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***Semanda Lekok* in the Sai Batin Community, Lampung:
Wife's Domination of Marital Assets from *Maqāṣid al-Sharī'ah* Perspective**

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Abstract: The *semanda lekok* marriage tradition among the Lampung Sai Batin people results in the wife dominating the husband, particularly in terms of control over marital property. This dominance is a consequence of the *semanda* marriage, in which wedding expenses and living costs are borne by the wife's family, and after which the husband lives with the wife's family. This study aims to analyze the forms of wife's dominance over the husband in the *semanda* marriage, the reasons why the Lampung Sai Batin indigenous people maintain the *semanda lekok* marriage, and the contribution of this tradition to the development of Islamic family law. The study used a qualitative method with an empirical approach. Data came from the primary and secondary data sources. The data were collected by means of interview. The respondents consisted of the husbands in *semanda lekok* marriages, customary leaders, and religious leaders in Pekon Bakhu, Batu Ketulis Subdistrict, West Lampung. The data analysis involved the theories of *Maqāṣid al-Sharī'ah* and gender justice. The findings reveal that the forms of wife's dominance include the husband being severed from his *nasab* (lineage) and inheritance rights from his parents, the husband not being entitled to joint earnings, and inherited property being granted to the eldest son. However, there has been a shift in values in the practice of *semanda* inheritance law; when the wife dies and the couple has no children, the husband receives a share of the inheritance. The reason for maintaining this marriage system is to continue the lineage of the wife's family as her parents do not have a son and the wife is the only child, as well as the wife's family has the economic ability and is a solution for prospective husbands who cannot afford the marriage. Nevertheless, the tradition of denying joint property distribution is contrary to the *Maqāṣid al-Sharī'ah* and gender justice. Therefore, it is important to adapt and negotiate in implementing the *semanda lekok* marriage to maintain the objectives of sharia and the values of gender justice.

Keywords: *Semanda lekok* marriage, lampung *sai batin*, wife dominance, marital assets, *maqāṣid al-sharī'ah*

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Abstrak: Tradisi perkawinan *Semanda Lekok* pada masyarakat Lampung Sai Batin menyebabkan terjadinya dominasi istri terhadap suami khususnya dalam penguasaan harta perkawinan. Dominasi tersebut merupakan konsekuensi dari perkawinan *Semanda* karena seluruh biaya pernikahan dan modal hidup berumah tangga ditanggung oleh pihak istri, bahkan setelah menikah suami bertempat tinggal pada keluarga istri. Artikel ini bertujuan menganalisis bentuk dominasi istri terhadap suami dalam perkawinan, alasan masyarakat adat Lampung Sai Batin mempertahankan pernikahan *Semanda Lekok* serta kontribusinya terhadap pengembangan hukum keluarga Islam. Artikel ini menerapkan metode kualitatif dengan pendekatan empiris. Sumber data berbasis data primer dan sekunder. Data dikumpulkan melalui teknik wawancara dengan para suami pelaku perkawinan *Semanda Lekok*, tokoh adat dan tokoh agama di Pekon Bakhu Kecamatan Batu Ketulis Lampung Barat. Analisis dilakukan dengan teori *maqāṣid al-sharī'ah* dan keadilan gender. Temuan penelitian ini menunjukkan bahwa bentuk dominasi istri antara lain suami terlepas nasab dan hak waris dari orang tuanya, suami tidaklah berhak atas harta pencarian bersama, dan harta warisan akan diberikan kepada anak laki-laki tertua. Namun telah terjadi pergeseran nilai dalam praktek hukum waris; ketika istri meninggal sedangkan pasangan ini tidak memiliki keturunan, maka suami mendapatkan bagian warisan. Alasan sistem perkawinan ini dipertahankan adalah untuk meneruskan keturunan keluarga istri karena orang tuanya tidak mempunyai keturunan laki-laki; istri merupakan satu-satunya anak perempuan dan keluarga istri memiliki kemampuan ekonomi serta solusi bagi calon suami yang tidak mampu membiayai pernikahannya. Tradisi yang menolak pembagian harta bersama ini berseberangan dengan *maqāṣid al-sharī'ah* dan keadilan gender. Oleh karenanya, pentingnya melakukan adaptasi dan negosiasi dalam menerapkan perkawinan *Semanda Lekok* agar dapat menjaga tujuan syari'ah serta nilai keadilan gender.

