

Local wisdom in *Sebambangan* traditional marriage practices: A *maqāsid sharī'ah* perspective

Zulkarnain

Institut Agama Islam Negeri Langsa, Indonesia
E-mail: zulkarnaingure@gmail.com

Habib Iman Nurdin Sholeh

Majelis Hukum dan HAM Pimpinan Wilayah Muhammadiyah Jawa Tengah, Indonesia
Email: habibhns1303@gmail.com

Ahmad Zaenul Muttaqin

Universiti Islam Sultan Sharif Ali, Brunei Darussalam
Email: akbmadzaenulmuttaqin@gmail.com
DOI: 10.18326/ijtihad.v24i1.119-137

This research examines the traditional marriage custom of *Sebambangan* in Lampung. It involves a man abducting the girl he intends to marry without the consent of her family and taking her to his family's residence. This socio-legal research gathered data through interviews with traditional leaders, indigenous community members, and religious figures. *Maqāsid Sharī'ah* is used as an analytical tool to address the social problems arising from the practice of *Sebambangan* marriage. The finding reveals that Lampung culture and Islam have been acculturated into the social system. The traditional marriage system in Lampung can be divided into two types: marriage through a formal proposal process, which is conducted as a grand traditional ceremony (*gaweī besar*) or a simpler traditional ceremony (*gaweī kecil*), and marriage without a formal proposal process, known as *keavin larian* (elopement), or in Lampung terms, *keavin Sebambangan*. It is part of the local cultural wealth; however, the series of traditional marriage processes must respect the applicable legal provisions and consider the main purpose of marriage. The *Sebambangan* marriage tradition, with its various

processes, currently lacks the value aspects found in *maqāsid shari'ah*, especially the preferences of *hifẓ an-nafs*, *hifẓ al-'aql*, and *hifẓ al-'irdh*. It is hoped that the *Sebambangan* tradition, as a local cultural and wisdom asset in Lampung, can pay more attention to and consider important aspects of marriage, such as the *maslahah* (well-being) value, the main purpose of marriage in religion, and the protection of a sense of justice, so that local wisdom can be preserved and does not become a social problem for the community. This research is expected to serve as a reference for stakeholders to evaluate and oversee the practice of cultural preservation in harmony with universal values, such as well-being and justice.

Penelitian ini mengkaji tentang tradisi perkawinan adat *Sebambangan* di Lampung. Perkawinan dengan cara melarikan gadis yang akan dinikahi oleh seorang laki-laki yang tidak mendapatkan restu dari pihak keluarga perempuan ke kediaman keluarga laki-laki. Penelitian ini merupakan penelitian sosio legal. Data penelitian diperoleh dari wawancara dengan tokoh adat, masyarakat adat, dan tokoh agama. *Maqāsid Shari'ah* digunakan sebagai pisau analisis terhadap problem sosial yang terjadi pada praktik perkawinan *Sebambangan*. Hasil penelitian mengungkapkan bahwa budaya Lampung dan Islam telah terakulturasi dalam sistem sosial. Sistem perkawinan adat di Lampung dapat dikelompokkan menjadi dua, yakni perkawinan melalui proses lamaran yang dilakukan dalam bentuk upacara adat besar (*gawei besar*) atau upacara adat yang sederhana (*gawei kecil*) dan perkawinan yang dilakukan tanpa proses lamaran atau disebut dengan *kawin larian* yang dalam istilah Lampung disebut dengan *kawin Sebambangan*. *Kawin Sebambangan* merupakan bagian dari kekayaan budaya lokal, namun demikian rangkaian proses perkawinan yang dilakukan secara adat perlu mengindahkan ketentuan hukum yang berlaku dan memperhatikan tujuan utama dari perkawinan. Tradisi kawin *Sebambangan* dengan berbagai prosesi di dalamnya saat ini kehilangan aspek nilai yang terdapat dalam *maqāsid shari'ah*, terutama preverensi *hifẓ an-nafs*, *hifẓ al-'aql* dan *hifẓ al-'irdh*. Hendaknya tradisi *Sebambangan* sebagai kekayaan budaya dan kearifan lokal yang ada di Lampung bisa lebih memperhatikan dan mempertimbangkan aspek penting dalam perkawinan, seperti nilai kemaslahatan, tujuan utama perkawinan dalam agama, serta perlindungan terhadap rasa keadilan agar kearifan lokal bisa dilestarikan dan tidak menjadi problem sosial masyarakat. Penelitian ini diharapkan menjadi acuan stakeholder untuk mengevaluasi dan mengawasi praktik pelestarian budaya agar selaras dengan nilai-nilai universal, seperti kemaslahatan dan keadilan.

Keywords: *hifẓ al-'irdh*; *local wisdom*; *maqāsid shari'ah*; *Sebambangan tradition*

Introduction

The practice of marriage in Indonesia becomes an interesting study because Indonesia is a country with cultural diversity, including the customs and traditions of marriage practiced in many region (Ridlo, Rosyadi and Muthoifin, 2022). Such a tradition or culture is respected by society because it has unwritten values and norms and is inherited from generation to generation (Herrera and Heras-Rosas, 2021). The complexity of marriage in

Indonesia is a logical consequence of the diversity of tribes, religions, races, and groups, as well as their different customary laws. Every tribe and culture in Indonesia has wisdom in processing and arranging the marriage system (Adon, 2021). Each community or tribe has its own rules and procedures for implementation (Saiin and Armita, 2019). This tradition influences the rules and norms that govern the actions of others, thus becoming customary (Bakibinga and Gaswaga, 2020).

