

The Concept of *Maṣlahah* Family in Lampung Customary Law: A Study of *Mak Dijuk Siang* and Its Relevance to Indonesian Marriage Law

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Abstract

This article discusses the concept of *maṣlahah* family, which is part of the customary law of *Mak Dijuk Siang* (prohibition of divorce) in the *Lampung Pepadun Megou Pak* clan. Despite the prohibition of divorce, household problems are addressed within the community, and there are customary sanctions for violating this rule. The purpose of this article is to analyze why traditional leaders enforce and uphold the *Mak Dijuk Siang* customary rules and their relevance to Indonesian marriage law. The study uses a qualitative method, combining field research with library research in the sociology of law. The research was conducted in the *Lampung Pepadun Megou Pak* community in Tulang Bawang Regency and West Tulang Bawang Regency, Lampung Province. Primary data was obtained from traditional leaders through observation, interviews, and documentation. The analysis applies the theory of legal effectiveness. The results show that the concept of *maṣlahah* family in the *Mak Dijuk Siang* rule reflects the community's belief in the philosophy of *Piil Pesenggiri*, which discourages divorce and aims to build eternal families. In cases of household conflicts, mediation is preferred through the *Penyimbang Pepung Adat* Customary Institution. The practice of *maṣlahah* family through the *Mak Dijuk Siang* customary rules has been effective in reducing the high divorce rate, demonstrating its relevance to Indonesian marriage law.

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INTRODUCTION

Concern about the high divorce rate in Indonesia, particularly in Lampung Province, has prompted scientists and academics to conduct research on the importance of establishing a *maṣlahah* family in household life (Mahmudah et al., 2022). According to Mahmud Huda, a *maṣlahah* family refers to a peaceful and intact '*sakīnah*' family that avoids divorce. The creation of a *maṣlahah* family depends on the efforts of both husband and wife, who need to increase their understanding of fostering a peaceful household. This can be achieved through family guidance programs offered by the Ministry of Religion (Huda & Thoif, 2016). In line with Rohmahtus Sholihah, in creating a *maṣlahah* family, married couples need to realize that marriage is a sacred bond built on devotion to God. The intention of marriage should be centered on worship (Faruq, 2020). Islam has comprehensively offered the concept of a *maṣlahah* family. However, households filled with ongoing quarrels and disputes between husbands and wives are likely to cause divisions among family members who have been raised in good marital ties (Issaka-Toure & Alidou, 2021). If such conditions persist for a long time without efforts to overcome them, it becomes very difficult to achieve a happy household (Kholik, 2017).

In addition to being regulated in Islam, the concept of establishing a *maṣlahah* family can also be found in customary law (Nasir, 2019). The customary law that governs the *maṣlahah* family concept is the customary law of *Lampung Pepadun Megou Pak* (*Marga Empat*), which is still practiced and maintained. This article presents the findings of research conducted on the *Lampung*

Pepadun Megou Pak customary society in Tulang Bawang and West Tulang Bawang Regencies, Lampung Province. In the *Lampung Pepadun Megou Pak* indigenous community, there is a strong cultural practice that prohibits husbands and wives from getting divorced, known as *Mak Dijuk Siang*. This prohibition, rooted in the community's traditional beliefs, is deeply ingrained in their household life. The local wisdom of this community, which includes the philosophy of life called *Piil Pasenggiri*, emphasizes the importance of maintaining family unity and harmony by avoiding divorce (Amaliah et al., 2018).

Piil Pasenggiri is believed by Lampung people to contain Islamic norms, this is inseparable from the Islamisation of Lampung land (Samsuri, 2020). Islam is thought to have entered Lampung around the 15th century, through three directions. Firstly from the west (Minangkabau), entering the Belalau plateau. Second from the north (Palembang), entering the Komerling area. Thirdly from Banten by Fatahillah Sunan Gunung Jati, entering the present Labuhan Meringgai area, at Keratuan Pugung around 1525 (Zarkasi, 2020). Lampung indigenous people have a variety of unique traditions and cultures, these traditions contain Islamic values, this is as a result of cultural and religious acculturation in Lampung society, so it is not surprising that the traditions of Lampung people, including those related to marriage, have an Islamic character (Hakiki, 2016).

One of the uniqueness of *Mak Dijuk Siang's* customary rules is its purpose, namely as an effort to form a *maṣlahah* family that is eternal. Given, that divorce is an event that is disliked by Allah, because divorce has an impact on the extended family and the psychological burden on children who are victims of their parents' divorce (M. Anwar Nawawi, 2022). Even when household problems occur, which threaten household harmony in the *Lampung Pepadun Megou Pak* community, divorce is still prohibited. In fact, it is better to ignore each other's rights and obligations between husband and wife than to divorce. Even if household conditions are like hell, it is better than having to take the path of divorce. *Mak Dijuk Siang's* belief is imprinted in the minds of the *Lampung Pepadun Megou Pak* community, so there is a term referred to as "not divorcing is a fixed price".

The article explores the culture and customs of the *Lampung Pepadun* community, emphasizing the importance of preserving and acknowledging these traditions, such as the concept of *maṣlahah* family in the *Mak Dijuk Siang* tradition (Suhairi, 2021). This tradition aims to address the high divorce rate in society. The research also aims to showcase Indonesia's cultural richness, particularly the *Lampung Pepadun Megou Pak* customary law. This customary law emphasizes the preservation of the household and aims to prevent divorce, which differs from the provisions in the marriage law. While the marriage law allows divorce under strict conditions, the customary rule stresses the importance of maintaining the household's integrity, aligning with the belief that marriage is eternal (Cahyani, 2020).

