

Implementation of Semendo Traditional Marriage to the Semendo Communities in Rejang Lebong: Socio Normatif Study

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Abstract. The research in this thesis uses a qualitative descriptive method regarding the implementation of the semendo marriage system for the semendo community in Curup Rejang Lebong studied through socio-normative theory. Sociologically, the agreement on determining the amount of dowry and delivery as well as the implementation of the fulfillment of the rights and obligations of husband and wife in the Semendo traditional marriage for the Semendo community in Rejang Lebong no longer follows the customs ('urf) of their region of origin, because it is influenced by science/education, religious understanding, and association. Whereas normatively the agreement on determining the amount of dowry and delivery as well as the implementation of the fulfillment of the rights and obligations of husband and wife in the Semendo traditional marriage for the Semendo community in Rejang Lebong does not violate the rules of Islamic family law because its application is in accordance with the theory of legal istinbat al-'urf shohihah and masalah mursalah adh- dhoruriah.

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Introduction

Marriage is something important in the history of human life in this earth as a basic right of legal biological canalization and the facility to get the children as call as humans being. Marriage according to Islamic law is a sacred and worshipful act due to the practice of one of Allah's commands to practicing one of the commandments of Allah SWT which is the sunatullah which applies to all other creatures, both humans, animals and plants. Humans are ordered to marry (Law No. 1 of 1974) because they are expected to be able to protect themselves from immoral acts because humans are the most perfect creation of God compared to other creatures of His creation. To maintain human honor, dignity and glory, Allah swt gave the rule of law, so humans can built a family life, (Nasution 2021) have a household and be related properly according to marriage regulations, both religious regulations and government regulations. Marriage aims to respect each other, share love and affection because marriage is a very strong bond in order to

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obey and carry out Allah's commands as worship so that life is *sakinah, mawaddah warohmah*, (KHI). The meeting between men and women is not accidental because it has been arranged by Allah, Allah has created his creatures in pairs. Humans are ordered to marry in order to make ends meet ([Abu al Husain Muslim Ibn al Hajjaj al Qusyairi. Tth](#)). In addition, Marriage is a very important event in the life of the community, because marriage not only involves the bride and groom, but also involves the affairs of both sides of the family, their relatives and the community ([Nurhotman, Indrawadi, Fatmariza, & Putra, 2022](#)). Even, in the traditional Rejang marriage ceremony organized by parents for each of their children. It can also be said to be a ceremony of "releasing the debt" of parental obligations towards children ([Arso, 2021](#)).

The function of the head of the family is to protect family members so that they feel comfortable and safe. Marriage ([Al Qurān al Karim surah An Nisa' verses 32-33](#)) is not only for the permissibility of having sexual intercourse between a man and a woman, but also includes its goals and legal consequences. The values and norms contained in Islamic teachings have been reconstructed through a dialectical process of human understanding to create a legal system, which functions as social control and sometimes as social engineering. This system then regulates and guides human behavior in carrying out the wheel of life, whether related to religion, politics, economics, social, culture and or family.

In Indonesia, there are unwritten rules that are closely related to the culture of society, called customary law. Non-statutory law is rule that not contained in the law even though it is written but is still said to be non-statutory. Only a small part of customary law is written and most of it is unwritten. Therefore, the rules of customary law, especially marriage in various regions of Indonesia, vary based on the nature of society, customs, geographical location and people's beliefs. This difference is a blessing that Allah SWT has given to mankind so that they know each other, complement it as a vessel that supports the progress and development of the times.

someone who belongs to a Malay ethnic family in marriage ties is called a *Semendo* because the principle of heredity in the Malay tribe no longer determines special ties, when someone is going to get married usually what is chosen is the balance of hereditary rights between men and women. The various *Semendo* marriage systems reflect a variety of marriages that have meaning with child-taking marriages, although with different variations.

The application of the *Semendo* system of marriage to the Indonesian Malay ethnic community differs between meaning and theory, this occurs because of shifts in the behavior of the people, and the relationship to their domicile, there are differences even in one family. The *Semendo* people are part of the Malay tribe who inhabit *Muara Enim* district, to be precise in the *Semendo Darat Laut*, *Semendo Darat Tengah* and *Semendo Darat Ulu* sub-districts. The *Semendo* community in the process of building a household will immediately focus on the *Semendo* system of marriage which is very strong in the community, what is known as "*Tunggu Tubang*"

(Mahdi 2019). The current Semendo system of traditional marriage is very different from the Semendo system of Malay's general regulation marriage.