Kata Kunci: Perkawinan *semanda lekok*, *lampung sai batin*, dominasi istri, harta perkawinan, *maqāṣid al-sharī'ah*

Introduction

The *semanda lekok* marriage among the Lampung Sai Batin people in Pekon Bakhu has resulted in the dominance of wives over their husbands. This is due to the nature of the marriage, which is determined by how a man enters into the marriage and is influenced by the availability of wealth used for the marriage.¹ Within the *semanda lekok* marriage, husbands are subject to the authority of their wives and their relatives. All legal actions of the husband require the consent of

¹ Robert Kurniawan Ruslak Hammar, Wellem Hendra Balubun, and Agustinus Luturmas, "An Existence of Traditional Marriage Forms and Implications in the Community of Kei Southeast Maluku," *International Journal of Multidisciplinary Research and Analysis* 6, no. 01 (2023), p. 72–84.

the wife's relatives.² The husband's kinship ties are severed from his birth parents, and he is barred from inheriting. In the event of a divorce, the husband does not receive a share of the joint property of his joint efforts with his wife. If the wife dies, the husband also does not inherit from his wife. The wife's inheritance is granted to the eldest male descendant who will then have the authority to divide it among his younger siblings. If there are no children, then the inheritance is granted to the wife's family, while the husband does not inherit at all.³ This form of marriage clearly indicates that the wife has dominance over the husband in domestic life.

The Lampung indigenous community, as a community that applies patrilineal kinship,⁴ strongly emphasizes patrilineality, demanding that all families have sons.⁵ As the Ulun Sai Batin strongly adheres to the *bajujugh* system, it is assumed that all families without sons will lose their lineage.⁶ Therefore, the solution is to adopt a son⁷ or to have a *semanda* marriage, as practiced by the Sai Batin indigenous community in Pekon Bakhu. The purpose of this marriage is for the male offspring of the couple who observe the *semanda* marriage to become the next generation of the female family. A *semanda* marriage, in its true meaning, is a marriage in which the husband, after marriage, lives with the wife's family and separates his rights and position from his original kinship.⁸

The dominance of wives in marriage has become an academic discourse that has been discussed in other studies, classified into three aspects. The first aspect is the influence of the marriage system on the position of husbands and

² Dian Anisa Fitri, Perkawinan Semanda dalam Masyarakat Lampung di Desa Negeri Ratu Kecamatan Sungkai Utara Kabupaten Lampung Utara Tahun 2016, Fakultas Keguruan Dan Ilmu Pendidikan Universitas Lampung Bandar Lampung 2017, p. 3-5.

³ Zuhraeni, Hak Kewarisan Suami Dalam Pernikahan Semanda Pada Masyarakat Hukum Adat Lampung Sai Batin, *Asas*, 2, 10, no. 2 (2018), p. 46–63.

⁴ Deddy Sutendy and Rozana Isa, Childcare in Lampung Saibatin Indigenous Community from the Perspective of Mubadalah and Its Contribution to the Development of Family Law in Indonesia, *SMART: Journal of Sharia, Traditon, and Modernity* 3, no. 2 (2023), p. 41–55.

⁵ Atiansya Febra, Rachmad Budiono, and Chusen Bisri, "Sistem Pewarisan Masyarakat Adat Sai Batin Dalam Keluarga Yang Tidak Mempunyai Anak Laki-Laki (Studi Di Kota Bandar Lampung)," *Kumpulan Jurnal Mahasiswa*, 2015, p. 1–22.

⁶ Siti Nurhasanah Pramuditha, Penyelesaian Kawin Lari (Sebambangan) Pada Masyarakat Adat Lampung Sai Batin Di Kecamatan Gunung Alif Tanggamus, *Pactum Law Journal*, 2018, p. 129.

⁷ Asmawi Yayan Sopyan Nusirwan, Isnawati Rais, Degradation of Customary Inheritance Law in The Sai Batin Lampung Tribe, *Jurnal al Adalah* 17, no. 2 (2020).