The term traditional marriage, which is popular in Indonesia, has various forms and terms, such as elopement, contract marriage, and capture marriage. Each region has its term for these forms; elopement in Lombok is called *Meruriq* (Fibrianti and Yuliati, 2020), *Mombolasuako* in South Konawe Regency (Sista, Niampe and Nurtikawati, 2019), and in Muna Regency, Southeast Sulawesi, it is called *Silayyang* (Ratna, Basri dan Melamba, 2019). In addition, there is also a traditional form of marriage based on local wisdom in the form of captive marriage, as is the case with the Sumba tribe in the East Nusa Tenggara under the name *Pati Rambang* (Doko, Suwetra and Sudibya, 2021) and in the North Lampung district under the names *Selarian* or *larian gadis* or *Sebambangan*. The distinction between *Pati Rambang* and *Sebambangan* occurs in the customary procession. *Pati Rambang* capture marriage involves coercion against women, including physical violence and sexual harassment, psychological pressure, and negative social stigma (Doko, Suwetra and Sudibya, 2021). In the tradition of *larian* or *Sebambangan*, obstacles are more related to customs and parental approval, although there have been cases of criminal offenses involving minors (Angkupi, 2015).

Lampung is a region with a unique culture and customs that serve not only as entertainment but also as the pride of an ethnicity (Hanifah, Wijaya dan Zube, 2019). The cultural uniqueness is evident in the execution of the customary wedding ceremony. The life of the people in Lampung is an embrace of the Islamic religion and a firm holder of the traditional system in marriage (Amanda et al., 2021). Many customary marriages are practiced in the Lampung, such as *ngibal serbou*, *bumbang aji*, *itar wawai* and *Sebambangan* (Kesuma, Hakiki and Shomad, 2022). *Sebambangan* is a marriage practice where the young man (groom-to-be) elopes with the girl he intends to marry to his family's home (Amanda et al., 2021). This tradition is an effort to gain the parents' approval (Hanifah, Wijaya and Zube, 2019).

The discourse on the *Sebambangan* tradition is attractive for research because marriage customs in Lampung are part of the local wisdom phenomenon practiced by the indigenous community. The local government has maintained this cultural tradition through legal instruments such as Regional Regulation Number 2 of 2008 on Cultural Strengthening and Preservation. However, in practice, certain processes are still not fully aligned with universal values, as highlighted by previous researchers who critically pointed out issues related to human rights problems (Angkupi, 2015; Apriana and Silvia, 2022; Sonafist and Yuningsih, 2023) and feminist discourse (Setiawati and Lessy, 2022; Sutrisno, 2023; Sutrisno, 2023 Fakhria, Afyuddin and Alias, 2023). The researchers are interested in investigating the intersection between this local wisdom and the *maqāṣid shari'ah* discourse (Agustina, 2023). This paper will attempt to discuss dialogically whether the *Sebambangan* tradition, as a social phenomenon, has considered the protection of women's rights and is relevant to be practiced, or if it needs modification to consider the discourse on the protection of women's rights as part of *maqāṣid shari'ah*.

Method

This research is socio-legal in nature, a study that combines legal science with social science, using a multidisciplinary approach to interpret law, legal phenomena, and the relationship between the two (Creutzfeldt, 2020). The method used is qualitative, which is a method for investigating people's experiences in detail using a specific set of research methods, such as in-depth interviews (Hennink, 2020).

This study examines the phenomenon of social change in marriage practices due to the developing social dynamics. Research data is obtained from interviews with traditional leaders, religious figures, and local community members in North Lampung. In addition to primary data, secondary data in the form of literature reviews is also used to enrich and strengthen the research theme. This research aims to present qualitative data, information, and analysis related to the *Sebambangan* tradition in North Lampung Regency.

The theory used in the research is *maqāṣid shari'ah*. It is commonly used to bridge Islamic teachings with values that develop in modern society, such as justice, equality, and human rights (Tohari and Kholish, 2020). The researchers used the theory of *maqāṣid shari'ah* to

connect the *Sebambangan* tradition practiced in North Lampung as a social phenomenon with the values of equality and human rights.

Local wisdom in marriage traditions in Indonesia

Local wisdom can be understood as evidence of the behavior of local communities that shows the diversity of societal behaviors, containing values, norms, and customs. The manifestation of local wisdom includes two aspects: tangible local wisdom, which encompasses value systems, procedures, and specific regulations, and intangible local wisdom, such as oral traditions passed down through generations, including songs, advice, or other forms (Plirdpring and Ruangrajitpakorn, 2022)

Bewa Ragarino records several terms for traditional marriages in Indonesia: first, '*kawin lari*' (elopement), which is a marriage conducted by the prospective couple in their own chosen manner, often to avoid the necessity of paying a *jujur* (bride price) or because the parents do not agree, and to avoid complicated procedures. Second, '*perkawinan bawa lari*' (abduction marriage), where a young man abducts a girl who is already engaged or a married woman (kidnapping). Third, '*nyalindung kegelung*' marriage, where a rich woman marries a poor young man. Fourth, '*manggi kaya*' marriage, which means a marriage between a husband and a poor wife. Fifth, '*ngarah gawe*' marriage, where a young, unmarried girl lives in her in-laws' house; they cannot live as husband and wife until the wife is of age. Sixth, '*kawin gantung*' marriage, arranged by both sets of parents while the couple is still underage. Seventh, '*semendo ambil anak*' marriage, where the marriage is arranged so that the son-in-law becomes like their own child (Ragawino, 2008).