The differences that exist in each region, especially regions in Indonesia, are reasonable and should be respected because marriage according to the customs of various regions in Indonesia is not only a civil agreement, but also a traditional agreement and at the same time an agreement of kinship and neighborliness. Hilman Hadikusuma (2007) said that this engagement shows that the marriage bond will have the rights and obligations of the husband and wife, joint property, the position of the child, the rights and obligations of the parents, the relationship between inheritance customs, kinship, neighborly kinship, traditional and religious ceremonies. Customary law is also useful for regulating marriage procedures among people in each region who adhere to different principles and principles. Ministry of Education and Culture (1990) states that the uniqueness of the Semendo marriage system model is the main point of research in this thesis. This research is devoted to the Semendo community in Rejang Lebong Curup Regency in implementing the Semendo marriage system in sociological and normative studies.

Method

The type of research used in this study is a qualitative type that explains socio-legal studies (regulations in the field) about semendo traditional marriage for semendo people in the town of Curup Rejang Lebong. The reason for choosing this research is because qualitative research produces analytical descriptive data regarding spoken words, writing and also the observed behavior of the people studied (Bogdan & Tailor 1992). For this reason, qualitative research in this study aims to find and understand what is hidden in the semendo marriage system which seems difficult to understand. Therefore, with qualitative research, the researcher reveals the phenomenon of the semendo marriage system for the semendo community in the town of Curup Rejang Lebong in order to illustrate the real reality in the field. Because this decision was taken in relation to the research process that would be carried out in natural conditions, directly to the data source of the semendo marriage system for the semendo community in the town of Curup Rejang Lebong and the researcher was the key instrument. Therefore, that researchers are able to produce data, both in the form of in-depth speech / description of the semendo marriage system lived, as well as direct behavior during observations in the field from a whole, comprehensive and holistic point of view.

This research requires various data sources, namely primary data sources, secondary data sources and tertiary data sources. Primary data sources are data related to explanations and information directly obtained through interviews and observations from the Semendo community in Rejang Lebong, both perpetrators (marriages between Semendo people, waiting tubang and not waiting tubang), traditional leaders, religious leaders, and the Semendo community. Furthermore, secondary data sources are customary books such as; a. Principles of Customary Law An Introduction to the Bilateral-Parental System (Sociological-Juridical View); b.

Lampik Empat Mandike Duwe Sind Sind. Lampik Empat Mandike Duwe Sindang Medeke to the Town of Struggle; c. Indonesian Customary Law; d. Existence in the Dynamics of Legal Development in Indonesia reviewing Customary Law in Indonesia An Introduction to Studying Customary Law; and so forth. Then, Fiqh books, Ushul Fiqh, Law No. 1 of 1974 concerning Marriage, Compilation of Islamic Law. The research informants were selected through purposive sampling because based on the consideration that the researcher already knew the people who were included in the criteria; Semendo people who married fellow Semendo. Those who live in Rejang Lebong. The existence of the Semendo community is well known. Those who are willing to accept, provide information and allow researchers to conduct research because it is data source (informants) in qualitative research according to Suprayogo and Tabrani (2001). This technique was chosen based on the researcher's rational consideration that the informant has the authority and competence to provide information or data.

Last, the steps in data analysis are carried out continuously, starting from formulating problems before going to the field, then compiling, classifying, analyzing and interpreting data in patterns and relationships between concepts and formulating in other elements so that they are easy to understand and understand from the beginning until the research ends. In addition, the criteria that the researchers mentioned above are expected to be a tool in determining the validity of the research data that researchers collect from the field, however, accuracy and thoroughness in checking are needed so that the validity of the research results is guaranteed. In fact, the existence of supervisor 1 and supervisor 2 plays an important role in the completion of this research and provides an assessment regarding the validity of data both transferability and dependability through an intensive guidance process.