In this study, the author found several studies similar to this article. The *Mak Dijuk Siang* rule is also practiced in the *Lampung Pepadun* indigenous community with the *Abung Siwo Mego* clan. Despite the prohibition of *Mak Dijuk Siang*, there are still Lampung people who divorce. This is because the divorced husband and wife are of different tribes and do not perform the traditional ceremony of adopting the *Abung Siwo Mego* clan (Ali, 2019). However, the tradition of prohibiting divorce in the *Lampung Pepadun* traditional community is considered to be not in line with the *maqāṣid syarī'ah* (Sharia goals). This is because it appears to restrict the freedom of both husband and wife when they face conflicts in their household (Jayusman, 2020). There are many traditions in the *Lampung Pepadun Megou Pak* community, including the tradition of *Bajuluk Baadek* 'giving titles', *Nemui Nyimah* 'receiving guests and giving gifts', *Nengah Nyappur* 'mixing and interacting with others' and *Sakai Sambayan*, these traditions are contained in the philosophy of *Piil Pasenggiri*, unique traditions that are local wisdom these traditions are important to preserve (Mardihartono, 2011). In Lampung society, when there is a household conflict, the husband and wife must involve the *Lampung Pepadun Megou Pak* Customary Institution. This customary institution is a place to mediate community problems (Susanti, 2019). Research related to the traditions of Lampung's indigenous people was written by (Baihaqi et al., 2022). This research

discusses the marriage traditions of the *Lampung Saibatin* community, explaining that the marriage of the *Lampung Saibatin* indigenous people has a gap with the values of Islamic teachings, but local wisdom in the marriage of the *Lampung Saibatin* indigenous people is allegedly able to end conflicts between families and minimise the divorce rate. Research related to traditional marriage traditions was also researched by Bukido et al., (2022), customary marriage traditions through the practice of *Gama* in the *Mongondow* Muslim community of North Sulawesi, the *Gama* tradition in the *Mongondow* Muslim community is considered mandatory to determine the validity of marriage and these traditions values can be a resolution of household conflicts so that households can avoid divorce.

The research gap in this article sets it apart from the four studies mentioned earlier. The article's uniqueness lies in its detailed analysis of the *maşlahah* family's practices using the customary rules of *Mak Dijuk Siang Lampung Pepadun Megou Pak*. Additionally, it investigates the correlation between these customary rules and marriage laws in Indonesia.

METHODS

The article utilizes a qualitative method (Huberman & Miles, 2002) to delve into the application of the *maşlahah* family principle in the *Mak Dijuk Siang* tradition. The aim is to comprehend the reasons for the tradition's perpetuation and its relevance to Indonesian marriage law. The article's philosophical foundation is constructive, with a focus on *Lampung Pepadun* customary law, which prohibits indigenous people from divorcing. Categorized as ethnographic research (Creswell, 2013), it centers on the Lampung tribe in Tulang Bawang Regency. The indigenous customary rule embodies local wisdom values and is linked to the aspiration for a *sakīnah* family, hence its continuity today. The research took place within the traditional community of *Lampung Pepadun Megou Pak*, located in the Tulang Bawang Regency and West Tulang Bawang Regency, from September to December 2023. Primary data was gathered from the *Lampung Pepadun* indigenous people, while secondary sources included accredited journal articles and related books. Data collection methods involved observation, interviews, and documentation (Creswell & Poth, 2016). The data analysis employed an inductive framework, which allowed for drawing broad conclusions from specific observations (Bohorquez et al., 2024). This included analyzing the purpose of marriage in Islam (*maşlahah* family) and examining the practice of *maşlahah* family using customary law theory. The research revealed that the practice of prohibiting divorce is a customary rule still upheld by the *Lampung Pepadun Megou Pak* traditional community

RESULTS AND DISCUSSION

The *Maşlahah* Family Construction

Maşlahah family is a family whose basic needs can be fulfilled, including physical and mental needs. In a broader sense, a *maşlahah* family is a family that is harmonious and happy, avoids household conflict, divorce and can provide benefits both for family members and for the wider community (Salim, 2017). The word *maşlahah* comes from the word *şaluḥa* which means good. In addition, the family must also be useful and important. The meaning of the word important is good for the individual, family and society and also the preservation of religion, soul, property, offspring, and reason or honour (Rahmawati & Husni Thamrin, 2021).

The *maşlahah* family is not only a place for the formation of quality individuals or what is known as *Insān Kāmil*, but also as a starting place for the formation of the best ummah '*khairu ummah*' (Salim, 2017). Hoque explained that a *maşlahah* family is a concept in which husband and wife are partners who have an equal relationship (Hoque & Khan, 2007). The responsibility of the family is decided to be a shared responsibility even though each family can be different in the way it is divided (Spectorsky, 2010). To realise a *maşlahah* family, all family members should play a role in each other, help each other, respect each other and between husband and wife understand what the purpose and essence of marriage itself is. Understanding *mīşaqan ghalīda* in marriage is the embodiment of a *maşlahah* family (Nasution, 2008).

Based on the above concept, a *maṣlahah* family is a happy family whose basic needs are met, has good communication skills among family members, and possesses the ability to build relationships (Setyawati et al., 2024). Additionally, it can lead its members in worshipping Allah and foster a harmonious family environment. Furthermore, families can play a crucial role in society by adapting, communicating, and building relationships within the community (Faruq, 2020).