⁸ Hilman Hadikusumah, *Pengantar Antropologi Hukum, Cet. Ke-2* (Bandung: PT. Citra Aditya Bhakti, 2019), p. 29.

wives in marriage. Bartoven⁹ argues that the marriage system indicates the social status and identity symbol of an individual or group. In the *nyakak/bajujokh* marriage system, women follow the kinship line of their husband's family. Women are adopted or bought by the man's family, accompanied by the handover of *uang sesan* (dowry). As a result, women no longer have rights and obligations towards their parents¹⁰ although *sesan* is intended to honor a wife like a queen in her household.¹¹ This customary marriage contains gender-biased traditions and is not in line with the values of Islamic teachings.¹² On the other hand, in the *semanda* marriage tradition, wives have more dominant power. The husband acts as a provider of offspring, or "*nginjam jago*".¹³ The term *bela way bela asahan*¹⁴ means that the man does not bring anything into the marriage, and he fully surrenders himself to his wife. This marriage model is similar to the *angkat* marriage in the Gayo community,¹⁵ wherein the husband joins his wife's family and is not entitled to joint property or the wife's inheritance.¹⁶

The second aspect is the inheritance rights of husbands within *semanda* marriages. Rosmelina's research¹⁷ found that families without male heirs would adopt a male child through a *semanda* marriage with their daughter. If this couple produces offspring, the wife's inheritance will be passed down to the eldest male descendant. The eldest son has the authority to distribute part of the inheritance to his younger siblings. However, if there are no children, the inheritance is given to the wife's family while the husband does not receive any inheritance. A study

⁹ Vivit Nurdin, Bartoven, Semanda, Metudau, and Tekhang: Marriage and Construction of Ethnic Identity among Belunguh People's in Tanggamus, Lampung, *Jurnal Etnografi Indonesia* 7, no. 1 (2022), p. 29–41.

¹⁰ Nadia Ihda Millah, Sistem Pernikahan Nyakak Masyarakat Adat Lampung Saibatin Perspektif Mubadalah, *El -Izdiwaj* 4, no. 2 (2023).

¹¹ Suhairi, The Impact of the Sesan Customary Practice on the Traditional Marriage of the Lampung Pepadun Society in Instilling Sharia Social Values, *Journal of Social Studies Education Research* 12, no. 3 (2021), p. 225–247.

¹² Umma Farida Helma Maraliza Bayhaqi Abdurrahman Qasdi, The Marriage of Indigenous Peoples of Lampung Saibatin in the Perspective of Islamic Law and Tafsir of Gender Verses, *Samarah* 6, no. 1 (2022), p. 310–30.

¹³ Hilman Hadikusumah, *Pengantar Ilmu Hukum Adat Indonesia* (Bandung: Bandar Maju, 2014), p. 122.

¹⁴ Mujib et al., Comparative Study of Fractional Numbers on the Division of Inheritance Based on Islamic Law and Law of Lampung Pesisir Tribe, *Journal of Physics: Conference Series* 1155, no. 1 (2019), p. 0–8.

¹⁵ Dri Santoso et al., Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom, *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022), p. 199–218.

¹⁶ Ridwan Nurdin, et.al., The Gayonese Culture of Marriage System: The Islamic Law Perspective, *Samarah* 5, no. 1 (2021), p. 108–126.

¹⁷ Rosmelina, Sistem Pewarisan Pada Masyarakat Lampung Pesisir Yang Di, Tidak Mempunyai Anak Laki-Laki (Studi Pada Marga Negara Batin Lampung), Kecamatan Kota Agung Kabupaten Tanggamus Provinsi (Program Pasca Sarjana Universitas Diponegoro, 2010).

by Zuhraini¹⁸ similarly showed that if a couple married under the *semanda* system has children, the wife's inheritance is passed down to the eldest male descendant, who will then have the authority to divide or give part of it to his younger siblings. If there are no children, the inheritance is granted to the wife's family, and the husband does not receive any inheritance.