The tradition of *kawin tangkep* (capture marriage) is a form of marriage that occurs after the capture of a man and a woman who are not legally related and are suspected of planning to engage in marital relations. Once the local community becomes aware of the couple, with indications pointing towards marital activities, the community usually captures and marries them off suddenly for various reasons that compel them to do so, as the act is considered inappropriate according to their religious and community standards. This tradition is seen in places like Pekalongan Village, Sampang District, Madura Regency, East Java Province. The local community refers to it as '*Kawin Tangkep*' (Amin and Mudhi,

2021). The capture marriage tradition is not only practiced in Madura but also exists in several other regions with various processes.

In addition to the '*kevin tangkap*' tradition, there is also a local wisdom practice of elopement in Indonesia known as '*kevin lari*'. One example of an area that practices this tradition is the Sasak tribe in Lombok, with the term '*Merariq*'. This tradition involves a form of marriage where if a man wishes to marry a woman, he must elope with her to his house or a place known only to him, without the knowledge of the woman's family or relatives. The term '*Merariq*' in the Sasak language is interpreted as a series of actions taken before the marriage is conducted. The process begins with a girl being eloped from the supervision of her parents or guardians, and it is also the initial step of the marriage process. Some also interpret '*Merariq*' as an act of stealing. In the Sasak language, it is understood as stealing a girl from someone's supervision, including that of her parents (Mucharom, Yuspin and Absori, 2022).

The local wisdom revealed in the marriage processes practiced in various regions of Indonesia is certainly not limited to elopement and capture marriage. In fact, the forms of these traditions themselves are diverse, accompanied by different terminologies from one area to another. Asrizal dan Pipin (2019) highlight other local wisdom in marriage traditions, such as the rituals or customary processes that vary across different regions. One example is the customary marriage ritual known as '*kelakat*' practiced by the Balinese community, where ancestors and relatives are invited to the wedding to respect their forefathers who passed away hundreds of years ago. There is also the customary marriage process conducted by the Samin community, known as '*pasumitan*' (Saiin and Armita, 2019; Fadhilah et al., 2023). *Pasumitan* is a stage in the marriage process that serves as the legalization of marriage among the Samin tribe (Arumdati, 2023), where a marriage is considered valid if marked by the compatibility of the prospective spouses who have already engaged in a marital relationship (Taufiq and Kuncoro, 2018).

The practice of *Seimbangan* tradition in North Lampung Regency

The marriage system among the Lampung community differs from that of other communities in the Indonesian archipelago. From the various forms of marriage systems

that exist today, they can be grouped into two. First, marriage is through the proposal process (*khitbah*), which can be conducted in the form of a grand customary ceremony (*gawai balak*) or a simple customary ceremony (*gawai lunik*). Second is marriage without going through the proposal process, known as elopement or *Sebambangan*, where a culture of elopement is still practiced until now (Erza, Pahrudin and Anwar, 2024). The elopement culture involves a marriage between a bachelor (*meghanai*) and a girl (*mulei*), where the *meghanai* takes the *mulei* before the marriage contract. In elopement, the girl's family is not informed or consulted in advance.

Research by Hadikusuma, as cited by Prima Angkupi, explains the background of *Sebambangan* (elopement practice) between men and women for the purpose of marriage, namely: first, the conditions of payment, financing, and wedding ceremonies requested by the girl's side cannot be met by the bachelor; and second, the difficulty in obtaining legitimacy from the family, especially the girl's parents, to get married, so the girl decides to act according to her own will (Angkupi, 2015). As for the practice of elopement in North Lampung Regency, specifically in Ketapang Village, South Sungkai District, three couples were interviewed. The background of the *Sebambangan* marriage is almost the same as that found by previous researchers, namely: first, because it is not approved by the parents; second, the requirement for a dowry that is too high; third, the man and woman have committed adultery (the woman is pregnant); fourth, cultural or traditional factors (Susanti, 2013).

This elopement practice goes through several stages: first, the preparation stage, carried out through the first meeting and relationship (dating). The bachelor gives something to the girl (*bekadu*), and when the girl accepts the kadu, the bachelor expresses his intention to propose to her. If the girl accepts the bachelor's good intentions, she is then offered whether she wants to be proposed to or to elope. Usually, the girl wants to be proposed to, but because of certain circumstances, the bachelor cannot meet the girl's demands, and the only way to continue the established relationship is through elopement. Before the *Sebambangan* process, the girl must make a *tengepik*, which is made by the bachelor and given to the girl to be kept in a place easily found by the girl's family (Amanda et al., 2021).

Second, the implementation stage. The *Sebambangan* process can be carried out on the day and time agreed upon by the girl and the bachelor. Before *Sebambangan* is carried out,

the *tengepik* must be present and placed in a location easily found by the girl's siblings. After that, the bachelor, accompanied by his closest relatives, invites the girl by saying "*bismillal*" and takes her hand to leave. They are accompanied or escorted by the bachelor's family and relatives on their journey to the bachelor's house. Third, the resolution stage. In this resolution process, the bachelor's family goes to the girl's residence to carry out the *pemandai* or *ngatak salah* (slack rope) ceremony (Amanda et al., 2021).

