

Convergence of Islamic Law and Customary Law in Melinting Lampung Traditional Marriage

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Abstract

The law is all regulations which contain regulations that must be obeyed by everyone and there are strict sanctions in it for those who violate it. The purpose of this study was to obtain a specific description of one of the phenomena of marriage among the people of Lampung Keratuan Melinting. The interaction discourse between Islamic law and customary law is not a phenomenon that will present numerical data, so it cannot be investigated directly and cannot be summed with simple measuring tools. Thus the quantitative method cannot be used, because it does not pretend to solve the problem. Non-traditional marriages performed among indigenous peoples are substantially not much different from marriages performed by people who are not bound by customary rules. The difference is that in its implementation, non-traditional marriages still have to be approved by the customary balancers.

Keywords

customs; marriage; legal interactions



I. Introduction

Law is one of the instruments to regulate people's behavior in regulating social life. Sociologically, the law contains various elements, including plans of action or behavior, certain conditions and situations. The law itself has a permanent characteristic, namely an organ of abstract regulations, which functions to regulate human interests, and every violation will be subject to sanctions in accordance with what has been determined.

The law is all regulations which contain regulations that must be obeyed by everyone and there are strict sanctions in it for those who violate it. Obedience is an attitude of obeying the applicable rules. According to Pratiwi (2020) in social life, law and society are two interrelated things that can never be separated. Through instruments, unlawful behavior is prevented and repressive measures are pursued (Tumanggor, 2019). From the aforementioned provisions, it proves the existence of new developments regulated in this Law (Purba, 2019). Not caused by sanctions, but arises from the impulse of responsibility from within. Legal compliance is an awareness of the usefulness of law that gives birth to a form of community "loyalty" to the legal values that are enforced in living together which is manifested in the form of behavior that is actually obedient to the legal values themselves that can be seen and felt by fellow members of the community.

However, no matter how well the law is enforced, it is still not directly proportional to obedience. The law that is enforced is not accepted or simply rejected without any consideration. In other words, society always has a million ways to deal with the laws that govern it. This is what is meant by legal efficacy, which will always exist in situations where people are dealing with the law, including indigenous peoples with customary law that governs them.

Customs are not always a set of rules that are purely born from indigenous peoples, but can also be the result of dialogue between local cultures and other cultures. At least this applies to the Lampung Keratuan Melinting customs, which have a lot of Islamic influence, even though Islamic culture is not the first and only one that has direct contact with local customs.

The interaction between religion and customs that occurs not only gives birth to customary marriages that have included elements of Islamic law, but also encourages legal efficacy in the form of non-traditional marriages whose emergence tries to avoid customary marriage rules.

As the name implies, customary marriage is a marriage which in its implementation uses traditional processions and instruments. Meanwhile, non-customary marriages are marriages that are carried out without going through a traditional procession.

People who do non-traditional marriages do not mean they don't want to follow customary law. However, the high cost of holding a traditional wedding procession forced them to choose a non-traditional marriage route. In this context, non-customary marriages do not always mean leaving the traditional procession altogether, but sometimes the traditional procession is postponed. In other words, religious marriages are carried out first while the traditional procession is carried out later if the family concerned has been able to hold the traditional procession. Unfortunately, not a few of the people take a long time to be able to hold the traditional procession, which means that during that time he will be "ostracized" by custom.

Marriage itself in Islam According to Asma Barlas is at the intersection between private (individual) and public (communal) space, between religious space and social space. Asma Barlas's statement will be easily parsed by Muhammad Shahrur's definition which states that marriage is a social agreement between a man and a woman, the goals of which are sexual relations, *mus}a>harah*, descent, asking for the gift of children, forming a family and living together. . By understanding that marriage is between religious space and social space, Islamic law is very possible to interact with culture and customs in a society.

Legal efficacy in non-traditional marriages among the people of Lampung Keratuan Melinting is the result of the interaction between Islamic law and customary law that deserves further study. The great influence given by Islamic law seems to confirm Nurcholish Madjid's statement which mentions Islamic law in the sense of *fiqh* as a law that has a strong influence in constructing Muslim understanding of their religion. And with this it is not an exaggeration if '*A<bid al-Ja>biri*' mentions the civilization of *fiqh* civilization (*al-had}a>rah al-fiqhiyyah*) as a civilization that has always been built by Muslims. This research on the interaction of Islamic law and customary law in marriage among the people of Lampung Keratuan Melinting sees the reality of marriage as a *fiqh* civilization as called '*A<bid al-Ja>biri*'. As a part of *fiqh* civilization, marriage, in this case marriage among the people of Lampung Keratuan Melinting, has undergone a series of interpretation processes that have been going on for years. Therefore, the community, as interpreters as well as customary actors, becomes the focus of this legal research . The purpose of this study was to obtain a specific description of one of the phenomena of marriage among the people of Lampung Keratuan Melinting.