The third aspect is on the existence and models of joint property division. Ibnu Helmi's research points out that joint property is recognized and has legal standing in Indonesian positive law, although some indigenous communities do not recognize its existence. Wealth acquired during marriage becomes joint property and needs to be protected.¹⁹ Zailani²⁰ describes the diversity of joint property distribution patterns among the people of Bandar Lampung city. The joint property division system is influenced by the heterogeneity of the community from various ethnic groups, backgrounds, and understandings of cultural and religious values. In a different study, Zailani mentions that most indigenous Lampung people do not apply joint property division. Instead, they apply four patterns of property transfer: directly distributed to both sons and daughters, given to daughters, given to sons only, or given to the mother and father if one of the spouses dies.²¹ Muslimin emphasizes that justice in the division of joint property cannot be interpreted as that each party must receive an equal share, but it can refer to the contribution of each party, both material and non-material.²²

In light of the aforementioned discussions, this current study seeks to address a research gap. This study focuses on investigating the dominance of wives over joint property within the *semanda lekok* marriage system from an Islamic law perspective. The difference also lies in the use of the theories of *Maqāṣid al-Sharī'ah* and gender justice. This study analyzed the division of joint property in the *semanda lekok* custom using the theories of *Maqāṣid al-Sharī'ah* and gender justice. This issue is significant because in principle there is an equal right between husband and wife to the results of their work in marriage, even though the capital for the work comes from the wife's family. However, in the

¹⁸ Zuhraini, Hak Kewarisan Suami Dalam Pernikahan Semanda Pada Masyarakat Hukum Adat Lampung Sai Batin."

¹⁹ Ibnu Elmi As Pelu and Ahmad Dakhoir, Marital Property Within the Marriage Law A Debate on Legal Position and Actual Applications, *Al-Jami'ah* 59, no. 2 (2021), p. 287–316.

²⁰ Abdul Qodir Zaelani and Syamsul Hilal, "Pattern of Inheritance Distribution of Gono Gini's Assets Among Residents of Bandar Lampung City," *Al-'Adalah* 18, no. 1 (2021), p. 175–192.

²¹ Abdul Qodir Zaelani, et.al., An Implementation of the Joint Inheritance Division of Ethnic Groups in Lampung, Indonesia, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023).

²² J. M. Muslimin and Yulia Fatma, The Actualization of Justice in the Settlement of Joint Assets Due to Divorce: Comparative Analysis of Decisions of the Religious Courts, *De Jure: Jurnal Hukum Dan Syar'iah* 12, no. 2 (2020), p. 176–90.

practice of *semanda lekok* marriage, when a divorce occurs, the husband does not get any share of the results of his work. This customary law practice cannot be accepted as *'urf* (local custom) as it contradicts Islamic law.²³

This study aims at exploring the forms of wife's dominance in *semanda lekok* marriage, identifying the reasons the Lampung Sai Batin indigenous community in Pekon Bakhu still maintains the *semanda lekok* marriage, and examining the impacts on the development of Islamic family law. The importance of this study is to contribute to the idea that the practice of *semanda lekok* marriage contains elements that contradict Islamic law, and creates gender inequality, as society attempts to disseminate the protection and appreciation of human rights for every individual and the equality of rights between men and women. This study is expected to discover a new paradigm about the practice of *semanda* marriage that is more relevant to Islamic law and the principles of *maslahah* (benefit) and justice in the midst of the gradual loss of *semanda* marriage in the Lampung indigenous community.

This study employed a qualitative descriptive research method, with field research design. The object of the study was the Lampung Sai Batin indigenous community in Pekon Bakhu, Batu Ketulis Subdistrict, West Lampung District. The data collection involved observation and in-depth interviews with six husbands engaged in *semanda lekok* marriages, categorized into three groups based on the varying levels of their wives' dominance on marital property. Additionally, two customary leaders and two religious leaders from Pekon Bakhu were interviewed to provide supplementary information.

Data analysis involved the theories of *Maqāṣid al-Sharī'ah* and gender justice. *Maqāṣid al-Sharī'ah* is an Islamic legal framework that assesses the purposes and values intended to be achieved by Islamic law, which encompass several objectives including the protection of religion (*hifẓ al-dīn*), of life (*hifẓ al-nafs*), of lineage (*hifẓ al-nasl*), of property (*hifẓ al-māl*), and and of mind (*hifẓ al-'aql*).²⁴ Furthermore, according to al-Shatibi, the ultimate objective of sharia is to realize the public interest, or *maslahah*,²⁵ as well as to avert harm, maximize benefits, and facilitate human well-being.²⁶ Gender, on the other hand, is a social construct that signifies the differences between men and women as shaped by

²³ Fahmi Fatwa Rosyadi Satria Hamdani et al., Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues, *Al-Ahkam* 32, no. 1 (2022): p. 109–130.