The nominal amount of *tengepik* money is determined by the social status of the girl's family or depends on the social status of the girl's father. At least there are three social statuses in question, namely: first, if the girl's father is a *penyimbang marga* (traditional leader), then the nominal amount of *tengepik* money must include the number 24, meaning the amount can be 240 Rupiah, 2,400 Rupiah, 24,000 Rupiah, 240,000 Rupiah, or 2,400,000 Rupiah. Second, suppose the girl's father's social status is as a *penyimbang tiyuh*. In that case, the nominal amount of *tengepik* money must include the number 12, such as 1,200 Rupiah, 12,000 Rupiah, or 120,000 Rupiah, and so on. Third, if the girl's father's social status is as an ordinary member of the community, then the nominal amount can include the number 24, or it can also include the number 12 (Susanti, 2013).

The *tengepik* letter is usually written by the girl. However, it is also introduced that it can be written by the suitor or together, the most important thing is that the *tengepik* letter must be genuine and in the girl's own handwriting. The *tengepik* letter contains information about the nominal amount of *tengepik* money, the destination or village of the elopement, personal details of the suitor, an apology to the parents, family, or relatives for his actions, a request for a peaceful resolution, and a statement that the elopement was of their own free will. When the elopement is carried out, the girl should not be taken anywhere except to a house near the suitor's or to the nearest family member's house of the suitor (YRR, 2023)

The procedures for resolving the act of elopement are as follows: first, *ngantak salah* (an apology from the suitor's family to the girl's family, mediated by the village head, accompanied by specific gifts); if the girl's family accepts this process and they respond positively by showing interest in getting to know the suitor's family, then the second process, *sujud perlop*, is carried out. Second, *Sujud Perlop*. This process aims for the suitor to prostrate and apologize to the girl's family for his mistake in eloping with the girl, then

the parents from both sides discuss the next process, and the girl's parents, through their representative, convey their request (*jujur*). Third, *Ngantak daw*. This process fulfills the customary requirements requested by the girl's family from the suitor's family. Fourth, *Suka hukum* (marriage permission). In this process, the suitor's family only sends a gift for the grandparents to ask for their grandchild to be married. Fifth, *Nguruk maju*. After the *peradu daw* process is completed, the elopement issue is resolved in the customary tradition, and the girl is ready to become the suitor's wife. This is what is called *nguruk maju*, which means getting married according to custom. Sixth, *Sujud*. This process is carried out by the girl and the suitor prostrating before their parents and close family members, led by the head of the customary council, accompanied by the sound of traditional musical instruments. Seventh, *Ngantak sansan* (providing household facilities). This process is carried out by the girl's extended family coming together to the suitor's house, accepting an invitation to eat together, and bringing household items known as *sansan* (HD, 2023).

The perspective of the community towards the *Sebambangan* tradition remains controversial, with some being in favor, others against, and some conditionally agreeing. Essentially, the majority of the Lampung community respects the existence of the culture and even considers it important to preserve it as part of the region's unique characteristics (HD, 2023). Similarly, other traditional figures have expressed that living traditions that are part of the community's life need to be preserved to prevent them from disappearing. For example, the *Sebambangan* tradition is a local tradition product in the marriage process that makes it different from others (TK, 2023).

DY, as an ordinary indigenous community member in Lampung, believes that the *Sebambangan* tradition is still controversial. Some people think that the *Sebambangan* tradition simplifies and reduces the marriage costs that the suitor must pay (DY, 2023). Conversely, some groups in the community are against the practice of the *Sebambangan* tradition. According to them, the tradition often becomes an instrument to impose the suitor's will. Sometimes, the girl's family does not know the suitor's background, whether he is good for the girl or not. In this context, the family has the right to express their views and assessments of the suitor for the girl's consideration. However, with the existence of the *Sebambangan* tradition, the opportunity to assess the suitor's background is almost non-existent (YRR, 2023).

One of the practitioners of the *Sebambangan* tradition admitted feeling upset and regretful about her involvement. DS, who was directly involved at the time and was still a university student, was forced to marry UA (the *Sebambangan* marriage partner), a man who had long admired her and wanted to marry her immediately. DS and her family did not agree to marry immediately. DS still wanted to continue her studies until graduation and achieve her desired goals. However, UA did not want to wait until DS graduated from college, and eventually, DS was forced to undergo the *Sebambangan* tradition without her family's knowledge and was taken to the residence of a nearby traditional figure not far from UA's place of residence. After that, UA's family informed DS's family that their daughter had been taken by UA with the intention of marrying DS and that DS's family could give their permission. Eventually, the marriage took place, and DS felt regretful because she could not continue her studies and achieve her desired goals. Now, DS is just a housewife (DS, 2023).

The head of the Office of Religious Affairs in North Lampung assessed that the *Sebambangan* marriage tradition is not good due to the negative impacts it causes, such as family disputes. However, he mentioned factors that contribute to the elopement of the girl, including: first, differences in social class within the custom; second, the difficulty in obtaining agreement from one of the parties, leading to a resolution through elopement according to custom; third, the lack of agreement from both the girl's and the suitor's families, while the girl and the suitor are mutually in love (WK, 2023).

A religious figure who lives among the indigenous community in Lampung provided his religious perspective on the *Sebambangan* tradition. According to him, marriage is an important part of Islamic teachings, and therefore, the marriage process must follow the norms and regulations within Islamic teachings and respect the laws of the state. At the same time, it can also honor and accommodate the traditions of the community in marriage. Of course, marriage customs are respected and accommodated when they do not conflict with the values and purposes of Islamic teachings (AJ, 2023).