This article is related to the application of customary law rules, namely the prohibition of divorce for the *Lampung Pepadun Megou Pak* indigenous community, in *Lampung Pepadun* society which in Lampung traditional terms is called *Mak Dijuk Siang*. So that the theory used to analyze the focus of study in this article, the author uses the theory of customary criminal law.

The term customary criminal law is a translation of the term originating from the Dutch language, namely *Adat Recht*, the term of this theory was discovered by a legal Christian Snouck Hurgronje, his Muslim name is Abdul Ghafar, the term customary law is comprehensively explained in his book entitled *De Atjehers* (An-Na'im, 1991). The book explains that customary law is a law enforced by a community that is localized, tribal or ethnically specific (A. L. Saputra & Kloos, 2023). The element of customary law itself is that if the law is violated by the indigenous community, it will be subject to customary sanctions, this customary sanction is written in the customary law book that exists in a particular community (Sutendy & Isa, 2023). The customary rules that explain the forms of sanctions are norms that are obeyed by the community which have then become a habit (Muqoyyidin, 2012).

This community habit then becomes behavior, behavior and culture, because it has become a culture for generations, it is called customary law, and this customary law, if the agreed provisions are violated, will be given customary sanctions as regulated in the customary law of the community (A. L. Saputra & Kloos, 2023). Scientists do not define the boundaries of habits in customary law, but the normative values in customary law are believed and used as a guide to life by people who believe in the customary law because the customary law is the legacy of their ancestors (Setiady, 2018).

Meanwhile, a number of scientists agreed that customary law should be recognized as a distinct scientific discipline, thanks to the efforts of a person named Cornelis Van Vollenhoven. Van, an activist of customary law, explained that customary law, as a theoretical discipline in the study of law, can be used as an analytical tool to uncover specific phenomena or cases within certain indigenous peoples (Sulaiman, 2018). Van further revealed that customary law can be used as a source of law, especially as a conflict resolution tool to solve community dynamics and problems (Berlian, 2019).

Other scholars, such as Soejono Soekamto, also contributed to the discovery of customary law theories (Setiady, 2009). According to Soekamto, customary law that exists in a society that is enforced continuously then becomes a custom that gives birth to norms of community behavior and this habit is continuous and repetitive, then this habit can be referred to as customary law (Grassa & Gazdar, 2014).

The customary law in Indonesia is recognized and respected, and it is prevalent in several regions, each following their own customary rules. Indigenous peoples maintain these traditions as they are a legacy of their ancestors, and they uphold the values taught by their forebears. These values encompass religious and cultural norms adopted by the community (Ataullahjan et al., 2019). The existence of customary law contains several elements, including continuous behavior carried out by the community, regular and systematic behavior, behavior with sacred value, decisions made by the customary head, unwritten sanctions or legal consequences, and obedience within the community. Indigenous communities continue to maintain these traditions because of these elements of customary law (Grassa & Gazdar, 2014).

The relevance of using customary law theory with this article is that the rules regarding *Mak Dijuk Siang* are still maintained and practiced in household life, this customary rule is obeyed by the *Lampung Pepadun Megou Pak* indigenous people, so it has become a customary habit of the

Lampung Pepadun Megou Pak indigenous people to this day. *Mak Dijuk Siang* is a customary law that is practiced in the *Lampung Pepadun* indigenous community, so this is a law whose source is born from the community. Laws born from this community are believed and practiced as customary norms of the community (Tjahjani, 2020).

The enforcement of the *Mak Dijuk Siang* customary rule in the customary law of *Lampung Pepadun Megou Pak* clan is hypothesized to be solely to maintain the integrity of the household (Habib Ismail, 2020). Because according to several sources from several *Lampung Pepadun* traditional leaders, the prohibition of divorce is so that the values of household integrity called *mīsaqan ghalīda* can be maintained properly. The definition of *mīsaqan ghalīda* is a strong agreement (E. Saputra & Busyro, 2018). This concept is to explain that marriage is a very sacred family institution, marriage is done with the intention of worshiping God, and marriage is eternal (Julir, 2014). The glory of a marriage is then in Islam until it is referred to as *mīsaqan ghalīda* (Stivens, 2006).

Therefore, the customary practice of *Mak Dijuk Siang* in *Lampung Pepadun Megou Pak* community has become a belief in daily life (Muqoyyidin, 2012). The concept of *Mak Dijuk Siang* is contained in *Lampung Pepadun* customary law, which according to the *Lampung Pepadun* community is an ancestral heritage and the next generation is asked to preserve it. Related to the theoretical study used in this research, it can be seen as a figure 1.