Results and Discussion

The Semendo community living in Rejang Lebong is only a small part that still applies the Semendo marriage system of regional origin "tunggu tubang" according to 10 research informants that researchers interviewed and observed only no more than 05%, while the rest have abandoned the marriage system even though the name is still the same, namely the Semendo system of "tunggu tubang". Everything that is the husband's obligation is the wife's right, including material things such as getting dowry and maintenance and non-material things such as relationships, good treatment and justice. Then what is the obligation of the wife is the right of the husband. The wife has a right that is balanced with her obligations, maintaining the chastity of her husband's relationships.

Almost all research informants stated that in determining the amount of dowry for those who still have a strong understanding of the original Semendo custom, the level of dowry is determined through deliberations of the extended families of the two parties. Dowry in the Semendo community is synonymous with gold. The size of the ring weight is well known to the people of South Sumatra by using the word

"sesuku" (a term for gold weighing 6.7 grams) which usually the higher the level of social status of the woman's family, the higher the dowry. Then about the level of both the shape, quality and type of delivery items (hantaran) are studied and analyzed by the nuclear family of the prospective bridegroom, it can be in the form of buffalo as an addition to the side dishes during the wedding party, daily necessities, related kitchen items, bedroom needs and other furniture.

Meanwhile, the Semendo community, whose understanding of customs has developed along with the times, has an impact on determining the level of dowry and or 'hantaran' adjusted to the understanding of the progressive community. This means that it is adjusted to the modern era, and does not rely on custom anymore. As for the Semendo community living in Rejang Lebong, only a small proportion still apply the Semendo marriage system of regional origin "tunggu tubang" according to 10 research informants interviewed and observed only no more than 05%, while the rest have abandoned the marriage system even though the naming is still the same, namely the Semendo system of "tunggu tubang".

A Socio-Normative Analysis of the Determination of Dowry Rates and Deliveries

Socio-normatively, it can be understood that the Semendo community comes from a very religious society, both from the area of origin, namely Muara Enim district and in the new place, namely Rejang Lebong. The Semendo community in Rejang Lebong Curup actively participates in community activities; attending invitations for thanksgiving, weddings and so on, and religious prayers in congregation, PHBI, recitation, activities for organizing funerals and other activities.

If it is carefully understood that a man who marries a first-born woman in his family who then has the status of waiting for a tubang, is still required to pay a dowry to the bride even though the amount is determined together and it can be understood that the marriage is in an honest system, patrilineal kinship. Honest marriages must be paid by the male party in legal societies that maintain fatherly lineage or kinship. Because the content of the meaning of the honest marriage system in order to strengthen or ransom that the wife follows and settles in the environment of her husband's relatives, rights and powers in the family environment of relatives and the husband's social status is higher than his wife, children enter the husband's relatives and the husband controls the property, there is no joint property (Sanusi, 1984). This is different from the implementation process in Uraso village, which occurs due to several interesting factors as well as the naur sesangi factor and the two matchmaking factors. Even in a nyentana marriage, the man who enters into the marriage does not have the right to inheritance where all inheritance is handed over to his wife and on behalf of his wife, in this case from the man who is nyentana, does not also have the right to custody of his child if there is a conflict in his household. The position of men here does not have any rights if there is a divorce in a nyentana marriage (Rahman, 2023). While, payment (dowry) actually aims to release the wife from her kinship environment and move to her husband's kinship environment, so with the transfer of the wife's kinship to the husband's kinship, the wife's kinship occurs magical disempowerment. Honest payment can be interpreted

as a gift into a religious-magical atmosphere to maintain the balance of the relationship between the two parties, so the understanding that payment is the purchase price of the wife is an erroneous opinion. However, in the Semendo community, the man is the one who is obliged to pay the dowry to the man and the wait-tubang woman is higher than the man and the man marries her, so the man or husband is a servant for his wife and family, the husband must earn a living for the extended family that exists and lives in the house of the wait-tubang inheritance, washing, cooking, and other work related to household chores. Thus, the honest system becomes dim and blurred, so the researcher concluded that the honest-based semendo system marriage carried out by the semendo community even though it has shifted from the original, the marriage is named semendo marriage pseudo-honest system, and inverted patrilineal kinship system (Nurdin, 2019).