Sebambangan* marriage tradition from the perspective *maqāṣid shari'ah

The relationship between Islam and Lampung culture is like two sides of a coin that cannot be separated, together determining the coin's value. On one side, Islam's arrival

and development in Lampung were influenced by Lampung culture. On the other side, Lampung culture is enriched by Islamic heritage (Isnaeni and Hakiki, 2016). The concept of acculturation emphasizes the relationship between two different cultures, leading to the adaptation of value systems and the integration of foreign cultures with the local culture (Isnaeni and Hakiki, 2016). The concept of acculturation emphasizes the relationship between two different cultures, leading to the adaptation of value systems and the integration of foreign cultures with the local culture (Saputra et al., 2021). In the study of local culture, inculturation assumes a process of internalizing a new teaching within the context of local culture for accommodation or adaptation. Inculturation is carried out to maintain identity. The inculturation of Islam with local culture is similar to what Abdurrahman Wahid referred to as the 'indigenization of Islam.' Indigenization aims to give an Islamic character to local culture. From this perspective, Islam does not contradict the existence of local culture. The two subjects adapt to and complement each other (Berger, 1990).

The local culture of Lampung, which is still practiced today, includes traditional weddings in terms of unique customs, clothing, and wedding procedures. The various traditional wedding systems in Lampung are currently grouped into two: first, weddings through a proposal process conducted in the form of a large traditional ceremony (*gaweï besar*) or a simple traditional ceremony (*gaweï kecil*); second, weddings conducted without a proposal process, known as elopement weddings, which in Lampung's traditional terms are called *Sebambangan* weddings. For the indigenous community capable of holding a traditional wedding, the first option through a proposal process can be used. However, the second alternative, *Sebambangan* marriage, can be used for those who cannot afford a traditional wedding. Thus, *Sebambangan* marriage originally served as an alternative for the Lampung Indigenous community to conduct weddings without a proposal (Amanda et al., 2021).

The *Sebambangan* tradition, as a form of local wisdom, is utilized as an approach to solving community problems that often lead to conflict. The benefits of local wisdom include: first, as a marker of identity; second, a cohesive element (aspect of cohesion) across residents, religions, and beliefs; third, local wisdom is not imposed from above but is a cultural element that exists and lives within the community; fourth, local wisdom gives a

sense of togetherness to a community; fifth, local wisdom changes the way individuals and groups think and interact by placing them on common ground or within a shared culture; sixth, local culture can function to encourage the building of solidarity, appreciation, and as a collective mechanism to ward off various possibilities that may reduce or even damage communal solidarity that is believed to originate from and grow out of the shared consciousness of an integrated community (Abdullah, 2008).

The practice of *Sebambangan* can occur due to the requirement of a dowry that is too high or because the girl and the suitor have engaged in premarital sex. For the difficulty in obtaining agreement due to the demands of one party, namely the girl's family, which is beyond the suitor's ability, *Sebambangan* can be pursued as an alternative after the negotiation process and family deliberation reaches a deadlock, and there is no coercion by the suitor towards the girl he intends to marry (Angkupi, 2015).

Marriage is a fundamental human right that is closely related to Article 16 (3) of the Universal Declaration of Human Rights (Bire and Radja, 2023). Elopement is often depicted as an act that contradicts religion, culture, and a community's social values because it negatively impacts individuals, families, and society (Atikah and Hussin, 2023). Research studied by Angkupi (2015) found that the *Sebambangan* marriage tradition does not adequately respect women's constitutional rights by ignoring the girl's consent, which is not in line with the principles of human rights and national marriage law (Angkupi, 2015). Other facts often found in *Sebambangan* marriages include forcing a woman who does not love him to marry a man by first eloping (*Sebambangan*) (Angkupi, 2015). Such cases have shifted the local *Sebambangan* culture to lose its philosophical values by ignoring human rights values (Angkupi, 2015) and principles of gender justice (Angkupi, 2015) and principles of gender justice (Setiawati and Lessy, 2022). Moreover, the *Sebambangan* tradition is practiced in a culture with a strong patriarchal mindset, where men dominate women and constantly discriminate against them in society. Patriarchy is a source of systematic subordination of women, rooted in the biological inequality of the sexes (Setiawati and Lessy, 2022).

Facts such as those found by the researchers above are rediscovered in this research. For example, there is an element of coercion as experienced by DS (DS, 2023), the potential for family conflicts (WK, 2023), and the girl's family often does not have the opportunity

to assess the suitor's background as a consideration for family approval (YRR, 2023). AJ, a religious figure who often witnesses the process of elopement or *Sebambangan*, believes that if the processes within traditional marriages indicate the presence of harmful values such as causing harm, coercion, or even contradicting ethical values and the main purpose of marriage, then such traditions should be avoided (AJ, 2023).

In this context, Islamic teachings require that every regulation or role related to marriage and family affairs must aim to maintain the public interest (Ali, Ramli and Ahmad, 2020). The criteria for *al-maṣālib* (public interest) are always evolving. The relevant criteria for *al-maṣālib* with the current social situation and conditions of society must meet requirements such as: first, *qiyām al-nāfi' wa az-ẓarār* (values of benefit and harm). The values that fall into this category are related to the well-being of the soul, health, offspring, and wealth. Second, *qiyām al-husn wa al-qubb* (values of good and bad) or *al-maṣālib 'aqliyah*. The scope of these values is not limited, such as a sense of security and freedom, work, safety, culture, and dialogue. Third, *qiyām al-ṣalāh wa al-fasād* (goodness and corruption) or *al-maṣālib al-rūhiyah*. The scope of these values includes religion from the aspect of spirituality, such as *al-ihsān; al-rahmah; al-mahabbah, khusyu'*, and *tawadhu'* (Asmuni, 2005).