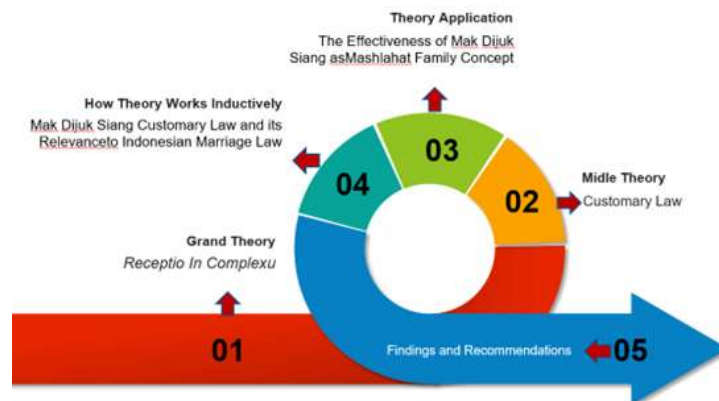


Figure 1. Theory Review Diagram

Exploration of *Mak Dijuk Siang* Tradition in *Lampung Pepadun Megou Pak* Clan

Before describing a brief history and conception of *Mak Dijuk Siang* customs, the author first needs to briefly describe the Indonesian state's recognition of customary law, especially *Lampung Pepadun* Tradition. The Indonesian Constitution recognizes the existence of customary law, as stated in Article 18 B paragraph (2) of the 1945 Constitution (E. Saputra & Busyro, 2018). The meaning of the Constitution is that the state recognizes and respects customary law and community traditions, provided that such customary law is in line with the principles of the state (Tjahjani, 2020). According to Barora, customary law is recognized by the state with a record that customary law does not conflict with the values of human civilization, this is reflected in the term conditionally constitutionality (Barora, 2020). Recognition of the existence of customary law, illustrates that the Indonesian state has a wealth of diversity in customary law, culture, tradition and ethnicity or tribe, this is how the cultural treasure in the Indonesian state is like a hidden pearl in its hometown (M. Anwar Nawawi, 2022).

Among the customary laws in Indonesia that still exist and are still practiced is the customary law of the Lampung Tribe (Asnawi, 2018). Lampung people have a motto called *Sai Bumi Khua Jukhai* (*Sang Bumi Ruwa Jurai*) which is a symbol of Lampung's ethnic and cultural diversity (Imron, 2020). Linguistically /*sang*/ means 'one', /*bumi*/ means 'land', /*ruwa*/ means 'two', and /*jurai*/ means 'branch' or 'group'. *Sang Bumi Ruwa Jurai* literally means one diverse region. Another understanding, *Sang Bumi Ruwa Jurai* can also be interpreted as One Earth Two Branches.

While based on the meaning, namely */Sai Bumi/* ‘one Earth’ means the ethnic groups that inhabit one area that come from the same descent, and */Khua Jukhai/* ‘Two Branches’ which means two types of customs known in the community (Febra, 2016). In addition, the motto *Sang Bumi Ruwa Jurai* also means the original identity of the ancestors of the Lampung people, which means One Earth Two Souls. Another meaning, *Sang Bumi Ruwa Jurai*, can also be interpreted as *Sang Bumi* which is interpreted as a great household with rooms, while *Ruwa Jurai* is interpreted as two elements of the community groups that live in the Lampung Province area (Karsiwan, 2020).

The motto above recognizes two customs that exist in Lampung society, namely *Sai Batin* and *Pepadun*. *Sai Batin* means One Ruler or King (Barnawi, 2015). While *Pepadun* means the seat of the coronation of the ruler. In accordance with the motto of Lampung Province *Sai Bumi Ruwa Jurai* or One Earth Two Souls, the people in Lampung Province are divided into two tribes, namely the *Lampung Sai Batin* Tribe and the *Lampung Pepadun* Tribe (Lintang, 2018). *Lampung Pepadun* indigenous people consist of *Abung Siwo Mego*, *Mego Pak Tulang Bawang*, *Pubian Telu Suku*, and *Sungkay Way Kanan Buay Lima*. *Abung Siwo Mego* (Abung nine clans) is the largest clan in terms of quantity of clans or *buay* (*kampong*) (Hakiki, 2016).



Figure 2. *Kebuaian* or *Jurai Empat* Structure of *Lampung Pepadun* Indigenous People

The structures in the diagram are located throughout the province of Lampung. The research focused on the *Lampung Pepadun Megou Pak* indigenous community in Tulang Bawang Regency and West Tulang Bawang Regency. The Tulang Bawang tribe (Tulang Bawang Megou Pak) is an indigenous community organization in Lampung Province. They are spread across four customary areas: Menggala, Mesuji, Panaragan, and Wiralaga. The Tulang Bawang tribe follows the *Pepadun* customary law, which is one of the two indigenous Lampung Tribes in the region (Sururi, 2016). The origin story of the Tulang Bawang tribe states that their ancestors came from the Lampung Tribe and settled in their current territory along the banks of Way Tulang Bawang (Sari & Ricardo, 2021). The Tulang Bawang tribe consists of four *Megou* ‘clans’. In the Lampung language, clans are referred to as *Megou* and one of the clans of the *Lampung Pepadun* is *Megou Pak* ‘Clan Four’. The local government has commemorated the existence of the four clans by erecting the Four Clans Statue (Habib Ismail, Hasyim Asy’ari, 2019).



Figure 3. Four Clan Icon of *Lampung Pepadun Megou Pak*

The following is the structure of the Reorganization Formation Team of the Customary Federation of *Marga Empat/Megou Pak* Tulang Bawang Regency, Number: SK.002 / Formatur.FAM.IV / TBB / II / 2019.



Figure 4. Structure of the Formation Team for the Reorganization of the Customary Federation of *Marga Empat/Megou Pak* Tulang Bawang Regency

Lampung natives in Tulang Bawang Regency are raised from the custom of Megou Pak Tulang Bawang (Clan of Four Tulang Bawang), which is a *kebuaian* or *jurai* of 4 (four) descendants. The four *kebuaian* are *Buai Bulan*, *Buai Tegamoan*, *Buai Umpu* and *Buai Aji*, respectively (Karsiwan, 2020). These *kebuaian* indigenous people, in their respective local neighborhoods, inhabit a number of places in the Tulang Bawang region. The existence of clans and *buai-buai* in Tulang Bawang, among others, is characterized by the existence of villages of Lampung indigenous people, the daily local language they use and the regional culture of indigenous tribes that is hereditary (Yusuf, 2013).

The four *Megou Pak Kebuaian* of Tulang Bawang Regency are shown in the Figure 5. The first mentioned is the oldest clan and the fourth is the youngest clan. This was confirmed by traditional leaders Fattahilah Warga Negara from *Buai Bulan* and Herman SP from *Buai Tegamoan* (Sumarja, 2010). Based on the research, the *Lampung Pepadun Megou Pak* community has a customary rule regarding the prohibition of divorce, which is termed by the *Lampung Pepadun* customary community as *Mak Dijuk Siang*. *Mak Dijuk Siang* consists of 3 (three) syllables. *Mak* means do not or not, *Dijuk* means may, and *Siang* means separation or divorce (Windo Dicky Irawan, 2019). Thus *Mak Dijuk Siang* means that it is not allowed to divorce. The word *Siang* comes from the original or ancient Lampung spelling/language, while now most of them more often use the word *Cekhai* which means divorce, an absorption word from the Indonesian language. The advice in *Lampung Pepadun Megou Pak* community states: *Siang matey, mak kow siang ughik*, meaning: divorce dead, no divorce alive.



Figure 5. Structure of Four Clans 'Megou Pak' Tulang Bawang

The history of the application of the *Mak Dijuk Siang* tradition has been around for a long time, namely along with the birth of the *Lampung Pepadun* indigenous people in the land of Sumatra, namely in the 12th Century (M. Anwar Nawawi, 2022). This means that since the Lampung people existed in the land of Sumatra, traditions, one of which is the *Mak Dijuk Siang* tradition, emerged based on habits, became customs, then taught and applied. The values or norms contained in the *Mak Dijuk Siang* tradition are felt to provide goodness for the people of Lampung, therefore so that this tradition is not lost in history and is feared to be unknown by their children and grandchildren, the *Mak Dijuk Siang* tradition needs to be written in customary rules so that it can become a life guide. The importance of life guidelines in Lampung customary society is known as the practice of *Piil Pesenggiri*. So then the term *Piil Pesenggiri* philosophy is contained in a book that is a guide to the life of Lampung indigenous people to this day, namely the *Kuntara Raja Niti* book, this book is estimated to have been born in the 16th Century (M. Anwar Nawawi, 2022).

Mak Dijuk Siang is a tradition of never getting divorced. This tradition is the philosophy of life of *Piil Pesenggiri* of *Lampung Pepadun* community, especially *Megou Pak*. If a husband and wife violate the customary law of *Mak Dijuk Siang*, they will be subject to customary sanctions. The husband and wife are subject to customary sanctions because the husband and wife have damaged the ancestral teachings of *Lampung Pepadun*, namely *Piil Pasenggiri*. This means that if they continue to take steps to divorce, the *Piil Pesenggiri* of the divorced couple will be damaged (Sururi, 2016). The consequences of violating *Mak Dijuk Siang* were stated by *Lampung Pepadun* traditional leader Megou Pak of West Tulang Bawang Regency who explained that:

The *Lampung Pepadun Megou Pak* Tulang Bawang community believes that if a person violates *Mak Dijuk Siang*, it results in the destruction of his dignity and his family, as he has violated *Piil Pasenggiri*. This social sanction is even more severe than the traditional sanction of slaughtering livestock, such as buffaloes, or other traditional processes (Tholib, 2023)

As a result of the research findings, it was found that if a husband and wife violate the provisions of the *Mak Dijuk Siang* custom, it is not only the husband and wife and their family who are destroyed, but the *Pepadun* that oversees them is also destroyed. The *Pepadun* in question is an association in which this association oversees one clan. The meaning of the association being destroyed here is the destruction of the degree of dignity and honor in the eyes of the community, as if the association is no longer taken into account in the consideration of customary association. According to Ahmad Isnani, the violation of *Mak Dijuk Siang's* teachings also affects his descendants. The extended family and descendants will bear the shame of their parents' actions (Hakiki, 2016).

The application of *Mak Dijuk Siang* in the *Lampung Pepadun Megou Pak* customary society is not allowed to divorce in the Lampung tribe community applied to marriages between those of the same Lampung tribe, but also applied to marriages between those of Lampung tribe and outside

Lampung who carry out certain traditional processions (Barnawi, 2015). If there is such a marriage, for example a Lampung tribe man marries a woman from the Minangkabau or Makassar tribe, but does not carry out a certain traditional procession, then for them the *Mak Dijuk Siang* tradition does not apply because there is no balancer who is responsible for it.

The research results revealed the reasons why the indigenous people of *Lampung Pepadun Megou Pak* still maintain the *Mak Dijuk Siang* tradition. The source of this information is an interview with Traditional Leaders of *Megou Pak* in West Tulang Bawang Regency, Abu Tholib titled *Tuan Gusti Adat*, Traditional Leader of *Megou Pak* West Tulang Bawang Regency.

First, maintaining *Piil Pesenggiri*, according to Himyari Yusuf, the word *Piil* itself comes from Arabic which means ‘behavior’ and *Pesenggiri* means ‘the necessity of having high morals’, ‘having a big heart’, ‘knowing yourself and knowing your various obligations’ (Yusuf, 2013). There are four fundamental values in the *Piil Pesenggiri* philosophy of life, from four pillars that support each other, namely *Bejuluk Adek*, *Nemui Nyimah*, *Nengah Nyappur*, and *Sakai Sambayan*. These values are divine value, spiritual value, religious value, ethical/moral value, intellectual value, individual value, social value, and material value. Practicing *Mak Dijuk Siang* means maintaining the dignity of the person concerned, the extended family, and of course the supporters in the social order. Practicing *Mak Dijuk Siang* is the same as maintaining *Piil Pesenggiri*, which is a joint or collective obligation in the *Lampung Pepadun Megou Pak* community order.

