa. *Al-Qawaid Fiqhiyyah Wa Tathbiqatuha Fi Madzahibu Al-Arba'ati*. Damaskus: Dar al-Fikr, 2006.
- Az-Zuhaili, Wahbah. *Ushul Al-Fiqh al-Islam, Juz II*, Bayrut: Dar al-Fikr, 1986.
- Baits, Ammi Nur. *Pengantar Kaidah Fiqih Kubro*. Muamalah Publishing, n.d. https://www.google.co.id/books/edition/Pengantar_Kaidah_Fiqih_Kubro/hHwmEAAAQBAJ?hl=id&gbpv=1&kptab=overview.
- al-Bukhārī, Abū 'Abd Allāh Muḥammad ibn Ismā'il ibn Ibrāhīm ibn al-Mughīrah ibn Bardizbah al-Ju'fi. *Sḥābi>h Bukha>ri>*. Vol. IV. Beirut: Da>r Kutub al-Ilmiyah, n.d.
- Demak, Rizki Perdana Kiay. "Rukun Dan Syarat Perkawinan Menurut Hukum Islam Di Indonesia." *Lex Privatum* 6, no. 6 (2018): 122–129.
- Fawzi, Ramdan. "Aplikasi Kaidah Fikih العادة محكمة Dalam Bidang Muamalah." *Amwaluna: Jurnal Ekonomi Syariah* 2, no. 1 (2018): 147–167.
- Hadikusuma, Hilman. *Masyarakat Dan Adat Budaya Lampung*. Bandung: CV. Mandar Maju, 1990.
- Halomoan, Putra. "Penetapan Mahar Terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam." *JURIS (Jurnal Ilmiah Syariah)* 14, no. 2 (October 18, 2016): 107–118.
- Hariadi, Lalu Muhammad. "Islam Sasak: Sebuah Manifestasi Fikih-Budaya."

- Jurnal Schemata* 6, no. 6 (2017): 155–166.
- Ilyas, Muhammad, and Dewi Ayu Maharani. “Konsep Kepribadian Islam Menurut Taqiyuddin An Nabhani.” *Jurnal Islamika* 2, no. 2 (2019): 132–143.
- IR, November 16, 2021.
- Jazuli, Ahmad. *Kaidah-Kaidah Fikih*. Jakarta: Prenada Media, 2019.
- JH, November 14, 2021.
- Khallaf, Abd al-Wahab. *Ushul Fiqh*. Beirut: Dar al-Fikr, 1986.
- Mayasari, Deviana. “Tradisi Merariq Pada Masyarakat Desa Batunyala Lombok Tengah.” *Civicus: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 2 (September 30, 2016): 78–86.
- Melalatoa, Muhammad Junus. *Ensiklopedi Suku Bangsa Di Indonesia Jili LZ*. Jakarta: CV Eka Putra, 1995.
- Nur, Muhammad Tahmid, Anita Marwing, and Syamsudin. *Realitas 'Urf Dalam Reaktualisasi Pembaruan Hukum Islam Di Indonesia*. Pamekasan: Duta Media Publishing, 2020.
- al-Qaraḍāwi, Yūsuf. *Al-Ijtihād Fi Asy-Syari>'ah al-Islāmiyyah Ma'a Nazārat Tabliyyah Fi al-Ijtihād al-Mu'āṣr*. Kuwait: Da>r al Qalam, 1998.
- Qomar, Nurul. *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal*. Makassar: CV. Social Politic Genius (SIGn), 2020.
- Roveneldo. “Prosesi Perkawinan Lampung Pepadun: Sebagai Bentuk Pelestarian Adat Lampung.” *Ranah: Jurnal Kajian Bahasa* 6, no. 2 (2017): 220–234.
- Rukajat, Ajat. *Pendekatan Penelitian Kualitatif (Qualitative Research Approach)*. Yogyakarta: Deepublish, 2018.
- Salim, Mujiburrahman. “Konsep Keluarga Masalah Perspektif Lembaga Kemaslahatan Keluarga Nahdlatul Ulama (LKK NU).” *Jurnal Al-Mazahib* 5, no. 1 (2017). <http://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1392>.
- SB, November 13, 2021.
- SE, November 12, 2021.
- Shidqi, Muhammad. *Al- Wajiz Fi Idhah Qawaid al-Fiqh al-Kuliyyat*. Beirut: Muassasah Risalah, 1996.
- SM, November 17, 2021.
- Sucipto. “Urf Sebagai Metode Dan Sumber Penemuan Hukum Islam.” *Asas*

- 7, no. 1 (2015): 25–40.
- Suparta, Riyeen Gusti. “Tradisi Uang Ilang Sebagai Hukum Adat Dalam Pelaksanaan Pernikahan Di Nagari Campago Selatan.” *JURIS (Jurnal Ilmiah Syariah)* 17, no. 1 (June 30, 2018): 99–115.
- Tahir, Muhammad, and Stephan Larmar. “Conceptualizing the Development of Personality in Children: An Analysis of Islamic Philosophy and Contemporary Western Psychology.” *Jurnal Agathos* 11, no. 1 (January 2020): 177–186.
- Tiwana, Sayyid Muhammad Mūsa. *Al- Ijtihād Wa Mazā Hajatunā Ilaih Fi Hażā al-‘Aşr*. Beirut: Da>r al-Fikr, n.d.
- Wajardi Dharmabrata, and Ardhi Wibowo. *Psikiatri Forensik*. Jakarta: Buku Kedokteran EGC, 2003.
- Wandi, Sulfan Wandu Sulfan. “Eksistensi ’Urf dan Adat Kebiasaan Sebagai Dalil Fiqh.” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 2, no. 1 (May 5, 2018): 181–196.
- Zahrah, Abu. *Ahwal Asy-Syakhsiyah*. Cairo: Dar al Fikr, 1957.
- Zahrah, Muhammad Abū. *Uşūl Al-Fiqh*. Mesir: Dār al-Fikr al-‘Arabi>, 1958.
- Zulaikha, Siti, Muhamad Nasrudin, and Enny Puji Lestari. “Dialectic of Public Sphere vs. Private Sphere in Millennial Families in Lampung Customary Law Community.” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (December 26, 2021): 928–956.
- Kompilasi Hukum Islam*
Undang-Undang Dasar 1945
Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan