



The Sebambangan Tradition: Legal Implications Under Indonesian Marriage Law

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Abstract

The intersection of state, religious, and customary laws in Indonesia creates complex legal pluralism, particularly concerning the Sebambangan (customary elopement) tradition in Lampung. Often mischaracterized as criminal abduction, it fundamentally serves as a customary dispute resolution mechanism. This study examines the structural anatomy, sociological shifts, and legal implications of Sebambangan in Padang Ratu Village, Central Lampung, through the dual lenses of Indonesian Positive Marriage Law and Islamic jurisprudence ('Urf). Employing an empirical qualitative methodology with an anthropological jurisprudence approach, data were gathered through participant observation and in-depth interviews with customary leaders. The findings reveal that Sebambangan does not contravene the national Marriage Law; mutual consent is explicitly evidenced by the Tengepik letter, thereby nullifying criminal abduction elements. Within Islamic law, it is classified as 'Urf Sahih (valid custom) as it prevents adultery and facilitates formal marriage registration, provided it does not infringe upon prior betrothals. Ultimately, Sebambangan exemplifies a progressive legal pluralism where customary mediation seamlessly harmonizes with state administrative certainty and religious validity.

Abstrak

Persinggungan antara hukum negara, agama, dan adat di Indonesia menciptakan pluralisme hukum yang kompleks, khususnya terkait tradisi *Sebambangan* (kawin lari adat) di Lampung. Sering disalahartikan sebagai penculikan pidana, tradisi ini pada dasarnya berfungsi sebagai mekanisme penyelesaian sengketa adat. Penelitian ini mengkaji anatomi struktural, pergeseran sosiologis, dan implikasi hukum *Sebambangan* di Kampung Padang Ratu, Lampung Tengah, melalui lensa ganda Hukum Perkawinan Positif Indonesia dan hukum Islam ('Urf). Menggunakan metodologi kualitatif empiris dengan pendekatan antropologi hukum, data dikumpulkan melalui observasi partisipatif dan wawancara mendalam dengan tokoh adat. Hasil penelitian menunjukkan bahwa *Sebambangan* tidak bertentangan dengan UU Perkawinan nasional; persetujuan timbal balik dibuktikan secara eksplisit oleh surat *Tengepik*, sehingga membatalkan unsur pidana penculikan. Dalam hukum Islam, tradisi ini diklasifikasikan sebagai 'Urf Sahih (kebiasaan yang valid) karena mencegah perzinahan dan memfasilitasi pencatatan perkawinan formal, asalkan tidak melanggar pinangan sebelumnya. Pada akhirnya, *Sebambangan* memberikan contoh pluralisme hukum progresif di mana mediasi adat terharmonisasi secara mulus dengan kepastian administratif negara dan keabsahan agama.



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A. INTRODUCTION

1. Background

The structural framework of marriage law in Indonesia perpetually operates upon a highly pluralistic, dynamic, and complex sociological landscape, wherein the instruments of state positive law, religious legal doctrines, and customary law dogmas frequently operate in parallel, intersect, and not infrequently contest one another in regulating the private spheres of its citizens. Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019 (hereinafter collectively referred to as the Marriage Law), was initially formulated with a robust spirit of national legal unification; yet, it simultaneously affords proportional concession and deference to the particularities of religions and local customary beliefs. Article 2 paragraph (1) of the Marriage Law imperatively mandates that a marriage is legally recognized as valid if solemnized according to the laws of each respective religion and belief, a statutory provision that inherently opens the gateway for the incorporation of Islamic Sharia values and local traditions into the state administrative system.

Nevertheless, empirical realities on the ground demonstrate that various indigenous communities across the Indonesian archipelago possess their own culturally entrenched mechanisms for family dispute resolution and pre-marital processions. One of the most prominent phenomena sparking jurisprudential debate is the tradition of compromise elopement, broadly recognized within the nomenclature of Lampung Province's customary communities—particularly the Pepadun and Saibatin—as the *Sebambangan* tradition.¹ The philosophical and sociological exigency of this study stems directly from the acute epistemological ambiguity among the lay public, legal scholars, and even law enforcement apparatuses, who frequently and simplistically reduce *Sebambangan* to the criminal offense of kidnapping underage females or mere illicit elopement devoid of parental consent that violates moral norms. In fact, when scrutinized ontologically and anthropologically, this tradition constitutes a highly structured and dignified customary mechanism functioning as a social safety valve to navigate structural

¹ Susanti Pusparini and Sinta Paramita, "Tradisi Sebambangan Sebagai Penyelesaian Konflik Dalam Keluarga Di Masyarakat Lampung (Studi Pada Masyarakat Lampung Di Kel. Kuripan, Kec. Teluk Betung Barat, Kota Bandar Lampung)," *Koneksi* 2, no. 1 (October 2, 2018): 185–91, <https://doi.org/10.24912/kn.v2i1.2449>.

deadlocks within formal matrimonial proposal processes.² Theoretically, a comprehensive analysis of this phenomenon necessitates the analytical framework of "Legal Pluralism," a paradigm acknowledging the coexistence of multiple interacting legal systems within the same socio-political space, recognizing that state law is not the sole monopolistic entity regulating the daily etiquette and lives of the populace.³

To contextualize this study amidst the extant literature, an in-depth review of prior research constitutes an academic imperative. A review of the literature indicates that while discourse surrounding the *Sebambangan* tradition and other customary elopement variations is extensive, crucial research gaps remain. First, an in-depth study conducted by Zulkarnain, Sholeh, and Muttaqin specifically examined *Sebambangan* from the perspective of *Maqāṣid al-Sharī'ah*. Their study found that this tradition is fundamentally a noble form of local wisdom; however, its contemporary implementation has begun to lose the fundamental essence of protecting life (*hifẓ al-nafs*) and protecting honor (*hifẓ al-‘ird*).⁴

Second, a sociological study by Rahma Zakia Al Erza et al. highlighted the matrimonial customs of the Lampung Pepadun community through the lens of the sociology of Islamic education, observing that formal customary processions often impose excessively exorbitant dowries (*mahar* or *jujur*), thereby compelling individuals to resort to alternative circumventions.⁵ Third, empirical research by Sainul, Jafar, and Sakirman analyzed the crucial non-litigation mediation roles enacted by village heads and customary leaders in de-escalating communal marriage disputes arising from the practice of *Sebambangan*.⁶ Fourth, a cultural comparison can be drawn from Suhardi's scholarship exploring the manifestation of legal pluralism in the Sasak Tribe's tradition (*Merariq*), which bears profound sociological similarities to *Sebambangan*; however, his study

² Prima Angkupi, "Formulasi Perkawinan Adat Lampung Dalam Bentuk Peraturan Daerah Dan Relevansinya Terhadap Hak Asasi Manusia," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 2 (December 21, 2015): 315–37, <https://doi.org/10.14421/ajish.v49i2.144>.

³ Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia," *Walisongo Law Review (Walrev)* 6, no. 2 (October 2024): 146–70, <https://doi.org/10.21580/walrev.2024.6.2.25566>.

⁴ Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, "Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāṣid Shari'ah Perspective," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 26, 2024): 119–37, <https://doi.org/10.18326/ijtihad.v24i1.119-137>.

⁵ Rahma Zakia Al Erza, Agus Pahrudin, and Chairul Anwar, "Wedding Customs of the Lampung Pepadun Community in the Perspective of Islamic Education," *Bulletin of Science Education* 4, no. 1 (February 5, 2024): 71–76, <https://doi.org/10.51278/bse.v4i1.969>.

⁶ Sainul et al., "Legal Reform and Mediation in Non-Litigation Dispute Resolution: A Case Study of Sebambangan Tradition," *Journal of Law and Legal Reform* 6, no. 2 (April 30, 2025): 1047–78, <https://doi.org/10.15294/jllr.v6i2.20872>.

focused primarily on preventive measures against child marriage.⁷ Fifth, a jurisprudential analysis by Arman Budiman and Rumadi macroscopically dissected the triangular contestation among state law, religious law, and customary law within the increasingly complex context of legal pluralism in Indonesia, driven by the currents of modernization.⁸

Predicated upon the constellation of these five recent literatures, this article assertively articulates its proposed research novelty. This novelty lies in the integrated analysis of the shifting dynamics of the *Sebambangan* tradition over time, situated within the specific locus of Padang Ratu Village, Central Lampung, alongside an examination of its juridical implications viewed simultaneously through a dual analytical lens: the updated Positive Marriage Law instruments (Law No. 16 of 2019) and the tenets of contemporary Islamic Law (the Compilation of Islamic Law and the concept of '*Urf*'). Such comprehensive integration, synthesizing direct interviews with local customary stakeholders and the doctrinal analysis of formal regulations, has not been specifically and thoroughly addressed within the locus and focus of prior research.

As the culmination of this introduction, the primary research findings can be succinctly summarized. Field investigations indicate that the implementation of *Sebambangan* in Padang Ratu Village does not, in principle or materially, contravene the essence of the Marriage Law. This is predicated on the fact that the tradition is grounded in mutual consensus and the essential consent between the prospective bride and groom, symbolically and legally evidenced by the leaving of the *Tengepik* letter and customary funds. Although acknowledged to have undergone significant semantic shifts due to the penetration of rational educational systems and the currents of modernization, this elopement tradition can predominantly be categorized within Islamic jurisprudence as a valid custom ('*Urf Ṣaḥīḥ*'), provided it preserves honor and does not breach Sharia boundaries; ultimately, this manifests a tangible operation of legal pluralism in Indonesia wherein purely customary mechanisms function as sociological facilitators to achieve the objectives of a legally valid marriage.

⁷ Muhammad Suhardi, "Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok," *Society* 13, no. 1 (March 31, 2025): 538–52, <https://doi.org/10.33019/society.v13i1.818>.

⁸ Arman Budiman, Rumadi, and Alif Faza Dli'fain, "The Contestation of State, Religious, and Customary Laws on Child Marriage: A Legal Pluralism Perspective," *Hikmatuna : Journal for Integrative Islamic Studies* 11, no. 1 (June 11, 2025): 53–64, <https://doi.org/10.28918/hikmatuna.v11i1.11004>.

2. Research Questions

- a. How is the structural anatomy and procedural execution of the *Sebambangan* tradition operationalized within the contemporary customary ecosystem of Padang Ratu Village, Central Lampung?
- b. What sociocultural and economic catalysts fundamentally drive this practice, and what underlying factors precipitate the temporal shifts and normative decline in its traditional procedural execution?
- c. How do local community leaders and customary stakeholders perceive and navigate the existential transformation and preservation of this tradition amidst the pervasive pressures of modernization and globalization?
- d. What are the legal implications and jurisprudential standing of the *Sebambangan* tradition when critically analyzed through the framework of legal pluralism, specifically concerning its intersection with Indonesia's Positive Marriage Law and its normative validity under Islamic jurisprudence (*'Urf*)?

3. Research Methods

To deconstruct the complexity of customary phenomena that directly intersect with codified legal instruments, the methodology implemented in this research employs an empirical legal research framework utilizing a qualitative socio-legal approach (field research). This methodological paradigm is inherently designed to yield descriptive-analytical data, encompassing both written and oral narratives of societal behavior empirically observed within their natural milieu. The primary theoretical framework underpinning this analysis is anthropological jurisprudence. This approach is highly germane and deliberately selected, as this discipline fundamentally examines the dynamic, reciprocal relationship between legal institutions and sociocultural phenomena as they empirically manifest within society. It explores how legal texts operate, are interpreted, circumvented, or sustained in quotidian life.⁹ Viewed through the lens of legal anthropology, the *Sebambangan* tradition is not adjudicated in binary terms predicated on penal provisions; rather, it is conceptualized as a cultural entity possessing its own internal logic, normative values, and system of justice.