²⁴ Fuad Helmy Ziaul, et. al., Division of Common Property: Approach from the Sharia Maqashid System Theory by Jasser Auda, *Russian Journal of Agricultural and Socio-Economic Sciences* 147, no. 3 (2024), p. 41–54.

²⁵ Yusefri Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar, Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (2024), p. 1188–1215.

²⁶ Suansar Khatib, Konsep Maqoshid Perbandingan antara Pemikiran Al-Ghazali dan Al-Syatibi, *Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 5, no. 1 (2018), p. 47–62.

cultural and societal factors,²⁷ not natural. Nasaruddin Umar argues that the Qur'an establishes the fundamental principle of gender equality by asserting that both men and women hold equal status as servants of Allah.²⁸ This aligns with numerous Qur'anic verses that emphasize gender equality.

The wife dominance in controlling joint property contributes to distributive injustice, which emphasizes the fair distribution of jointly acquired resources based on individual contributions during the marriage. In addition, the husband who is deprived of his share in the joint property is likely to face economic hardship post-divorce, especially if he has contributed significantly to acquiring the assets. This customary practice reinforces negative stereotypes of gender inequality, leading to the dominance of one party over another, disregarding mutual rights and well-being. Such a practice is clearly at odds with the principles of *Maqāṣid al-Sharī'ah* and gender justice.

A Wife's Dominance over the Husband

The concept of centralized dominance, whether exerted by the wife or the husband, is foreign to the ideal of family life. This is evident in Wahbah al-Zuhaili's perspective on the purpose of marriage, which he characterizes as *istimta'* (mutual enjoyment for both spouses).²⁹ Wahbah's perspective reflects the concept of reciprocity and parity in familial relationships. Bourdieu's theory further elucidates that dominance and power are contingent upon capital and social fields. Individuals possessing substantial capital, favorable social arenas, and compatible habitus are more likely to prevail in power struggles. Capital serves as social energy, functioning as a resource in these struggles. Consequently, those who lack capital are more susceptible to domination.³⁰ Within families, the dynamics of dominance are influenced by the husband's approach to marriage and the availability of assets.³¹

When a wife becomes the primary breadwinner, it can be seen as an effort to mitigate harm caused by a husband's inability to provide for the family. However, the implications for the wife's well-being, both positive and negative, must be carefully considered in light of the broader objectives of Islamic law,

²⁷ Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an* (Jakarta: Paramadina, 2001).

²⁸ Linda Firdawati et al., Husein Muhammad's Thoughts on Gender Equality in Islamic Inheritance Law, *Al Adalah* 9, no. 2 (2022), p. 223–244.

²⁹ Wahbah al Zuhaili, *Al-Fiqhu al-Islamy Wa Adillatuhu*, cet. III, (Damascus: Dar al-Fikr, 1989).

³⁰ Muhammad In'am Esha, Membincang Perempuan Bersama Pierre Bourdieu, *Kesetaraan dan Keadilan Gender* 2, no. 1 (2017).

³¹ Hammar, Balubun, and Luturmas, An Existence of Traditional Marriage Forms and Implications in the Community of Kei Southeast Maluku.

which include protecting religion, life, mind, lineage, and property.³² Therefore, it is inaccurate to perceive the wife as simply replacing the husband as the head of the household. A more balanced and equitable relationship is needed, one that respects the rights of both spouses and eliminates structural inequalities and marginalization. This new relational dynamic is essential for achieving gender justice within the family.³³ Ultimately, the goal is to foster a harmonious and balanced partnership within marriage.

The Construction of *Semanda Lekok* Marriage within the Customary Marriage System of Lampung Sai Batin

Semanda refers to an individual who follows, resides with and becomes part of the wife's household (i.e., matrilocality), inheriting her customs and lineage.³⁴ The term *lekok* literally means "to cling to", signifying a man who follows a woman and assumes full responsibility for her and her family. The matrilocality marriage practice among the Sai Batin people is rooted in the belief that the husband must reside in the wife's home. After marriage, the husband lives with the wife's family and relatives.³⁵ Sa'dan, in his study on matrilocality, posits that the husband is considered a guest in the wife's family home.³⁶

Normatively, a *semanda* marriage aims to continue the lineage of the bride's family in the absence of male heirs, with the expectation that the offspring will follow the maternal lineage. A *semanda* marriage is also conducted when the bride is the favored child and possesses substantial wealth, prompting her parents to desire that her husband join her family. Another reason is the groom's weak financial standing, leading the bride's family to propose a *semanda* marriage.³⁷

In the *semanda* marriage, traditionally, the wife holds a more dominant position. The husband's role is primarily to provide offspring, often metaphorically referred to as "*nginjam jago*".³⁸ The term *bela way bela asahan*³⁹

³² Ali Imron, Memahami Konsep Perceraian dalam Hukum Keluarga, *Buana Gender : Jurnal Studi Gender dan Anak* 1, no. 1 (2016), p. 15–27.