Second, maintaining ancestral heritage, the *Mak Dijuk Siang* tradition is one that is passed down from one generation to the next. The consequences of any violation of it will be felt by their next generation. So *Mak Dijuk Siang* is always emphasized by parents, balancers, and traditional leaders to all family members and their communities.

Third, the cost of marriage is high; the wedding procession requires a lot of financial resources, and a lot of money has been spent on the traditional wedding ceremony, according to the social status of the family. This means that it is unfortunate to get divorced afterwards. Fourth, maintaining the dignity and good name of the extended family, meaning that the social status of those concerned in the indigenous community means that they must protect themselves and their families from customary taboos including divorce. They will become the talk of the community at large. This damages the reputation and honor of the extended family in the indigenous community. Provisions on the traditions and customs of the *Lampung Pepadun Megou Pak* community, specifically related to *Mak Dijuk Siang* can be found in the Book, as shown figure 6 and figure 7.



Figure 6. Guidebook of *Budaya Lampung Versi Adat Megou Pak Tulang Bawang* by Abu Tholib



Figure 7. Book of *Pelatoeran Sepandjang Hadat Lampung* by Muhammad Idham Pasirah

On one hand, the indigenous people maintain the *Mak Dijuk Siang* tradition to uphold the values taught by their ancestors and customary elders, known as the *Penyimbang*. However, this tradition can have negative implications, particularly when it comes to the rights of the wife in cases

where divorce is not carried out. There are situations where the husband may choose to abandon his wife rather than violate the sacredness of the *Mak Dijuk Siang* customary law, leading to disharmony in the household.

Despite the challenges, the tradition is upheld to pass down the values ingrained in *Mak Dijuk Siang*. It is clear that violating this tradition can lead to customary sanctions from the *Lampung Pepadun* customary shop, particularly for the *Megou Pak* family. As a result, the prohibition of divorce has become a defining characteristic in the family of *Megou Pak* indigenous people, as they opt not to pursue divorce even in the face of household problems.

They will prefer to conduct deliberations by way of mediation to the *Papung Adat* Institution, this is as an obedience to the philosophy of *Piil Pasenggiri*. This seems quite different from the results of research conducted by Ali (2019), Ali's research explains that although the Lampung indigenous people of the *Abung Siwo Mego* clan also apply customary rules prohibiting divorce, there are still indigenous people who experience household conflicts they choose to take divorce in the Religious Court. *Lampung Abung Siwo Mego* indigenous people who continue to divorce when experiencing household conflicts are special, namely married couples of different tribes, plus husbands from outside the *Abung Siwo Mego* clan also do not perform the traditional ceremony of appointment as children of *Lampung Abung Siwo Mego* clan.

Implementation of Family Maṣlahah through Mak Dijuk Siang Customary Law

The research findings above demonstrate that the *Mak Dijuk Siang* tradition is still upheld within the *Lampung Pepadun Megou Pak* indigenous community. When a husband and wife consider divorce, they hesitate because breaking the *Mak Dijuk Siang* tradition would result in customary sanctions for violating *Piil Pesenggiri* (Hadikusuma, 1997).

In the event of a household conflict, the *Lampung Pepadun Megou Pak* indigenous community chooses not to pursue divorce in the Religious Court, but instead opts for mediation at the *Lampung Pepadun Megou Pak* Customary Institution. The technical mediation is carried out by *Penyimbang* through *Pepung Adat* (customary deliberation). In case of a household conflict, the Customary Institution assists the *Lampung Pepadun Megou Pak* community in seeking guidance at the Customary Institution, with the goal of preserving the marriage and preventing divorce. The role of the customary institution's *Penyimbang* through *Pepung Adat* is effective in maintaining domestic harmony. The process of addressing household issues through *Penyimbang Pepung Adat* is a tradition aimed at preserving their ancestral culture.

The results of the data sources that researchers found indicate that the factors for maintaining the *Mak Dijuk Siang* tradition have a positive impact on the families of the *Lampung Pepadun Megou Pak* indigenous people. This positivity is reflected in keeping the family more harmonious, which means protecting the integrity of the household and realizing a peaceful and loving family.

Maṣlahah family has the following indicators: First, being faithful to one's spouse; second, keeping one's word; third, maintaining goodwill; mutual understanding; fourth, adhering to religion. Returning to the definition of a *sakīnah* family, the use of the name *sakīnah* is taken from Qur'an Surah Al-Rūm verse 21, as well as in the hadith */Litaskunu ilaiha/*, which means that God created arranged marriages for humans so that one feels at peace with the other (Kholik, 2017). *Maṣlahah* family is a family filled with the love and grace of Allah. There is not a single married couple who does not desire a happy family. For that, both must have a strong foundation in this case an understanding of the teachings of Islam. It should be underlined that a *maṣlahah* family does not come just like that, but there are conditions for its presence. It must be fought for, and first and foremost, is to prepare the heart. *Sakīnah* 'calmness' as well as *mawaddah wa raḥmah* 'love and mercy' originate from within the heart, then radiate outward in the form of activity. The Qur'an emphasizes that the purpose of marriage is to achieve *sakīnah*. However, that does not mean that every marriage automatically produces *sakīnah*, *mawaddah* and *raḥmah*. There are many explicit and implicit religious guidelines that must be heeded by married couples so that *sakīnah*, *mawaddah* and *raḥmah* can adorn their households.