Primary data collection was territorially concentrated in Padang Ratu Village, administratively situated within the Padang Ratu District, Central Lampung Regency. The

⁹ Hilman Hadikusuma, *Pengantar Antropologi Hukum* (Bandung: Citra Aditya Bakti, 1992). Page, 7.

selection of this research locus was predicated on the purposive rationale that the village accurately represents the demographic of indigenous Lampung communities that steadfastly adhere to ancestral cultural philosophies amidst the prevailing currents of urbanization. Field data collection was executed utilizing in-depth participant observation and semi-structured interviews, conducted between April 26 and April 27, 2023. These interviews engaged multiple key informants vested with customary authority, cultural erudition, and central administrative roles within the region, specifically including Mr. Chandra Nata as the Village Head of Padang Ratu, Mr. Arifin as a venerated Customary Elder, and Mr. Indra as a representative of the local citizenry. The interview protocols were strategically formulated to unpack the psychological motives, customary procedural mechanisms, and sociological perspectives of the community regarding the *Sebambangan* practice.

Concurrently, to construct a robust jurisprudential and argumentative foundation, secondary data was amassed through an extensive literature review. These secondary sources encompass the examination of positive legal instruments (specifically Law No. 1 of 1974 in conjunction with Law No. 16 of 2019, the Compilation of Islamic Law, and the Indonesian Penal Code), a review of seminal literature on Lampung culture and customary law—predominantly the authoritative works of Hilman Hadikusuma—and an exploration of highly reputable academic journal articles.

The data analysis technique employed relies on an interactive analysis model, comprising three concurrent streams of analytical activity: data reduction, data display, and conclusion drawing. During the data reduction phase, the researcher systematically coded interview transcripts and relevant statutory texts, thereby filtering out extraneous information. In the data display phase, the findings were narratively described and arrayed in comparative matrices or tables to elucidate the correlation between customary cultural practices and statutory provisions of positive law. In the concluding phase, inferences and verifications were synthesized prescriptively, objectively, and logically to comprehensively resolve the entirety of the articulated research questions.

B. DISCUSSION

1. The Structural Anatomy and Procedural Execution of the *Sebambangan* Tradition in Padang Ratu Village

Padang Ratu Village, Central Lampung, is a demographic enclave deeply entrenched in a patrilineal kinship system that traces descent strictly through the paternal line. The indigenous community within this village operates upon the philosophical construct of *Piil Pesenggiri* (the conceptualization of self-esteem, honor, and dignity). This philosophical framework is buttressed by four primary normative pillars: *juluk adek* (customary titular bestowal), *nemui nyimah* (hospitality and social receptivity), *nengah nyappur* (societal assimilation), and *sakai sambayan* (mutual assistance and communal reciprocity in supporting ceremonial events).¹⁰ Within the purview of matrimonial law, the Lampung society, inclusive of the Padang Ratu community, recognizes the doctrine of giving and taking (*ngakuk-mulei*). This doctrine bears profound sociological implications, wherein a young man (*Bujang* or *Meghanai*) is expected to take a maiden (*Muli*) from another lineage to be formally incorporated into his own familial unit. Etymologically and pragmatically, *Sebambangan* constitutes a customary law terminology designating a procession wherein the male party elopes with or escorts his prospective bride to the domicile of his relatives.¹¹ Crucially, this action does not constitute a criminal offense of coercion as codified within the Indonesian Penal Code (KUHP); rather, it is executed predicated upon a clandestine mutual consensus forged between the young man and woman to circumvent formal proposal bureaucracies that are deemed excessively protracted, convoluted, or deadlocked due to unilateral rejection.¹²

The execution of *Sebambangan* within the customary jurisdiction of Padang Ratu Village never manifests as a haphazard or impulsive elopement. It is governed by a rigorously structured, hierarchical set of customary procedures imbued with profound philosophical significance. These sequential stages can be narratively delineated as follows:

¹⁰ Camelia Arni Minandar, "Cross Cultural Understanding: Model Pembelajaran Sosiologi Sebagai Media Revitalisasi Kearifan Lokal Piil Pesenggiri," *Sosietas Jurnal Pendidikan Sosiologi* 10, no. 1 (2020): 801-7, <https://ejournal.upi.edu/index.php/sosietas/article/view/26009>.

¹¹ Farida Ariyani, Ronaldo Fisda Costa, and Mohammad Ridwan, "Ngejuk - Ngakuk Dalam Bingkai Adat Perkawinan (Lampung - Jawa)," *Kejawen* 1, no. 2 (November 1, 2021): 116-25, <https://doi.org/10.21831/kejawen.v1i2.46281>.

¹² Muhammad Syafi'i Zamzami, "Tradisi Sebambangan Dalam Hukum Pidana Dan Kaidah Al-'Adah Muhakkamah," *Sakina: Journal of Family Studies* 5, no. 2 (2021): 1-18, <https://urj.uin-malang.ac.id/index.php/jfs/article/view/742>.