According to Ibnu 'Asyur, the legislation of marriage is essentially the beginning of the birth of offspring and the emergence of kinship, which will subsequently form family rules, social rules, group rules, and ultimately the formation of rules about the community. Ibnu 'Asyur emphasizes that family rules are the purpose and basis of Islamic law aimed at humanity. Ibnu 'Asyur explains that the purpose of marriage specifically has two aspects: first, to distinguish between marriage contracts and all other relationships between men and women. Second, for the marriage contract to be permanent without any time limitations ('Asyur, 2001).

The research findings show that the practice of eloping with a girl or *Sebambangan*, driven by coercion by the suitor to marry the girl because he does not receive approval from the girl's family, is closely related to practices of inequality and tends to benefit men while discriminating against women (Setiawati and Lessy, 2022; YRR, 2023). This fact reveals marriage as an unequal possession that can disturb family harmony and hinder the practice of true religion. According to the perspective of *maqāṣid shari'ah* in the aspect of *hiḍḍ ad-*

din, marriage should be understood as a partnership involving mutual respect and support to create a conducive environment for religious teachings (Sugitanata and Aqila, 2023). In the context of preserving *hifẓ an-nafs* and *hifẓ al-'aql*, the *Seimbangan* marriage practice shows dominance and oppression, such as limiting personal development and achieving one's dreams (Setiawati and Lessy, 2022; DS, 2023). Ideally, marriage in line with preserving the soul and intellect should give individuals the freedom to develop according to their potential without being trapped in an unhealthy hierarchy (Rahmayanty et al., 2023).

This practice of *Seimbangan* also often involves underage children (Angkupi, 2015; Setiawati and Lessy, 2022) which is not in line with one of the goals of Islamic law, namely the preservation of human dignity (*hifẓ al-'ird*). This practice appears to be diametrically opposed to the values of *maslahat*, such as the loss of benefit and the emergence of harm, namely the goal of *maqāṣid syari'ah* in the marriage that protects underage marriages and protects the dignity and status of women (Barkah and Andriyani, 2020). However, there is an important pillar in the purpose of marriage in religion, namely *hifẓ al-nasl* (protection of regeneration) and *hifẓ al-'ird* (protection of dignity and human status) (Ariyadi et al., 2023).

Conclusion

Marriage, in its essence, is a fundamental human right that should not be interfered with by anyone. However, in practice, marriage must consider the values of public interest as the purpose of marriage itself. Marriage is not only an effort to preserve offspring but must also be understood as an effort to build a civilized society. Therefore, the customary processes within the practice of marriage must respect the values of public interest, the purpose of marriage in religion that is in line with the principles of human rights and the objectives of Islamic law (*maqāṣid shari'ah*). The practice of *Seimbangan* marriage and the customary processes within it seem diametrically opposed to the values of public interest, such as *asqiyām al-nafi' wa aẓẓarār* (values of benefit and harm) which concern the soul, health, offspring, and wealth; *qiyām al-husn wa al-qubbh* (values of good and bad) *al-maṣālih 'aqliyah* which encompass feelings of safety and freedom. The indications of conflict in the *Seimbangan* customary process are also not in line with the basis of the Islamic legal principles of marriage, namely to produce biological regeneration, kinship, and form

a family system, society, and ultimately form the rules of the community. It is hoped that the the result will become a reference for stakeholders in monitoring and evaluating the practice of preserving marriage culture and formalizing the legal framework in the form of regulations by considering the universal values found in *maqāṣid shari'ah* such as well-being and the protection of the dignity and status of women.

Bibliography

- 'Asyur, M.T.I. (2001) *Maqāṣid al-Syarī'ah al-Islāmiyyah*. Ordon-Oman: Dar al-Nafa'is.
- Abdullah, I. (2008) *Agama dan Kearifan Lokal dalam Tantangan Global*. Yogyakarta: Pustaka Pelajar.
- Adon, M.J. (2021) 'Perkawinan Lili di Manggarai: Antara Hukum Adat dan Agama', *Dharmasmrti: Jurnal Ilmu Agama dan Kebudayaan*, 21(1), pp. 40–52.
- Agustina, A.M. (2023) 'Contestation between Fiqh and Culture in Indonesia: The Maqāṣid al-Sharī'ah Paradigm in Dangers of Forced Marriage against Women', *Sanwa: Jurnal Studi Gender*, 18(2), pp. 147–168. Available at: <https://doi.org/10.21580/sa.v18i2.17280>.
- AJ (2023) 'Personal Interview in Lampung, 22 Juni'.
- Ali, N.B. binti, Ramli, A. binti and Ahmad, H.B. (2020) 'Maqāṣid Shariah in Family Institutions: Analysis of the Prenuptial Course Module in Malaysia', *Mazāhib: Jurnal Pemikiran Hukum Islam*, 19(2), pp. 247–280. Available at: <https://doi.org/https://doi.org/10.21093/mj.v19i2.2567>.
- Amanda, C. et al. (2021) 'Tradisi *Seimbangan* dan Eksistensinya Bagi Masyarakat Muslim', *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8(5), pp. 923–930. Available at: <https://doi.org/10.31604/jips.v9i1.2022.446-453>.
- Amin, H. Al and Mudhi (2021) 'Catch Marriage In Maqashid Al-Sharia and Indonesian Law Perspective; a Social Punishment For Sexual Promiscuity In Madura', *Shakhsiyah Burhaniyah: Jurnal Penelitian Hukum Islam*, 6(1), pp. 115–128.
- Angkupi, P. (2015) 'Formulasi Perkawinan Adat Lampung Dalam Bentuk Peraturan Daerah dan Relevansinya Terhadap Hak Asasi Manusia', *Ayy-Syir'ah: Jurnal Ilmu Syariah dan Hukum*, 49(2), pp. 316–337. Available at: <https://doi.org/DOI: https://doi.org/10.14421/ajish.v49i2.144>.