As in this research, the concept of *maṣlahah* family contained in the *Mak Dijuk Siang* tradition proves that the percentage of divorce rates in the *Lampung Pepadun Megou Pak* indigenous community in quantity is very small, meaning that it is rare to find *Lampung Pepadun Megou Pak* indigenous people taking the path of divorce. Based on the results of interviews with traditional leaders of *Megou Pak* District, Tulang Bawang Regency, explained that:

In our indigenous community, only a few choose to pursue divorce in the Religious Court when faced with household conflicts. Instead of seeking divorce, they make efforts to maintain their households by trying to improve themselves and self-evaluate, so that the integrity of the household is preserved. The indigenous community also acknowledges that divorce is considered a violation of *Piil Pesengiri* (Alamsyah, 2023)

The *Lampung Pepadun Megou Pak* community believes that preserving the *Mak Dijuk Siang* tradition can help reduce the incidence of juvenile delinquency resulting from parental divorce. Children from divorced families, especially those growing up in broken homes, often engage in self-destructive and antisocial behavior due to the lack of attention and affection from their separated parents. By reducing the number of divorces, we can also decrease the associated risks.

Although there are rules and traditions in the *Mak Dijuk Siang*, it doesn't mean that all members of the *Lampung Pepadun* indigenous community never divorce. Research has shown that some married couples still choose to divorce when household conflicts arise, but these couples are not bound by the customary rules of *Mak Dijuk Siang*. This information was provided by traditional leaders of the *Lampung Pepadun* in the Tulang Bawang Regency.

In the context of *Mak Dijuk Siang*, there are exceptions to the customary rules when a couple from different tribes get married. For example, if the wife is from the Lampung tribe and the husband is from the Javanese tribe, the Javanese husband is not yet obliged to follow Lampung customary responsibilities unless he has undergone the traditional ceremony to be recognized as part of the Lampung children clan. It's important to note that the key factor here is the Lampung customary appointment ceremony, not just the marriage between different tribes. Even if the husband and wife are from different tribes and have completed the *Lampung Pepadun* clan appointment ceremony, they are still expected to adhere to the *Mak Dijuk Siang* tradition. Violations may lead to customary sanctions (Alamsyah, 2023)

Based on information from traditional leaders, the *Mak Dijuk Siang* tradition emphasizes the importance of maintaining harmony within households. This tradition is seen as a concept of family well-being, as evidenced by the absence of divorces among *Lampung Pepadun Megou Pak* married couples in the past five years, from 2019 to September 2023. These data indicate that the rules of *Mak Dijuk Siang* and the associated sanctions are effective in promoting harmony among the *Lampung Pepadun Megou Pak* indigenous people and in fostering strong, cohesive families.

The concept of *maṣlahah* family contained in the *Mak Dijuk Siang* tradition is in line with Islam. Islam regulates the importance of maintaining the integrity of the household, Islam regulates the principles in marriage which are referred to as *mīsaqan ghalīḍa* (Masfufah, 2023). The substance of *mīsaqan ghalīḍa* is that it means a strong agreement (Faizal, 2018). This principle is to explain that marriage is a very sacred family institution, marriage is done with the intention of worshipping God, and marriage is eternal (Julir, 2014).

This significant accord pertains not only to the horizontal alignment, signifying the association between individuals and society, the state, or the institutions that sanction marriage, but also encompasses a vertical accord, denoting the relationship between individuals and God (Mustika, 2011). For this reason, marriage must be properly maintained, so that it can last forever and what is the purpose of marriage in Islam, namely the realization of a prosperous family, a peaceful family '*sakīnah*' (Mustofa, 2013), and love '*mawaddah wa raḥmah*' can be realized (Hidayat, 2009).



Figure 8. Interview with Traditional Leaders Lampung
Pepadun Megou Pak Tulang Bawang

In Islam, marriage must be kept intact because marriage is a sacred bond with God, so the nature of the agreement is very strong, this is in line with the concept of *maṣlahah* family through the prohibition of divorce, in the tradition of the prohibition of divorce the substance is solely for the integrity of the household. The concept of a *maṣlahah* family through the application of the *Mak Dijuk Siang* tradition normatively in Islam has a strong legal basis, namely Surah Al-Rūm verse 21, in this verse it can be interpreted that the purpose of marriage is intended for the creation of a family life that is *sakīnah*, *mawaddah*, and *rahmah* (Nasution, 2008). Furthermore, the purpose of marriage is to protect the honor of oneself, one's children and one's family, as stated in Surah Al-Ma'ārij verses 29-31, Surah Al-Mu'minūn verses 5-7, and Surah An-Nūr verse 33. The non-negotiable purpose of marriage can be understood implicitly in the Quran, that one of the purposes of human life is worship. This can be understood in Surah Al-Mu'minūn verse 115 and Surah Az-Zāriyāt verse 56.

The legal basis of *mīsaqan ghalīḍa* seems to be contained in the content of *Lampung Pepadun Megou Pak* customary law, which regulates the prohibition of divorce. This tradition of prohibition of divorce can be said to be the concept of *maṣlahah* family ala local wisdom of *Lampung Pepadun* indigenous people. For this reason, marriage should be well maintained, so that it can last forever and what is the purpose of marriage in Islam, namely the realization of a prosperous family, a family that is peaceful, full of love and affection (*mawaddah wa rahmah*) can be realized (Hidayat, 2009).