The first and most critical phase is the provision of the *Tengepik* Letter and Funds (*Surat dan Uang Tengepik*). Prior to a maiden departing the threshold of her residence at an agreed-upon hour (typically under the cover of night to preclude public disturbance), she is bound by customary obligation to leave a written decree (*Surat Tengepik*) accompanied by a specified sum of restitution funds. Prominent customary law scholar Hilman Hadikusuma emphatically posits that the absolute prerequisite for this elopement stratagem is the formulation of a notification letter and *pengepik* funds left within the maiden's chambers upon her departure, functioning as an emblem of respect and symbolic restitution to the forsaken family.¹³ According to empirical findings in Padang Ratu, this letter explicitly articulates a declaration that her departure is entirely voluntary, devoid of coercion from any party. The instrument identifies the young man escorting her (e.g., explicitly stating departure with "Ahmad Dermawan, son of Ahmad Dahlan, bearing the title Sutan Penimbang Ratu") and stipulates the quantum of the funds left behind (an empirical case documented the sum of Rp 2,400,000) as a material symbol of her customary release from her parents.

The second phase constitutes the Welcoming of the Maiden (*Netek Salah*). Upon arriving at the courtyard of the male party's relatives, the maiden is constrained by customary taboo (*pamali*) from entering through the rear entrance. She is mandated to proceed honorably through the principal front door. At the threshold, a receptacle containing water infused with seven varieties of flora is prepared. The maiden is required to immerse her feet into this vessel. This ablution ritual symbolically authenticates the sociological transition wherein her status shifts from a sovereign maiden to a legally bound prospective wife. The floral infusion epitomizes prayers and aspirations that her presence will bestow fragrance, purity, and benediction upon the male's extended kinship group.

The third phase represents the crux of the conflict resolution mechanism, designated as *Ngantak Salah* (the surrendering of weapons or the conveyance of fault). Within a strict temporal limitation of 1x24 hours for proximate distances, or a maximum of 3x24 hours for remote distances, a delegation of customary dignitaries from the male's family must present themselves at the residence of the maiden's parents. This delegation does not arrive empty-handed; rather, they bear customary heirloom armaments, such as

¹³ Hilman Hadikusuma, *Pengantar Ilmu Hukum Adat Indonesia*, 2nd ed. (Bandung: Mandar Maju, 2003). Page, 103.

a *keris* (traditional dagger) or a crowbar. The surrender of these bladed implements symbolizes total capitulation, an unequivocal admission of culpability, and a profound plea for clemency regarding the act of "eloping" with the daughter absent a formal permission mechanism. This *Ngantak Salah* phase serves as the most authentic representation that the *Sebambangan* tradition exalts the hierarchy of inter-familial deference to the highest echelon, superseding the mere romantic ego of the individuals involved.

The fourth phase encompasses *Bawawasan* and *Ngantak Lalap-lalapan*. Following the acceptance of the apology—a process frequently punctuated by initial dynamics of severe outrage from the female's parents, which is sociologically normative—the male party dispatches high-grade provisions, including rice, sugar, and most essentially, choice river fish, to the maiden's family residence. This familial convocation, termed *Bawawasan*, is convened to negotiate the *pekhadu salah* (permanent peace settlement) and diplomatically commence deliberations regarding the specificities of dowry requirements, the magnitude of bridal endowments (*sesan*), the conferral of titles (*adek*), and the scheduling of the matrimonial formalization.

The fifth and culminating phase is *Manjau Mengiyan*, *Sujud*, and *Peggadew Rasan*. The prospective groom is escorted to visit the female's family to execute the *sujud* or *sungkeman* ritual, directly petitioning for lifelong blessings from the customary patriarchs and the female's parents. This tradition is subsequently followed by the *Cuak Mengan* or communal banquet, a collective declaration signifying that all adversarial status has been unequivocally expunged, the two kinship lineages have been unified, and they are prepared to officiate the marriage contract (*akad nikah*) in strict adherence to Islamic Sharia tenets.

**Table 1. Structural Comparison between the Formal Proposal Process
(*Khitbah/Intar Padang*) and the *Sebambangan* Tradition in Lampung Society**

Aspect of Comparison	Formal Proposal (<i>Intar Padang</i>)	Elopement Tradition (<i>Sebambangan</i>)
Initial Initiation	The male's family formally arrives to petition for the maiden's hand in marriage.	The couple consensually agrees to elope clandestinely, leaving the <i>Tengepik</i> instrument.
Duration and Cost	Necessitates months of arduous deliberation, incurring exponentially high customary costs (<i>Jujur</i>).	The negotiation process operates expeditiously (within a matter of days) with financial burdens subject to greater compromise.
Initial	Operates within a framework	Characterized by acute social tension

Familial Posture	of pre-existing harmony and transparent negotiation.	precipitating the <i>Ngantak Salah</i> conflict resolution phase.
Customary Law Focus	Concentrated on the fulfillment of diverse social status symbols.	Prioritizes the protection of honor (<i>Piil</i>) post-elopement and the systematic de-escalation of conflict.
Conclusion	Culminates in the marriage contract and a grandiose customary celebration (<i>Gawei</i>).	The marriage contract is executed immediately; celebrations may be condensed to a more modest scale (<i>Gawei Lunik</i>).

2. Temporal Shifting Dynamics and the Perspectives of Customary Stakeholders

The existence of the *Sebambangan* tradition is inextricably bound to the reality of social pragmatism that permeates the Lampung society. Legal scholar Hilman Hadikusuma identifies five fundamental rationales that serve as the primary catalysts for the election of this extreme tradition: (a) the maiden has not secured matrimonial consent from her parents due to specific impediments; (b) a formal, transparent proposal initiated by the male party has been unilaterally rejected; (c) the maiden is being subjected to forced betrothal or engagement to a man she does not love; (d) severe economic constraints wherein the male's family is financially incapable of fulfilling the exorbitant demands for dowry, ceremonial funds, or customary expenses (*Jujur*) that are frequently prohibitive within the conventional proposal route; and (e) psychological circumstances wherein the maiden intends to establish a household but is obstructed by the customary prohibition of "bypassing" an older sister who remains unmarried.¹⁴

Notwithstanding that this tradition once constituted a highly dominant and venerated normative practice prior to the 1990s, field research investigations reveal that the execution intensity of *Sebambangan* in Padang Ratu Village has waned significantly over time. Based upon narratives constructed from interviews with local stakeholders, there are profound structural and cultural disruptions precipitating a massive shift in these procedural practices.