- Apriana, D. and Silvia, N. (2022) 'Imbalance of Rights and Obligations of Husband and Wife in the Family', *MILRev : Metro Islamic Law Review*, 1(2), p. 214. Available at: <https://doi.org/10.32332/milrev.v1i2.6210>.
- Ariyadi et al. (2023) 'Moderation of Homosexual Fiqh in Indonesia: A Study of The Huzaemah Tahido Yanggo's thought', *Al-Istinbath: Jurnal Hukum Islam*, 7(2), pp. 389–408. Available at: <https://doi.org/http://dx.doi.org/10.29240/jhi.v7i2.5462>.
- Arumdati, D.O. (2023) 'Cultural Adaptation Of Sedulur Sikep: Community-Based Disaster Risk Reduction Strategy In Baturejo Village', *Interdisciplinary Social Studies*, 2(11), pp. 2597–2611.
- Asmuni (2005) 'Studi Pemikiran al-Maqashid (Upaya Menemukan Fondasi Ijtihad Akademik yang Dinamis)', *Al-Mawarid*, 14, pp. 155–178.
- Atikah, N. and Hussin, M. (2023) 'Elopement and its implications to a family system: a sociocultural perspective', *Journal of Family Social Work*, 26(2), pp. 124–140. Available at: <https://doi.org/https://doi.org/10.1080/10522158.2023.2236682>.
- Bakibinga, E. and Gaswaga (2020) 'African Traditional Religion and Law-Intersections between the Islamic and non-Islamic Worlds and the Impact on Development in the 2030 Agenda era', *Law and Development Review*, 14(1), pp. 1–31.
- Barkah, Q. and Andriyani, A. (2020) 'Maqashid Al-Syari'ah Concept Of Kafa'ah In Marriage', *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 20(1), pp. 107–116. Available at: <https://doi.org/https://doi.org/10.19109/nurani.v20i1.5651>.
- Berger, P.L. (1990) *The Sacred Canopy: Elements of A Sociological Theory of Religion*. New York: Anchor Book.
- Bire, C.M.D. and Radja, M.R. (2023) 'Perlindungan Hak Perempuan Berdasarkan Cedaw Dalam Tradisi Kawin Tangkap Di Sumba', *Samudra Keadilan*, 18(1), pp. 131–141. Available at: <https://doi.org/https://doi.org/10.33059/jhsk.v18i1.7473>.
- Creutzfeldt, N. (2020) *Routledge Handbook Of Socio-Legal Theory And Methods*. London: Routledge.
- Doko, E.W., Suwetra, I.M. and Sudibya, D.G. (2021) 'Tradisi Kawin Tangkap (Pati Rambang) Suku Samba di Nusa Tenggara Timur', *Jurnal Konstruksi Hukum*, 2(3), pp. 656–660.
- DS (2023) 'Personal Interview in Lampung, 22 Juni'.

- DY (2023) 'Personal Interview in Lampung, 23 Juni'.
- Erza, R.Z. Al, Pahrudin, A. and Anwar, C. (2024) 'Wedding Customs of the Lampung Pepadun Community in the Perspective of Islamic Education', *Bulletin of Science Education*, 4(1), pp. 72–76. Available at: <https://doi.org/http://dx.doi.org/10.51278/bse.v4i1.969>.
- Fadhilah, I. et al. (2023) 'Exploring the monogamy principle in the Samin community's customary marriages in Kudus: Harmonisation of tradition and state law', *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 23(2), pp. 281–304. Available at: <https://doi.org/10.18326/ijtihad.v23i2.281-304>.
- Fakhria, S., Afyuddin, M.S. and Alias, M.N. (2023) 'The Indigenous Idea of Gender Equality: Husband-Wife Relationship in the Manuscript of Adābul Mu'āsyarah', *Juris: Jurnal Ilmiah Syariah*, 22(2), pp. 317–328. Available at: <https://doi.org/10.31958/juris.v22i2.9475>.
- Fibrianti and Yuliati, S. (2020) 'The Influence of Merariq Culture on Early Wedding in East Lombok District, NTB', *Science Midwifery*, 9(1), pp. 173–180.
- Hanifah, A.A., Wijaya, M. and Zube, A. (2019) 'The Role Of Traditional Leaders In The Attempt Of Maintaining *Seimbangan* Tradition In Canggu Village, Kalianda, Lampung Selatan', *International Journal of Education and Social Science Research*, 2(3), pp. 20–24.
- HD (2023) 'Personal Interview in Lampung, 23 Juni'.
- Hennink, M. (2020) *Qualitative Research Methods*. New York: Sage.
- Herrera, J. and Heras-Rosas, C.D. Las (2021) 'The Organizational Commitmen in the Compony and Its Relationship With the [psychological Contract', *Frontiers In Psychology*, 11, pp. 1–17.
- Isnaeni, A. and Hakiki, K.M. (2016) 'Simbol Adat dan Adat dalam Perkawinan Adat Lampung Pepadun', *Kalam: Jurnal Studi Agama dan Pemikiran Islam*, 10(1), pp. 193–227.
- Kesuma, A.S., Hakiki, K.M. and Shomad, B.A. (2022) 'Negotiation Of Islam And Local Culture In Traditional Lampung Marriage', *Al-Adyan: Jurnal Studi Lintas Agama*, 17(1), pp. 201–219. Available at: <https://doi.org/http://dx.doi.org/10.24042/al-adyan.v17i1.20251>.