II. Research Method

The interaction discourse between Islamic law and customary law is not a phenomenon that will present numerical data, so it cannot be investigated directly and cannot be summed with simple measuring tools. Thus the quantitative method cannot be

used, because it does not pretend to solve the problem. This interaction is only possible to investigate with qualitative methods to see the legal interaction as a phenomenon that has variables that are dynamically related to one another. Thus, this research emphasizes the wholeness (entity) of a phenomenon, not partially.

Data on traditional marriages and non-traditional marriages among the people of the Keratuan Lampung Keratuan Melinting Kab. East Lampung will be traced directly by conducting in-depth interviews with informants, in this case the traditional leaders (Ratu or Sultan Melinting, Bandar, Lid, Penimbang) and the people of Lampung Keratuan Melinting. The documentation process, in the form of important notes and recordings about the procedures for the practice of marriage, is no less important data in this research. This is to support the data obtained from in-depth interviews. Seeing that the data to be taken is field data obtained through direct interviews, this research can be classified as field research.

The interviews conducted cannot be separated from the sampling process, because it is through this sampling that the informants who will be interviewed in this study are determined. Sampling is important, because in research on the interaction of Islamic law and customary law in marriage among the people of Lampung Keratuan Melinting, the researcher reduces the object of his research, as well as generalizes the research results from the object that has been reduced.

Sampling is done by determining the population and sampling technique. The population in this study were traditional leaders and the people of Lampung Keratuan Melinting spread over seven traditional villages (tiyuh). This population is homogeneous. Because what is being studied is indigenous peoples, the homogeneous nature of the population can be seen from the application of the same customary law, and the same legal treatment of the community. With a homogeneous population, according to Amiruddin and Zainal Asikin, a large number of samples is not needed to represent the homogeneous population.

Purposive sampling (purposed sample) was chosen as the sampling technique in this study. Traditional leaders (including the Queen, Bandar, Lid and Balancing) are the parties who most understand the application of customary law in Keratuan Melinting. The community will be divided into two groups, namely the community that implements the customary law of marriage taken for granted and the community renegotiating the customary law so that non-traditional marriages are born.

After the data is obtained, then data analysis is carried out by classifying the data into patterns, themes or categories. This categorization and classification also means an inductive qualitative interpretation effort.

This research, of course, requires an approach as a 'surgical tool' that will explore the object of research from a certain side. For this reason, this research uses a normative-exploratory approach which is one of the approaches in legal anthropology. This approach studies humans and their legal culture by starting with existing legal norms (rules), both in the form of institutions and in the form of behavior. This method is carried out by first conducting an exploration (exploration) of the ideal legal norms, whose validity is desired. Therefore, E. Adamson Hoebel uses the term 'ideological method' as he says, "The first is ideological and goes to 'rules' which are felt as proper for channeling and controlling behavior.

To be able to understand human behavior related to law, the first thing to do is an ideological exploration of legal norms, making it easier to find a path of observation of legal behavior. Thus the legal norms that are explored are not merely to find out which

norms will be applied to the perpetrators of the legal event, but which legal norms will be used in observing their cultural behavior.

The normative-exploratory method used in legal anthropology does not only look at the problem from a legal perspective, such as those found in legal theory books, statutory law books, or traditional customary law, but the most important thing is the reality that applies in society in order to explore further in the sense of intellectual (intellectual), philosophy and psychology that underlies human behavior.

If it is associated with the phenomenon of marriage among the people of Lampung Keratuan Melinting which in practice manifests itself in two forms, namely customary marriages and non-customary marriages, then this normative-exploratory approach in legal anthropology will see the attitude of the community towards their customary law as a form of 'scholarship' law. The community is not always powerless in the eyes of customary law. The community also has a position to negotiate customary law which is sometimes burdensome for them, of course with certain consequences.

III. Discussion

3.1 People's Views on Customary Marriage Law

Islam who came to Indonesia received special attention from the people of the archipelago who had long embraced Hinduism. Islam is considered better, because Islam does not recognize caste, and does not recognize class differences in society. The process of Islamization took place and was made easier because of the support of two parties; immigrant Muslims who teach Islam and the Indonesian people who accept it with open arms.