The first causal factor is the pervasive penetration of inclusive formal education. Elevated levels of formal education have catalyzed a revolution in critical pedagogical paradigms among the younger generation in Padang Ratu. Institutional education imparts a value of objectivity that compels individuals to employ scientific reasoning. Through education, they have become emboldened to question the relevance of customary

¹⁴ Hilman Hadikusuma, *Masyarakat Dan Adat Budaya Lampung* (Bandung: Mandar Maju, 1989). Page, 76.

procedures that are excessively convoluted, protracted, and inherently conflict-prone. The contemporary educated cohort demonstrates a pronounced preference for proposal processes that are transparent, rational, and economically efficient, thereby circumventing the exhausting inter-familial social friction or "drama."

The second causal factor is the acceleration of mass communication media and informational globalization. Mass media exerts a hegemonic influence that normalizes modern urban lifestyles and romanticizes contemporary, rationally styled matrimonial processions. The sacred symbolic culture intrinsic to *Sebambangan* is gradually being supplanted by pop culture. The internet-exposed generation increasingly perceives the act of "eloping" with another's daughter as an archaic, stigmatized narrative, or even conflates it with criminal conduct, thereby eroding the cultural pride that was historically affixed to the tradition.

The third causal factor is the shifting constellation of the social milieu and cultural assimilation. In the contemporary era, Padang Ratu Village is no longer exclusively populated by indigenous Lampung communities. Intensive interactions with migrant ethnic groups (such as the Javanese, Sundanese, and Bugis) have triggered an inevitable wave of cultural acculturation. The proliferation of inter-ethnic marriages (amalgamation) renders the application of pure customary law, such as *Sebambangan*, highly dilemmatic. Migrant families lack the cultural epistemology regarding *Piil Pesenggiri* and will unequivocally construe the elopement of their daughter as an absolute affront, rather than a strategy of compromise. Consequently, the essence of customary procedures is frequently relaxed, and this tradition is now predominantly invoked merely as an ultimate "emergency mechanism" if a couple is genuinely entrapped in an intractable predicament.

Amidst the attrition of this practice, the perspectives of customary stakeholders in Padang Ratu provide an affirmation of resistance regarding the preservation of the tradition's underlying meaning. Mr. Chandra Nata (acting as the Village Head) and Mr. Arifin (acting as a Customary Community Elder) vehemently repudiate the external stigmatizing perspective that equates *Sebambangan* with the criminal offense of child abduction or mere irresponsible, illicit elopement. To these elders, *Sebambangan* fundamentally manifests the male party's courage, maturity, and earnestness. Viewed through the lens of *Piil Pesenggiri*, when a young man exhibits the audacity to elope with a maiden, he is in no way absconding from responsibility. Conversely, he escorts the

maiden to a secure sanctuary (the residence of the male's relatives or customary elders) and subsequently acts chivalrously by dispatching official envoys to confront the peril of fatal familial wrath from the female's family. This constitutes a profound test of mettle and commitment. Paradoxically, the female's family frequently feels that "their dignity is elevated" because their daughter is so highly coveted that the male party is willing to jeopardize life and property.

Furthermore, local religious clerics opine that this tradition possesses a sociological correlation in minimizing divorce rates. The arduousness of the *Sebambangan* process—initiated by extreme social tension, humiliating apologies, and concluding with materially exhaustive sacrifices—forges a profoundly militant psychological bond for the couple. They are compelled to perpetually safeguard the integrity of their matrimonial union, fully cognizant of the sheer magnitude of familial honor wagered and the exhausting peacemaking process that was sacrificed to consummate their union.

Table 2. Comparative Analysis Between *Sebambangan* and Analogous Traditions Across Various Regions in Indonesia

Tradition Name	Ethnic Origin/Region	Primary Characteristics and Elopement Mechanism	Legal Pluralism Analysis and Customary Law Response
Sebambangan	Lampung (Pepadun/Saibatin)	The maiden voluntarily leaves the <i>Tengepik</i> letter and funds. The elopement is succeeded by a formal apology (<i>Ngantak Salah</i>) bearing a <i>keris</i> .	Customary law responds by facilitating a pragmatic, peaceful resolution. It places a premium on post-elopement negotiations to safeguard honor (<i>Piil</i>).
Merariq	Sasak, Lombok (NTB)	The male "kidnaps" the female outside the domicile nocturnally (<i>Midang</i>), subsequently followed by a formal report to the hamlet chief (<i>Nyelabar</i>).	Frequently correlated with the demonstration of masculinity. According to Suhardi (2025), it is susceptible to exploitation for child marriage if not adequately mitigated.
Ngerorod	Bali	The couple consensually elopes to a third-party domicile (<i>Ngerodan</i>). This is followed by the dispatch of a messenger (<i>Pasadek</i>) and a formal apology.	Focuses on circumvention of rigid caste stratification or stringent parental consent. Recognized as legally valid by the customary community provided coercion and violence are absent.
Marlojong	Batak/Mandailing, Sumatra	The male and female flee to the residence of the local customary chief to solicit direct mediation	Functions as an instantaneous mediation tactic. It precipitates deliberation aimed at

		concerning parental disapproval.	reducing the customary dowry (<i>Parobanan</i>) deemed financially oppressive.
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3. Jurisprudential Analysis of the *Sebambangan* Tradition Under Indonesia's Positive Marriage Law

Theoretically, the confrontational discourse between customary law and state law must be anchored in the paradigm of "Legal Pluralism." The Unitary State of the Republic of Indonesia consciously eschews absolute legal centralism. As comprehensively elucidated by Fitri Yanti Katili et al., the social realities of Indonesian society necessitate astute legal harmonization efforts capable of integrating state norms with multi-layered local cultural realities.¹⁵ Furthermore, Arman Budiman et al. emphasize that state law, religious law, and customary law frequently exist within a contested space; nevertheless, these three normative systems constantly seek an equilibrium point to preserve public order.¹⁶ In the realm of matrimony, Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning Marriage, was deliberately drafted to afford a limited concessionary space for the application of customary law precepts and religious dogmas, provided they do not contravene fundamental human rights principles.