- Mucharom, R.S., Yuspin, W. and Absori (2022) 'Comparison of Law Between Merariq Traditional Marriage Law and Marriage Law Number 16 of 2019', *International Journal of Social Science Research and Review*, 5(10), pp. 321–327.
- Plirdpring, P. and Ruangrajitpakorn, T. (2022) 'Using Ontology to Represent Cultural Aspects of Local Products for Supporting Local Community Enterprise in Thailand', *Journal Of Information Science Theory And Practice*, 10(1), pp. 45–58. Available at: <https://doi.org/https://doi.org/10.1633/JISTaP.2022.10.1.4>.
- Ragawino, B. (2008) *Pengantar Dan Asas-Asas Hukum Adat Indonesia*. Bandung: Fakultas Ilmu Sosial dan Ilmu Politik Universitas Padjajaran.
- Rahmayanty, D. et al. (2023) 'Ketidaksetaraan Gender dalam Sistem Patrilineal', *Innovative: Journal of Social Science Research*, 3(5), pp. 6513–6522. Available at: <https://doi.org/https://doi.org/10.31004/innovative.v3i5.5623>.
- Ratna, Basri, L.O.A. and Melamba, B. (2019) 'Adat Perkawinan Suku Bajo di Desa Sainoa Kecamatan Bungku Selatan Kabupaten Morowali: 1976-2017', *Journal Idea Of History*, 2(2), pp. 30–42.
- Ridlo, M.R., Rosyadi, I. and Muthoifin (2022) 'The Law of Nasab For Children Born Outside of Legal Marriage According to Imam Ibn Qayyim Al-Jauziyyah', *Profetika: Jurnal Studi Islam*, 23(2), pp. 321–330.
- Saiin, A. and Armita, P. (2019) 'Local Wisdom in Practice Traditional Wedding in Indoneisa', *Jurnal Maw'izah*, 2(1), pp. 40–48.
- Saputra, H. et al. (2021) 'Islamic Acculturation and Local Culture (The Symbolism of the Community Life Cycle Ceremony Lampung Pepadun)', *International Journal of Multicultural and Multireligious Understanding*, 8(11), pp. 678–685.
- Setiawati, R. and Lessy, Z. (2022) 'Dikstriminasi Terhadap Perempuan: Analisis Budaya Seimbang Perspektif Feminisme', *Inada: Kajian Perempuan di Daerah Tertinggal, Terdepan dan Terluar*, 6(1), pp. 101–115. Available at: <https://doi.org/https://doi.org/10.33541/ji.v5i2.4548>.
- Sista, Niampe, L. and Nurtikawati (2019) 'Tradisi Mombolasuako (Kawin Lari) Dalam Perkawinan Adat Tolaki di Desa Tiraosu Kecamatan Kolono Kabupaten Konawe Selatan', *Lisani: Jurnal Kelisanan Sastra dan Budaya*, 2(1), pp. 68–75.

- Sonafist, Y. and Yuningsih, H. (2023) 'Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia', *Juris: Jurnal Ilmiah Syariah*, 22(2), pp. 381–391. Available at: <https://doi.org/10.31958/juris.v22i2.10934>.
- Sugitanata, A. and Aqila, S. (2023) 'Implementasi Hukum Keluarga Islam Pada Undang-Undang Perkawinan di Indonesia Mengenai Hak Memilih Pasangan Bagi Perempuan', *SETARA: Jurnal Studi Gender dan Anak*, 5(1), pp. 1–14. Available at: <https://doi.org/10.32332/jsga.v5i01.6536>.
- Susanti, D.E.N. (2013) *Tradisi Kawin Lari Dalam Perkawinan Adat di Desa Ketapang Kecamatan Sungkai Selatan Kabupaten Lampung Utara Propinsi Lampung Dalam Perspektif Hukum Islam*. Sekolah Tinggi Agama Islam Negeri Salatiga.
- Sutrisno, E. (2023) 'A Female Leaders in the Perspective of Islamic Law and Legal Regulations', *MILRev : Metro Islamic Law Review*, 2(1), p. 27. Available at: <https://doi.org/10.32332/milrev.v2i1.6879>.
- Taufiq, M. and Kuncoro, A.T. (2018) 'Pasuwitan Sebagai Legalitas Perkawinan: Telaah Hukum Islam terhadap Perkawinan Suku Samin di Kabupaten Pati', *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*, 1(2), pp. 52–76. Available at: <https://doi.org/10.30659/jua.v1i2.2768>.
- TK (2023) 'Personal Interview in Lampung, 23 Juni'.
- Tohari, I. and Kholish, M.A. (2020) 'Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia', *Arena Hukum*, 13(2), pp. 314–328. Available at: <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2020.01302.7>.
- WK (2023) 'Personal Interview in Lampung, 22 Juni'.
- YRR (2023) 'Personal Interview in Lampung, 22 Juni'.