During the dim power of the Sriwijaya Kingdom, political, economic and socio-cultural shocks were felt in the land of Lampung, which at that time was under his rule. Keratuan Pugung as one of the administrative districts of the Sriwijaya kingdom slowly separated from the Sriwijaya Kingdom. In this critical situation, Islam could easily enter and fill the Melinting community who were looking for a way of life, especially at that time Islam was spread by adapting it to the existing socio-cultural conditions.

Ratno Lukito related to customary relations with other laws, in this case Islamic law, said that customary law is essentially an open tradition, thus allowing for an exchange between the two laws. According to Ratno Lukito, this kind of relationship is a necessity, because of the ability of adat to adapt to other legal traditions. Moreover, he argued that since the arrival of Islam to the archipelago, the relationship between customary law and Islamic law has been seen as a means of perfecting the custom itself.

The Lampung Melinting traditional marriage is one of the traditional events that combines customary law and Islamic law as a marriage law unit that cannot be separated. The strong influence of Islamic law is seen in the marriage contract process. The contract procession is the only procession that is not handled by the tribal balancer, and is directly handled by the PPN or PPPN of the Sub-District Religious Affairs Office that oversees the tiyuh.

In the period prior to the emergence of regulations regarding marriage registration, the marriage contract process was usually led by religious leaders, or balancers who had knowledge of religion. In customary marriages, the marriage contract is a determinant of whether a marriage is legal or not in the eyes of religion, while the customary procession is a determinant of whether a marriage is legal or not in the eyes of customary law. These two processions unite and form a 'new' marriage law called customary marriage law.

Traditional marriages are not the only marriages that occur in the people of Lampung Keratuan Melinting. The heavy requirements in traditional marriages give rise to the phenomenon of new marriages called non-traditional marriages (mid naib marriages). This marriage is actually an ordinary marriage that has been carried out by most of the Indonesian people. Non-traditional marriage becomes an interesting topic when it is carried out by people who live in customary units bound by these customary rules, including marital affairs.

As an indigenous people, of course, the people of Lampung Keratuan Melinting try to preserve their customs by obeying and implementing all customary rules. However, certain conditions forced them to violate these customary rules. In the previous chapter, it has been stated that there are at least three factors behind the occurrence of non-traditional marriages, namely economic factors, marriage factors outside the region and balancing factors. However, of these three factors, only economic factors and balancing factors really play a role in constructing the occurrence of non-traditional marriages.

John L. Comaroff mentions that in legal anthropology, humans are indeed considered as creatures who are always looking for, whose willingness to cooperate with others is the embodiment of their own interests. To the extent that the law cannot be used to achieve these interests, the law should not be obeyed as far as possible. Thus, from this point of view, the recognition that society is always the interpreter of the laws that govern it is an unavoidable fact.

Hoebel, as quoted by TO Ihromi, related to the existence of law in society, revealing that there is a legal postulation in society which is closely related to their legal behavior. The legal postulates are defined as things that are considered good by its citizens and therefore must be pursued, and things that are bad and must be avoided.

Hoebel's statement above seems to be in line with Comaroff's concept of legal anthropology. Communities do not always accept the laws set by their government, including customary government, but they always negotiate these rules with their abilities and interests.

First, the economic factor. Economic factors are the most common factors raised by non-traditional marriage actors. The high cost of being able to hold a traditional wedding procession forced them to find other ways to get married.

The balancers in the three tiyuh studied, namely Maringgai, Tanjung Aji and Wana, the majority refused if the customary rules were said to be burdensome to the community. According to them, the rules have been discussed among all balancers in the seven tiyuh in Keratuan Melinting with the Sultan through Recako Adat. The details of the cost of the traditional wedding procession have also been adjusted to take into account the economic capacity of the community.

Dau balak (honest) as the main means in traditional marriages, and has the highest nominal value among other traditional means, namely Rp. 3,600,000, - (three million six hundred thousand rupiah), according to the majority of the balancers, is the minimum value that is appropriate as a gift to a woman who wants to be married, apart from the dowry. According to them, the dowry alone is not enough because Islamic law does not explicitly specify the size of the appropriateness.

Total Rp. 3,600,000, - for some people, is a very large number, moreover the local community almost entirely chooses to do ngakuk majau marriages. Judging from the process, ngakuk majau is a marriage that has a traditional procession and costs much more than mesukum or mupakat tuho marriages. This is natural because this marriage in its history is indeed a marriage tradition of the Sultan's family. For people who want to have a marriage with this system, they have to pay a fine to the Queen, which is called Dau Ratu.