A critical analysis of *Sebambangan*'s implications within the framework of National Marriage Law necessitates a statutory dissection. First, Article 1 of the Marriage Law defines marriage as a physical and spiritual bond between a man and a woman aimed at forming a happy and eternal family founded upon the belief in the One Supreme God. The *Sebambangan* tradition, notwithstanding its seemingly unconventional *modus operandi*, culminates in a profoundly sacred objective: the establishment of a permanent household, rather than a mere transient elopement to evade responsibility. Second, the paramount foundation of legality is enshrined in Article 2 paragraph (1) of the Marriage Law, which stipulates: "A marriage is valid, if solemnized according to the laws of their respective religions and beliefs." In the praxis of *Sebambangan* within Padang Ratu, the customary elopement and the *Ngantak Salah* procession merely constitute pre-conditional phases. In the final stage (*Peggadew Rasan*), the matrimony invariably concludes with the *Ijab*

¹⁵ Fitri Yanti Katili, Qisthy Leonarza, and Fadlan Fadlan, "Harmonization of Interfaith Marriage Law in Indonesian Legal System: Between Social Reality and Legal Certainty," *International Journal of Social Welfare and Family Law* 2, no. 1 (January 9, 2025): 22–32, <https://doi.org/10.62951/ijsw.v2i1.155>.

¹⁶ Budiman, Rumadi, and Dli'fain, "The Contestation of State, Religious, and Customary Laws on Child Marriage: A Legal Pluralism Perspective."

Kabul ceremony, which strictly adheres to Islamic Sharia protocols; the fulfillment of this prerequisite thereby renders the marriage legally valid under Indonesian civil law.

A frequently debated legal issue pertains to administrative registration. Article 2 paragraph (2) of the Marriage Law mandates state registration. Upon the attainment of familial reconciliation through *Sebambangan*, the Padang Ratu community eschews unregistered marriages (*nikah siri*); instead, they consistently engage village officials and the Marriage Registrar Official (KUA) to legitimize the civil administrative registration of the marriage. This aligns with the research findings of Rohman and Putri, which underscore that marriage registration constitutes an essential right guaranteeing legal certainty, an imperative that both the state and society must strive to fulfill. The state's administrative mechanisms are rigorously upheld subsequent to the customary conflict resolution.¹⁷

The most vulnerable legal nexus, bearing the potential to drag this tradition into the realm of criminal law, is the allegation of abduction penalized under Article 332 of the Indonesian Penal Code (KUHP), coupled with the issue of consent under the Marriage Law. Article 6 paragraph (1) of the Marriage Law mandates the absolute prerequisite that "Marriage must be predicated upon the mutual consent of the prospective bride and groom." It is precisely at this juncture that the jurisprudential ingenuity of Lampung customary law operates. The elopement in *Sebambangan* is invariably preceded by a consensual interaction during a courtship period (*bekadu* or token of affection). The physical existence of the *Tengepik* Letter, handwritten by the maiden herself and containing an affirmative declaration of her voluntary and uncoerced departure, functions as crucial documentary evidence that exonerates the male party from the elements of criminal abduction or coercion. This instrument serves as the material manifestation of the prospective bride's consent in strict compliance with the mandate of Article 6 paragraph (1). Furthermore, concerning Article 6 paragraph (2), which mandates parental consent for individuals who have not attained 21 years of age, the *Sebambangan* tradition *prima facie* circumvents this permission initially. However, through the diplomatic *Ngantak Salah* process—which exerts profound pressure on familial ego psychology—parental blessing is invariably secured *post-factum*. This communally

¹⁷ Adi Nur Rohman and Elfirda Ade Putri, "Progressive Reading of Child Custody Rights in Indonesia: A Gender Justice Perspective on Marriage Law," *Jurnal Hukum Dan Peradilan* 11, no. 1 (March 31, 2022): 43–63, <https://doi.org/10.25216/jhp.11.1.2022.43-63>.

ratified blessing at the culmination of the process satisfies the legal guardianship requisites mandated by the statute.

This comprehensive analysis corroborates that *Sebambangan* is juridically insulated from the penal liabilities of coercion. As articulated by Hilman Hadikusuma, customary marriages in Indonesia cannot be construed merely as pure civil contractual obligations in the Western legal tradition; rather, they constitute a complex matrix of spiritual kinship and communal ties. Consequently, *Sebambangan* represents a manifestation of customary law progressivism, providing a highly astute instrument for alternative dispute resolution.¹⁸ This proposition is affirmed by Sainul, Jafar, and Sakirman, who emphasize the paramount mediating role of the village head figure in transforming the severe conflict induced by the *Sebambangan* tradition into an amicable, non-litigation resolution, which is ultimately and harmoniously subordinated to the state's administrative registration mechanisms.¹⁹

4. A Review of Islamic Legal Pluralism and the Conceptualization of 'Urf in the *Sebambangan* Tradition

The community of Padang Ratu Village, akin to the majority of Lampung's population, constitutes a devout Muslim society. Consequently, the customary law (*hukum adat*) operating within and binding their social fabric cannot be entirely divorced from the evaluative filter of Islamic doctrines and sharia principles. In the epistemology of Islamic Family Law (*Fiqh Munakahat*) and the Compilation of Islamic Law (KHI), the pre-marital or formal betrothal process is technically designated as *Khitbah*. Principally, Islam is highly flexible, delegating the technicalities, culture, and procedural execution of *Khitbah* to the cultural wisdom and traditions of respective regions, subject to a singular absolute limitation: such procedures must not contravene the fundamental principles of monotheism (*Tawhid*) and Islamic law (*Shari'ah*).