The patrilineal system is pure when it is in the husband's family of origin. This refers to the amount of dowry determined based on the agreement of both parties of the prospective bride and groom, while the determination of the level of dowry when viewed based on socio normative is in accordance with and or does not violate the rules of custom and religion. This can be proven that in customary or social terms it is explained that based on the agreement of the two prospective brides. The Qur'an explains that "give them their dowries (in full), as an obligation; and there is no blame on you for something that you have mutually agreed upon". In addition, funds or goods are socially normative as an appreciation or respect for the social status of a person in the customs of a region and it does not violate the rules according to Islamic legal thought, namely al urf. Custom or urf can be used as a legal basis if it contains benefit and is shohih (Ahmad, 1964). It is said to contain maslahah when it does not violate five things, namely those included in this benefit are maintaining religion, maintaining the soul, maintaining the mind, maintaining offspring and maintaining property. Thus, it is clear that the determination of the amount of dowry and 'hantaran' in the marriage of the Semendo community in the town of Curup Rejang Lebong does not violate Islamic law because it does not burden the prospective husband, on the basis of deliberation, the family sincerely accepts it. And socially, the determination of the level of dowry and also the bride price is understood to have not carried out the customs or customs of the people living in rural Muara Enim. Thus, he 'urf that applies is categorized as 'urf shohih and contains benefits in accordance with the theory of maslahah mursalah.

The implementation of the rights and obligations of husband and wife in the semendo marriage system by the semendo community in the town of Curup Rejang Lebong Curup in accordance with the theory of *receptio in complexu* (Talib, 2013) applies in accordance with their beliefs, namely Islam, so that the law that lives in the semendo community in the town of Curup Rejang Lebong which is entirely Muslim is Islamic law. For this reason, the rights and obligations of husband and wife that are carried out are in line with the theory of rights and obligations desired in Islam, namely the husband is obliged to provide maintenance, clothing and protection to his wife and children according to a *ma'rūf* measure.

In household life, an atmosphere must be created that feels mutual love, mutual compassion, mutual love, mutual protection and mutual affection, so that no party in the household commits beatings or other forms of violence. Husbands and wives are couples who have a relationship of partnership, partner and equal place themselves from each family in their position, proportional and balanced in household life. Socio-normatively, the implementation of the rights and obligations of married couples in the Semendo community in the town of Curup Rejang Lebong does not follow the customs of the Semendo community who live in their home area, namely Muara Enim. The shift occurs due to the influence of deeper religious knowledge, wider socialization, and higher education level. This line with Sukirno, Sudaryatmi, & Pasaribu's (2017) study, they indicate the factors that led to the development of this marriage system are education, overseas and globalization. This is in line with Fitriana & Nisa's (2020) statement that along with the rapid development of social media technology, ethnic Bugis are willing to open themselves to recognize and accept other ethnicities as life partners. But in simple terms, Hanapi (2018) found that the traditional *merarik* marriage system in Lombok has been influenced by elements of Islamic teachings. In addition to the many influences of Balinese Hindu culture on the cultural aspects of Lombok society, there are also influences that come from Javanese culture.

Based on this discussion, it can be seen that there are many marriage systems in Indonesia that have different characteristics from one another. However, as the times develop, the marriage system also develops due to various factors both internal and external to the region or tribe. In addition, the most important thing is that the process of implementing the marriage does not violate the law as regulated in the Marriage Act. no. 1 of 1974 was born as a government effort to create legal unification to resolve the legal uncertainty surrounding matrimonial matters (Tan & Sari, 2019) and the Marriage Act. no. 16 of 2019 concerning Amendments to the Marriage Act. no. 1 of 1974 concerning Marriage (Novitasari, 2021).

Conclusion

Sociologically, the agreement to determine the amount of dowry and 'hantaran' as well as the implementation of the fulfillment of the rights and obligations of husband and wife in Semendo traditional marriage for the Semendo community in Rejang Lebong no longer follows the customs of the area of origin because it is influenced by science and education, understanding of diversity, and association. Meanwhile, normatively, the agreement to determine the amount of dowry and hantaran as well as the implementation of the fulfillment of the rights and obligations of husband and wife in Semendo traditional marriage for the Semendo community in Rejang Lebong does not violate the rules of Islamic family law because its application is in accordance with the theory of legal *istinbat al-'urf shohihah* and *masalah mursalah adh-dhoruriah*.

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