The action of the community in choosing the ngakuk majau marriage is simply because they consider that this marriage is the most prestige compared to other marriages. This reminds us of the character of the Lampung people who like to get compliments, which is manifested by their fondness for receiving guests (nemui) and fond of giving or sending gifts to certain people, especially those who are bound by kinship (nyimah) with them.

Marriage outside the ngakuk majau is less popular, especially non-traditional marriages. So that community members who carry out non-customary marriages can be said to have taken the risk to become a topic of conversation for other community members and are no longer concerned with complimenting themselves.

For Abdullah, one of the parents of a non-traditional marriage in Tiyuh Wana, he chose a non-traditional marriage because he did not yet have the financial capacity to hold a traditional procession. In addition, he does not want to take risks like many other members of the community who are economically weak who are willing to take extreme actions, such as selling land or mortgaging a house, to be able to hold the traditional procession. According to Abdullah's confession, he and his family prefer to be temporarily ostracized in adat with a non-traditional marriage, because when he is able to pay the customary fine later, he will be considered equal to other communities.

In the above case, the existence of a customary fine is not a punishment for non-traditional marriages, moreover the amount is much less than the cost of the customary procession. Customary fines are actually a customary means to ratify a marriage that was carried out previously as a marriage that has been recognized by custom. Seeing this gap, it is natural that some people use it as a profitable solution. The punishment that is actually received by the perpetrator of a non-traditional marriage is when he is ostracized by custom before he pays the customary fine and is explained by custom by his tribal balancer.

Second, the balancing policy factor. Balancing apart from being an enforcer of customary law, actually on the other hand is also a party that also legalizes this marriage. The customary law of the Melinting royal court does not accommodate the possibility of non-traditional marriages, how to deal with them and including how to apply the fines.

The balancers admitted that they could not impose the enforcement of customary marriage law on the community, because their task was to direct and facilitate everything related to procedural matters in adat. In the case of marriage, they are tasked with assisting the family in their cradle to negotiate with the family and balancers in other cradles about the will to marry.

In the case of a sebembangan marriage, which is a marriage that begins with a run, the boy's parents will procedurally meet his tribal balancer and inform him of the run. Running in local customs can only end with two possibilities, marriage (ngakuk majau) or engagement (mesukum). If the boy's parents are ready to carry out the next process, the family and prowatin tiyuh will rush to the residence of the girl who was rushed.

Problems arise when parents are not financially ready to follow up on their son's run. Most of them will indeed try hard to be able to hold a traditional wedding procession, even though they have to sell valuable assets, such as houses and land, but there are a few who will disclose the economic problems they are facing to the tribal balancer.

Armed with information about the economic conditions faced by the child's parents, the family and prowatin will come to the girl's house to discuss the continuation of their children's relationship. Prowatin the two families will negotiate to find the best solution, related to the economic problems faced by the boys' parents. In general, the prowatin of the

two families will agree to make religious marriage a solution. Both families will comply with the results of the prowatan agreement.

According to Muslim Takdir, there were several parents who begged him to be able to carry out the customary marriage procession with very minimal funds. In response to this, he will see the amount of money prepared by the old man. If the number is sufficient to hold a traditional procession without a banquet, then a traditional procession will be held. If not enough, then religious marriage is the solution.

From the description of the balancing act in establishing non-traditional marriages as a solution for the economically weak, as well as the customary sanctions that can be paid later, it appears that they have actually contributed to the emergence of non-traditional marriages.

Anthropologically, in this case legal anthropology, balancing acts is also something that is natural in its position as creatures who always seek and cooperate with others. As a counterweight, he does have an obligation to apply customary law in the midst of his community, but on the other hand he also has a moral awareness to help all the difficulties faced by his community.

3.2 Islamic Law as the Foundation for Idil Non-Customary Marriages

Viewed from the substantive aspect of law, Indonesian Islamic law is characterized by its tendency to always accommodate non-Islamic rules that exist in society so that it is included in the religious legal system through certain legal engineering. That's why according to Ratno Lukito, in the process of the legal encounter, the Islamic legal tradition has a harmonious relationship with the existing local legal tradition. Ratno added that this harmony was demonstrated by the willingness of Islamic jurists to provide space for different legal traditions and cultures to coexist or to involve them in the legal transplant process, resulting in a new legal entity originating from a meeting between various legal entities. the legal tradition.