The persistence of *Sebambangan* in the modern era inevitably incites rigorous discourse regarding its jurisprudential (*fiqh*) legality among Muslim scholars and religious leaders. Zulkarnain et al. critically highlight this phenomenon, asserting that the preservation of local wisdom such as *Sebambangan* must be continuously scrutinized and supervised within the philosophical framework of *Maqasid al-Shari'ah* (the universal

¹⁸ Hilman Hadikusuma, *Hukum Perkawinan Indonesia* (Bandung: Mandar Maju, 1990). Page, 8-9.

¹⁹ Sainul et al., "Legal Reform and Mediation in Non-Litigation Dispute Resolution: A Case Study of *Sebambangan* Tradition."

objectives of Islamic law). This evaluation is absolutely imperative to ensure that the essential rights to security, protection of life, genealogical integrity (*nasab*), and female reproductive honor remain strictly guaranteed amidst the social panic triggered during the elopement.²⁰

To precisely situate the legal standing of *Sebambangan*, the principles of Islamic jurisprudence (*Usul al-Fiqh*) provide a rational instrument known as '*Urf*' (customary practice). Within the jurisprudential framework, '*Urf*' is dichotomously classified into two primary poles: '*Urf Sahih*' (valid customs that are beneficial and align with textual sharia evidence) and '*Urf Fasid*' (corrupt customs that are destructive, normalize vices, and diametrically oppose definitive texts or *Qat'i* scriptures). The legal status of *Sebambangan* is heavily contingent upon the variables of intent, technical execution, and the subject of the elopement.²¹

First, *Sebambangan* Classified as '*Urf Sahih*.' If the *Sebambangan* practice involves a couple who have attained the criteria of legal maturity (*baligh* and of sound mind), share genuine mutual affection, and reach a conscious mutual agreement (authentically evidenced by the presence of a *Tengepik* letter), this tradition is not prohibited. Another absolute prerequisite for it to retain its status as '*Urf Sahih*' is that the couple must be strictly safeguarded against potential *khalwat* (unlawful seclusion that may lead to adultery or *zina*). In Padang Ratu Village, this is mitigated by placing the eloping female under the strict supervision of the male's female relatives, rather than allowing the couple to cohabit in seclusion. In this context, the *Sebambangan* tradition transforms into a highly noble *wasilah* (means or pathway) to prevent the youths from engaging in immoral acts due to obstructed parental consent or the financial incapacity to afford exorbitant dowries. This receives robust juridical justification from the grand maxim of *Usul al-Fiqh*, namely "*Ma la yatimmul wajibu illa bihi fahuwa wajib*" (that without which an obligation cannot be fulfilled is itself obligatory). This practice aligns with the analysis by Laras Shesa et al., which emphasizes the imperative of reformulating progressive *fiqh* to protect women and the integrity of the family institution from the grip of violence and oppressive

²⁰ Zulkarnain, Sholeh, and Muttaqin, "Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāṣid Shari'ah Perspective."

²¹ Nofa Taufani Warda, Fathullah Rusly, and Vita Firdausiyah, "Analisis Hukum Keluarga Islam Tentang Sebambangan Naeki Pada Adat Ogan Studi Di Desa Bunglai Kecamatan Kedaton Peninjauan Raya Kabupaten Ogan Komering Ulu," *AS- SYAR ' I: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 2221–31, <https://doi.org/10.47476/assyari.v8i1.11170>.

customs.²²

Second, *Sebambangan* Mutating into 'Urf Fasid. A highly crucial juridical and theological anomaly arises if the *Sebambangan* is perpetrated against a woman already formally engaged (*Khitbah*) to another man of good faith. The *Sunnah* and *Hadith* of Prophet Muhammad PBUH unequivocally and uncompromisingly prohibit a believer from proposing to a woman already betrothed to his brother, serving as a preemptive measure against vengeance and social instability. Consequently, if a bachelor clandestinely abducts or "elopes" with a woman during her formal engagement to another, this customary practice automatically mutates into 'Urf Fasid (a prohibited and reprehensible custom) under sharia, as it infringes upon the subjective rights of the initial suitor and provokes horizontal hostility within the community. Despite the ethical breach of *Khitbah* at this stage, a consensus exists among the majority of *fiqh* scholars: if the marriage is ultimately forced and executed by fulfilling all the requisite pillars of marriage (*Rukun Nikah*)—namely, the presence of a familial guardian (*Wali Nasab*), the attendance of two just male witnesses, the offer and acceptance ceremony (*Ijab Kabul*), and the handover of the dowry (*Mahr*)—the marriage contract (*Akad Nikah*) remains legally and formally valid under positive religious law. Nevertheless, the pre-marital process leaves a residue of sin and moral defect due to the ethical violation of *Khitbah* that transgressed another's rights. This affirms the complex dominance of Islamic law in customary festivities, as examined by Saiin et al., wherein sharia perpetually serves as the ultimate adjudicative umbrella determining the validity of a communal customary event.²³

Table 3. Analysis of Legal Pluralism among the Customary Law Instruments of *Sebambangan*, Positive Marriage Law, and Islamic Law

Phase / Aspect of Marriage	Customary Law Perspective (Sebambangan)	National Law Perspective (Law No. 1/1974 & Law No. 16/2019)	Islamic Law Perspective (Compilation of Islamic Law & 'Urf)
Initiation & Consent	Clandestine elopement leaving a handwritten letter of consent (<i>Tengepik</i>).	The <i>Tengepik</i> letter acts as valid evidence of mutual consent, negating the criminal element of coercion (Article 6, Paragraph 1).	Classified under the pre-marital phase (<i>Khitbah</i>). Acceptable as 'Urf Sahih provided it prevents <i>zina</i> and does not violate an existing

²² Laras Shesa et al., "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 13, 2024): 236–62, <https://doi.org/10.32332/milrev.v3i2.9950>.