³³ Nuraida Nuraida and Muhammad Zaki, Pola Komunikasi Gender dalam Keluarga, *Wardah* 18, no. 2 (2018), p. 181.

³⁴ Pelu and Dakhoir, Marital Property Within the Marriage Law A Debate on Legal Position and Actual Applications.

³⁵ Dasrun Hidayat, Konstruksi Gender dalam Perkawinan 'Nyakak' dan 'Semanda' Di Masyarakat Adat Saibatun Lampung, *Jurnal Ilmiah LISKI (Lingkar Studi Komunikasi)* 2, no. 1 (2016), p. 1.

³⁶ Masthuriyah Sa'dan, Tradisi Perkawinan Matrilokal Madura (Akulturasi Adat & Hukum Islam), *Ibda: Jurnal Kebudayaan Islam*, 2016.

³⁷ Dwi Putri Melati and Tuti, Kedudukan Suami dalam Perkawinan Semanda Pada Masyarakat Hukum Adat Lampung di Pekonmon Kecamatan Ngambur Kabupaten Pesisir Barat, Vol., 2, p. 4.

³⁸ Hilman Hadikusumah, *Pengantar Ilmu Hukum Adat Indonesia*, p. 122.

³⁹ Mujib et al., Comparative Study of Fractional Numbers on the Division of Inheritance Based on Islamic Law and Law of Lampung Pesisir Tribe."

signifies a situation where the husband enters the marriage with nothing, placing himself entirely under the wife's authority. In the event of a divorce or separation, he would not be entitled to any assets, even if he had contributed to their acquisition. The absence of joint property division in Lampung customary law is rooted in the cultural taboo against divorce, applicable to both *bejужugh/jujur* and *semanda* marriages. The cultural taboo against divorce in *jujur* marriages signifies that the wife remains under the dominion of her husband's kin throughout the marital union, regardless of circumstances.⁴⁰ In contrast, in *semanda* marriages, the husband is perpetually subject to the authority of the wife's kin. While the taboo against divorce has weakened over time, customary law has not yet adapted to these changing social dynamics, resulting in a continued resistance to dividing joint property in the event of a divorce.

The *semanda* marriage model aligns with the *angkap* marriage system among the Gayo people, a practice that has been gradually abandoned. In this marriage, the husband joins the wife's family and is not entitled to any joint property or inheritance from the wife.⁴¹ *Angkap* marriages are often motivated by the husband's inability to finance the marriage or the wife's family's lack of male heirs. Consequently, the *semanda lekok* marriage construct has provided a space for women to assert their dominance, with wealth and power becoming determining factors in such marital arrangements. As a result, a distinct hierarchy exists within these households between husbands and wives.

Bejужugh marriages adhere to a strong cultural taboo against divorce. This indicates that throughout the marriage, regardless of the circumstances, the wife remains under the authority of her husband's relatives.⁴² Similarly, *semanda* marriages also against divorce. As the wife holds a more dominant position, the husband must accept the consequences of this arrangement. Consequently, the husband remains under the authority of the wife's relatives throughout his life. This rigid adherence to tradition has historically resulted in the absence of joint property division in Lampung customary law. However, as societal norms and values have evolved, the taboo against divorce has weakened. Despite these changes, customary law has been slow to adapt, and there is still a resistance to dividing joint property in the event of a divorce.

Equality of Rights of Spouses in Marital Property Ownership

The fundamental principle in the Qur'an regarding the status of men and women is equality, including in matters of property ownership within marriage.

⁴⁰ Dedi Sumanto, *Hukum Adat di Indonesia Perspektif Sosiologi dan Antropologi Hukum Islam*, *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (2018), p. 181.

⁴¹ Nurdin, Yusuf, and Natasya, "The Gayonese Culture of Marriage System: The Islamic Law Perspective."