A different statement was put forward by Nani Soewondo who tends to view Islamic law and customary law as two legal entities that cannot be combined. According to him, there should be a conflict between the customary law groups who want to maintain the original law that has been inherited from generation to generation, and the Islamic religious law group which argues that people who have embraced Islam must submit to Islamic law. The influence of Islamic law on customary law does exist, but according to him, conflicts between the two occur more often. Soewondo exemplifies this contradiction in his statement as follows:

... Islamic law has many patriarchal characteristics, but it is not in accordance with customary law in patrilineal areas in Indonesia, partly because of the exogamy that prevails here. By itself, Islamic law is not in accordance with customary law in matrilineal areas, because the basis is very different. According to Islamic law, it is the individual that matters and not the legal alliance. In that case, Islamic law is in accordance with modern schools which also want to release the ties of family unions that are considered too binding. Thus we see that especially in this day and age, people rely on Islamic law when they want to oppose customary law regulations.

Soewondo seems to understand the interaction of Islamic law and customary law as a contradiction. Thus he understands the influence of customary law by Islamic law as a reposition of old law with new law. When there is a section of customary law that has an Islamic style, it means that there was customary law before it was replaced by Islamic law.

This is clearly different from Ratno Lukito's statement which views the interaction of Islamic law and customary law in Indonesia as a harmonious relationship between

immigrant legal traditions and local legal traditions. By using the two theories above, the author will see how non-customary marriages actually are seen from the side of their legal interactions. Did Islamic law contribute to this marriage? If so, does that mean that the conflict of the two laws has occurred?

As explained in the previous chapter, the traditional marriage of Keratuan Melinting basically consists of two components of marriage, traditional marriage and religious marriage. Thus the interaction between the two can be understood as a symbiotic mutualism. The two components of marriage originating from Islamic law and customary law unite and become a new legal marriage entity called customary marriage law that exists today.

Meanwhile, non-traditional marriages that release traditional elements and are carried out in religious ways, give the impression that the emergence of these marriages is colored by Islamic law as the driving factor. If it is understood that way, then in a certain understanding there has actually been a conflict or conflict between the two laws.

As the only religious law recognized by Keratuan Melinting, Islamic law has a special place in the life of the local community. Its position as God's law makes people position Islamic law as the highest legal reality outside their customary law. So it is natural that Islamic law is always the main choice in legal settlement for cases that cannot be resolved by custom.

Hasan Basri and other tiyuh Wana balancers admit that they find it difficult to agree with the economically weak community's desire to carry out religious marriages (non-customary marriages), because this means that the balancers have also violated the rules in the customary law of Keratuan Melinting. But they also cannot say "no" to the intention of marriage, because they know that religious law, which reflects God's will, has provided guidance on marriage in a simple way.

Looking at the picture above, it seems difficult to conclude that there has been a conflict between Islamic law and customary law in the phenomenon of non-traditional marriage among the people of Lampung Keratuan Melinting. The relationship between the two laws is actually a harmonious relationship, where when customary law cannot solve the problem, Islamic law is presented as a legal solution to the problems faced, although in practice it is still through *prowatan* deliberation.

When observed, in fact the actions of the economically weak community who lobby against the balance of their tribes to facilitate marriage, and the act of balancing the tribes making non-customary marriages as a legal solution for the economically weak communities, is a form of expression of the laws that govern it. This means that the existence of law, in this case customary law, as a means of social control (law as a tool of social engineering) is not simply accepted by indigenous peoples.

3.3 Interaction Pattern

Talking about customary law in the context of new conceptual developments and current realities, cannot be isolated from its relation to other laws, such as state law, religious law, custom, and even international law. The inter-relationships, interactions and mutual influence among these various legal systems are competitive, mutually repel, or mutually reinforcing. This is the latest concept of legal pluralism that can be found in various legal anthropological literature today.

The relationship between customary law and religious law itself has been going on for so long, even in certain contexts it is difficult to separate which are elements of customary law and which are elements of religious law. In Minangkabau society, for example, the arrival of Islam through a cultural approach, led to the emergence of the view

that Islam perfected adat, so that the terminology was born: adat basandi syara, syara basandi Kitabullah, syara manato adat mamakai. Relations between state law, customs and religion also often occur, especially when state and customary (religious) judicial institutions refer to each other through decisions in dispute resolution. The result of the relationship between these various laws, especially through judges' decisions, is that they can either reject each other, or reinforce each other (conflict or compromise).