²³ Asrizal Saiin et al., "The Domination of Islamic Law in Customary Matrimonial Ceremonies: Islamic Values within the Malay Marriage Tradition in Kepulauan Riau," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (December 29, 2023): 320–41, <https://doi.org/10.14421/ahwal.2023.16207>.

			betrothal.
Mediation & Guardianship	Emissaries surrender a ceremonial dagger (<i>Ngantak Salah</i>) to appease the anger of the female's guardian and family.	A mediation process to retroactively obtain guardian consent (<i>post-factum</i>) that was initially bypassed, ensuring compliance with Article 6, Paragraph 2.	Fulfillment of the guardian's right is an absolute requisite (particularly within the Shafi'i School). Mediation ensures the <i>wali nasab</i> explicitly consents to marry off his daughter.
Ratification & Registration	The series of <i>Peggadew Rasan</i> and <i>Cuak Mengan</i> ceremonies signify communal social acceptance of the couple.	The obligation of administrative registration by the KUA (Office of Religious Affairs) is enforced subsequent to the customary resolution, upholding the principle of legal certainty (Article 2, Paragraph 2).	The obligation to fulfill the pillars of marriage (<i>Ijab Kabul</i> , Dowry, Witnesses) is strictly executed in compliance with sharia prior to civil administrative registration.

The position of the guardian, which frequently emerges as a sensitive issue given that the woman's parents often feel their dignity has been "bypassed" at the onset of the elopement, can invariably be resolved through a comprehensive mediation mechanism. In the final analysis, Islamic shari'ah mandates that the consent and presence of a *Wali Mujbir* or *Wali Nasab* are absolutely imperative for the legal validity of a marriage contract. Intelligently and politically, the *Sebambangan* tradition does not negate or eliminate this pillar of guardianship in any capacity. Conversely, this tradition employs social pressure to compel an obstinate guardian to the negotiation table to deliberate rationally, thereby preserving the family's dignity during the *Bawawasan* phase. Islamic law is highly flexible and open to accommodating diverse conflict resolution instruments and preserving the integrity of extended kinship ties (*Silaturahmi*).

The presence and proactive disposition of religious figures and community elders in Padang Ratu Village, who consistently strive to facilitate reconciliation and peace amidst crisis situations, have successfully underscored the co-existential harmony between customary law and religious law. This sociological phenomenon is consonant with the implementation of the monumental maxim of *Usul al-Fiqh*, "*Al-'Adatu Muhakkamah*" (a communal custom can be established as a source of unwritten positive law), whereby factually, the Padang Ratu community has successfully formulated a potent dispute resolution instrument that averts anarchic acts and physical violence, preserves the essence of noble kinship values (*sakai sambayan*), and ultimately protects the

establishment of the sacred institution of marriage, securely governed under the umbrella of the state's constitutional legal certainty.

The analytical synthesis constructed by scholars such as Sadiani et al. on the progressive practice of Islamic law, alongside Napsiah et al. concerning the necessity of legal construction that prioritizes women's human rights amidst customary practices, reinforces the conclusion that the existence of modern *Sebambangan* must be steered in a progressive direction. It must not merely serve as an instrument of evasion from financial responsibility; rather, it must revert to its original nature (*fitrah*) as a medium protecting the honor of true love, sanctioned by the community, validated by shari'ah, and registered by the civil law authority of a constitutional state.^{24,25}

C. CONCLUSIONS

Based upon a comprehensive analysis of the structural anatomy and sociological dynamics within Padang Ratu Village, Central Lampung, this study establishes that the *Sebambangan* tradition—historically the central mechanism of compromise betrothal—is gradually undergoing procedural attrition. This paradigmatic shift is primarily catalyzed by the pervasive penetration of rational formal education, the acceleration of globalized media, and massive inter-ethnic social assimilation. Notwithstanding its gradual decline, the practice of post-elopement peace mediation, definitively evidenced by the *Tengepik* letter, remains juridically justifiable. It strictly satisfies the essential legal principle of mutual consent between the prospective bride and groom, as explicitly mandated by Article 6 of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019, thereby simultaneously nullifying the statutory elements of the criminal offense of abduction. Evaluated through the paradigm of Islamic legal pluralism, this customary conflict resolution instrument is conceptually positioned as '*Urf Sahih* (a valid custom). It functions pragmatically to prevent adultery (*zina*) and facilitates compliance with state civil registration requirements, subject to a strict exclusionary caveat: the practice mutates into '*Urf Fasid* (a corrupt custom) if the elopement is executed by usurping a pre-existing formal betrothal of another party. Ultimately, the convergence of these normative

²⁴ Sadiani Sadiani et al., "Progressive Islamic Law and Misek Tradition of Dayak Ngaju in Central Kalimantan," *El-Mashlahah* 13, no. 2 (December 31, 2023): 225–44, <https://doi.org/10.23971/el-mashlahah.v13i2.7624>.

²⁵ Henky Fernando et al., "Bibliometrics of Family Law Research Trends in Southeast Asia: An Analysis Two Decades 2003-2023," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 82–109, <https://doi.org/10.22373/ujhk.v7i1.22439>.

frameworks definitively demonstrates that state positive law, religious jurisprudence, and customary legal wisdom are capable of harmonious coexistence. This tripartite coexistence successfully furnishes substantive guarantees for the protection of human dignity and ensures civil legal certainty, thereby fortifying the sustainability of the matrimonial institution within the contemporary era.

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