⁴² Sumanto, "Hukum Adat Di Indonesia Perspektif Sosiologi dan Antropologi Hukum Islam."

Marital property is considered jointly owned by both husband and wife, as stated in Surah An-Nisa verse 32, which translates to: “*And let not those who have been given an abundance of worldly goods and children feel superior to those who have less, for Allah gives of His bounty to whom He wills.*” This verse emphasizes the equal share of both men and women in the fruits of their labor. The equality of rights between husbands and wives regarding property ownership in marriage includes the following:

a. Equality of Inheritance Rights

The normative provisions governing inheritance law are enshrined in the Qur’an, Hadith, and the consensus of *ulema* (Islamic scholars). The specific shares of heirs are detailed in Surah An-Nisa, verse 11, which outlines the portions allocated to sons, daughters, parents (father and mother), spouses, paternal grandparents, and others.⁴³ Further details are provided in hadith unanimously agreed upon by scholars (i.e., *Muttafaq ‘alaih*).

الحقوا الفرائض فما بقي فهو لأولى رجل ذكر...متفق عليه

The hadith, as narrated by Bukhari and Muslim, indicates the Prophet’s directive to allocate specific portions of inheritance to their rightful recipients. The remaining portion is then distributed to the male relatives with the closest kinship.

Islamic inheritance law is grounded on several principles, including *ijbâri* (compulsion), bilaterality, individuality, equitable justice, and the condition of death.⁴⁴ The Qur’an and Hadith establish specific, fixed shares of inheritance (*al-furud al-muqaddarah*) for six categories of heirs: 2/3, 1/2, 1/4, 1/8, 1/3, and 1/6. In total, 17 individuals are entitled to inherit if they are not legally barred, with 10 being male and 7 females.

The *fiqh* (Islamic jurisprudence) posits that all individuals have the right to inherit based on their relationship through blood, marriage, guardianship, or Islam.⁴⁵ While the Qur’an, in Surah An-Nisa verse 11, establishes a 2:1 ratio of inheritance for males and females, respectively. This disparity is justified by the societal roles and responsibilities of men, who are typically obligated to provide for their families. Therefore, the 2:1 ratio must be understood within its specific historical and social context.⁴⁶

⁴³ Firdawati et al., Husein Muhammad’s Thoughts on Gender Equality in Islamic Inheritance Law.

⁴⁴ Amir Syarifuddin, *Hukum Kewarisan Islam*, 3rd ed. (Jakarta: Prenada Media Group, 2008).

⁴⁵ Jalal al- Din al- Mahalliy, *Syarhu Minhaj al -Thalibin III* (Cairo: Dar al Ihya’ al Kutub al- arabiy).

⁴⁶ Firdawati et al., Husein Muhammad’s Thoughts on Gender Equality in Islamic Inheritance Law.

b. Equality of Rights to Joint Property

The concept of equality in relation to joint property is stipulated in Article 96(1) of the Compilation of Islamic Law (KHI), which states that in the event of a divorce due to the death of one spouse,⁴⁷ a portion of the acquired assets shall belong to the surviving spouse. However, Article 97 of the KHI outlines an exception to this rule, allowing for pre-nuptial agreements. Citing Analiansyah, after the *ijab qabul* (marriage contract), the husband is obligated to provide for the family, while the wife is responsible for household management. Assets acquired during the marriage are considered jointly owned. Both spouses play a role in the family's welfare. In contemporary times, wives often contribute financially to the family, thus sharing in the material contributions to the family's well-being.⁴⁸

In agreement with Analiansyah, Jayusman argues that the concept of joint property when a wife contributes to the family income is not explicitly defined in classical Islamic jurisprudence. However, contemporary Islamic law interprets this situation through the lens of partnership (*shirkah*). In cases of joint property, upon divorce, both former spouses are typically entitled to an equal share. However, considering the progressive developments in Indonesian family law, a former wife who has significantly contributed to the household's financial needs may be entitled to a larger share based on evolving societal notions of fairness.⁴⁹ This principle of fairness, however, should also take into account the husband's contributions to the family's economic well-being.

c. Equality of Rights to Separate Property

Classical *fiqh* does not recognize the concept of a marital common fund. Instead, each spouse retains ownership of their respective assets acquired before marriage. Such premarital property remains distinct unless a partnership (*shirkah*) agreement is explicitly established.⁵⁰ Premarital property can encompass both movable and immovable assets. While movable assets can be jointly used, immovable assets generally remain under the exclusive ownership and control of the respective spouse.⁵¹ Thus, a wife retains sole ownership and control over her property, and likewise, a husband retains sole ownership and control over his.