Soerjono Soekanto defines interactions as dynamic relationships involving relationships between individuals, between groups of people, as well as between individuals and groups of people. In line with Soekanto, G. Kartasapoetra and Hartini in their sociology dictionary defines interaction as a dynamic social relationship between individuals, between individuals and groups, and between groups and groups. While the form of interaction in sociology can be in the form of cooperation (co-operation), competition (competition), and can even take the form of conflict (conflict).

In Anthropology, interaction as stated by Ralph Linton is a process of adjustment between one culture and another or between two value systems that encapsulate all dynamic and static aspects between interacting cultures. By using this perspective, both Islamic law and customary law are seen as two different cultural realities which in this context meet and are dynamically related as immigrant law on the one hand and indigenous law on the other. According to Alfian, the dynamic relationship between Islam and local culture in the legal aspect is not much different from what happens in sociology, namely cooperation, competition and conflict.

Iskandar Zulkarnain, one of the traditional leaders who is very understanding about the origins of the Melinting culture, said that Lampung customary law is basically the law of the jungle originating from the Kuntara Raja Niti Book. The principles of customary law in the book according to his narrative are:

Wrong child, wrong child
Incorrect index finger cut off
Blood debt, pay blood
Debt life, pay life

This principle of the law of the jungle continues to be used even when Islam has entered the Keratuan Melinting brought by the Sultanate of Banten. According to Iskandar's narrative, gradually people began to feel the chaos over the impact of the legal principle. It was then that Keratuan Melinting sent an envoy, Minak Kejala Bidin, to Sultan Hasanuddin in the Sultanate of Banten to ask for advice regarding the chaos in society. At that time the Sultan of Banten only gave advice in the formation of customary law, namely:

Like hitting a snake
Under the melur flower
Flowers are not damaged
The beater doesn't break
But the snake dies

The expression above illustrates that the law must be set with great care. The law exists to stop all forms of deviation in society, but the law must also not damage the social order. Iskandar understands this as a form of warning to traditional leaders to provide the best policy in a problem, adapted to the conditions of the community.

That is why in the matter of marriage, the balancers do not prohibit non-traditional marriages or religious marriages, although they always recommend doing them according to custom. The balancer does experience a dilemma when he agrees to the request for a

non-traditional marriage. On the one hand he feels he has ignored the provisions of customary marriage law, on the other he knows that religious law provides easy provisions in marriage law.

Seeing the phenomenon of non-traditional marriage from the side of interaction, it can be concluded that the relationship between Islamic law and customary law is not a competitive relationship. The relationship between the two laws also does not face conflict, but in fact both work together in forming a good order in marriage law (co-operation). In customary marriages, cooperation occurs with the formation of a new legal entity from the combination of the two laws. Meanwhile, in non-traditional marriages, cooperation occurs by placing customary law as a marriage solution for economically weak communities.

IV. Conclusion

After conducting a study on the interaction between Islamic law and customary law in the phenomenon of non-traditional marriage among the people of Lampung Keratuan Melinting, in order to answer the problem formulation that has been mentioned at the beginning of the description of this research, it is concluded that in practice, non-traditional marriages are carried out among indigenous peoples, substantially not much different from marriages performed by people who are not bound by customary rules. The difference is that in its implementation, non-traditional marriages still have to be approved by the customary balancers. This event in a non-customary marriage is a marriage contract. In other words, Islamic law plays a full role in the implementation of this marriage. The balancing role does not appear significant, because in general the contract is led directly by the PPN or the VAT of the Local Religious Affairs Office. There are three factors that cause non-traditional marriages, namely economic factors, marriage factors outside the region, and balancing policy factors. Of the three factors, the economic factor marked by the weak economic community lobbying against the customary balance and the balancing policy that granted the request were the two factors that played the most role in the emergence of this marriage.

The pattern of interaction between Islamic law and customary law does not appear in an atmosphere of conflict. On the other hand, the interaction of the two laws runs harmoniously in a dialogical atmosphere. People who are economically pressured, so they cannot carry out traditional processions, know that religious marriage can solve the problems they face. That's why they communicate their wishes to the counter. The balancer as the person in charge of customary law is also aware that Islamic law, as a law of a higher level than customary law, does not provide heavy provisions in marriage law. This is what causes them to venture to grant the non-traditional marriage request. The interaction between Islamic law and customary law in non-customary marriages shows a cooperative relationship. both work together in forming a good order in marriage law (co-operation). In customary marriages, cooperation occurs with the formation of a new legal entity from the combination of the two laws. Meanwhile, in non-traditional marriages, cooperation occurs by placing customary law as a marriage solution for economically weak communities.

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