Relevance of *Mak Dijuk Siang* to Indonesian Marriage Law

Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, states the purpose of family, namely to build a happy and eternal family based on God Almighty, this provision is stated in Article 1 (Asnawi., 2023). The juridical provisions in Article 1 contain three meanings, namely happy, eternal and God. To achieve these three keys, marriage can only be realized if the couple does not divorce (Mu'in, Fathul, Firdaweri, 2022).

The concept of a *sakīnah* family in Article 1 is placed at the very beginning of the Article, this shows that the integrity of the household is the top priority. So that marriage must be kept intact. Furthermore, the sentence eternal, this implies that the marriage desired by Islam is integrity until the end of life, not divorce (Mu'in et al., 2023).

In addition, the purpose of marriage includes the word God Almighty, this shows that marriage is not only a relationship between husband and wife and extended family, but marriage also has a contractual relationship with God, marriage has a very close relationship with religion/spirituality, so that marriage not only has a physical element, but the inner/spiritual element

also has an important role (Ibnu Elmi AS. Pelu, 2021). The purpose of marriage in the Law. Marriage as above, gives a mandate to married couples that marriage is sacred, so that marriage must be maintained properly. To realize this, in building a household, husband and wife need to help and complement each other so that each can develop their personality to help and achieve spiritual and material welfare (Nasution & Nasution, 2021).

Meanwhile, in the context of a *sakīnah* family in the *Lampung Pepadun* indigenous community by applying the *Mak Dijuk Siang* customary tradition, namely in the event of household conflict between husband and wife in the family of Lampung indigenous people are prohibited from taking the path of divorce (Mohamed, 2023). In the *Lampung Pepadun* indigenous community, there is no such thing as a living divorce, what exists is a dead divorce. This term was taught by the ancestors of the *Lampung Pepadun* community, which is taught from generation to generation to this day. If a household conflict occurs, the solution offered by Lampung traditional leaders is to resolve the household conflict through the Customary Institution, this institution is involved as a mediator in an effort to prevent divorce. The hope is that husbands and wives who experience household conflicts can live in harmony again, evaluate each other's shortcomings, forgive each other and resume household life with the principle of continuity (Amanullah, 2003).

The *Mak Dijuk Siang* tradition practiced by the *Lampung Pepadun Megou Pak* indigenous people as a *maṣlahah* family concept has harmony and has the same meaning as the concept of a *sakīnah* family in the Marriage Law. The prohibition of divorce practiced by the indigenous people of *Lampung Pepadun Megou Pak* is in line with the purpose of marriage which is eternal in nature in the Marriage Law above.

It can be said that the concept of a *sakīnah* family in the Indonesian Marriage Law has relevance or is in line with the concept of a *sakīnah* family in the *Lampung Pepadun Megou Pak* customary society. The relevance lies in Article 1 of the Indonesian Marriage Law as above, which explains that the purpose of marriage is to build a happy and eternal household (Sportel, 2017), while the *Mak Dijuk Siang* customary rule is applied with the aim that the household that is built remains united and eternally happy, while realizing an eternal household full of happiness can only be realized on condition that the husband and wife do not divorce (Oba, 2013). No divorce in the sense that *Lampung Pepadun* traditional leaders ask husbands and wives to continue to build a household in harmony, accept each other's shortcomings, forgive each other and survive, this is the concept of a *sakinah* family in *Lampung Pepadun* customary rules which has one breath with the Indonesian Marriage Law as above.

From the review as above, the substance of the values contained in the *Mak Dijuk Siang* customary rule in the *Lampung Pepadun* indigenous community is relevant to the marriage law in Indonesia. The concept of *maṣlahah* family in the *Mak Dijuk Siang* customary rule can be used as a reference by several traditional leaders as community leaders of other indigenous peoples. Because *Mak Dijuk Siang* as a *maṣlahah* family concept can reduce the high divorce rate in the community, especially the *Lampung Pepadun Megou Pak* customary community. *Lampung Pepadun Magou Pak* customary law, related to *Mak Dijuk Siang* or the prohibition of divorce is believed to be a customary norm of *Lampung Pepadun* community, this norm is characterised and maintained until now, this customary rule has a correlation with state law (Otto, 2006), does not conflict with marriage law and Islamic values.

CONCLUSION

The concept of a *maṣlahah* family in the *Lampung Pepadun* indigenous community is based on the *Mak Dijuk Siang* customary tradition. According to this tradition, in the event of household conflict between a husband and wife, divorce is prohibited. Instead of seeking a divorce in the Religious Court, the conflict is preferably resolved through mediation procedures at the *Lampung Pepadun Megou Pak* Customary Institution, with the assistance of the Balancer through *Pepung Adat*. The goal is to maintain household harmony and avoid divorce. This tradition, upheld from generation to generation, aims to promote a united and eternal household, and the concept of a

sakīnah family in the *Lampung Pepadun Megou Pak* customary society is in line with Islamic family law in Indonesia. The application of *Mak Dijuk Siang* is aimed at ensuring that marriages remain intact and happy. There are strong consequences for violating this tradition, as it is essential to the philosophy of life of the *Lampung Pepadun* indigenous people, known as *Piil Pesenggiri*. The rules of *Lampung Pepadun Megou Pak* customary law align with the Indonesian state and Islamic regulations. Although divorce is permitted, both state regulations and Islamic teachings emphasize the importance of maintaining a happy and eternal family. This concept of a *maṣlahah* family is relevant to the rule of law in Indonesia and the principles of Islam. This article is the result of research facilitated and supported by the Institute for Research, Publication and Community Service (LP3M) and funded by Universitas Ma'arif Lampung. The researchers express their gratitude for the support.

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