The provisions governing premarital property are stipulated in Article 35 paragraph 2 of the Marriage Law and Article 86 paragraphs (1) and (2) of the Compilation of Islamic Law. Article 87 of KHI implies that assets brought into a

⁴⁷ Putri Widi Astuti and Tri Prastio, Post-Divorce Rights of Women and Children, *MILRev: Metro Islamic Law Review* 1, no. 2 (2022), p. 203–213.

⁴⁸ Amir Syarifuddin, *Hukum Kewarisan Islam* (Prenada Media Group, n.d.).

⁴⁹ Amir Syarifuddin, *Hukum Kewarisan Islam* (Prenada Media Group, n.d.).

⁵⁰ Amir Syarifuddin, *Hukum Kewarisan Islam* (Prenada Media Group, n.d.).

⁵¹ Saifullah and Hilda, Jual Beli Dengan Klausula Baku Dalam Perspektif Kompilasi Hukum Ekonomi Islam, *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 1, no. 1 (2022), p. 21–30.

marriage by each spouse remain under the individual control of each party unless there is a pre-nuptial agreement stipulating otherwise. Both parties are responsible for the maintenance of their premarital property as well as any joint assets. Consequently, each spouse retains exclusive rights to his/her separate property, and in the event of a divorce, such property reverts to its original owner.

An Overview of *Semanda Lekok* Marriages in West Lampung District

This section describes the information on *semanda lekok* marriages in Lampung Sai Batin community. The interviews with the husbands of women in *semanda lekok* marriages revealed some findings about the wife's dominance within the marriage. The findings are in the following tables.

Table 1: Forms of Wife Dominance Perceived by Husbands in *Semanda Lekok* Marriages

No.	Source	Interview Results	Coding
1	Srm/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	I have to take full responsibility for my wife's family. My wife is the one in charge, and I'm just following her. I can only manage the property, but I don't have any rights to inherited wealth or earnings. I have to be patient and accept my situation for the sake of our family. ⁵²	The husband carries a heavy burden, is undervalued, and has no claim to shared property or inheritance.
2	Yd/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	I didn't choose to marry into this <i>semanda</i> arrangement. Because I don't have much say in the family, I can't make any decisions without asking my wife's family first. But, as an outsider, I have to put their needs first to keep the family together. No matter what, I have to stay married, because if I get divorced, I'll lose control of the property and won't get any money or inheritance. ⁵³	The husband's position is undervalued.
3	Fai/ Marriage Participant/	My wife was the one who usually made the decisions, especially about	The husband and wife had

⁵² Interview with Srm, *Semanda Lekok* Marriage Participant, Pekon Bakhu, January 22, 2021.

⁵³ Interview with Yd, *Semanda Lekok* Marriage Participant, Pekon Bakhu, January 22, 2021.

	<p>Interviewed in Pekon Bakhu, January 22, 2021</p>	<p>money. But we agreed to split everything if we ever got divorced or if one of us died. My wife passed away without any kids, so I got a share of what we owned together.⁵⁴</p>	<p>an agreement on the division of assets, and the husband inherited property when his wife passed away without any heirs.</p>
<p>4</p>	<p>Jls/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021</p>	<p>I cut ties with my birth family and lost any rights to their property. I didn't inherit anything from them. When my wife died and I wanted to remarry, I had to move out of her house. Alhamdulillah, my son gave me some money to start a small business to make a living.⁵⁵</p>	<p>The child provided their father with assets to support him as he was preparing to remarry following the death of his mother.</p>
<p>5</p>	<p>Mhd/ Marriage Participant/ Interviewed in Pekon Bakhu, January 23, 2021</p>	<p>I was responsible for caring for my wife's parents and providing formal education for her younger siblings. I have severed my lineage and inheritance rights from my biological parents, and my relationship with my family has become strained. The marriage ended in divorce due to irreconcilable differences, and I did not receive a share of the marital assets.⁵⁶</p>	<p>Fully responsible for the wife's family, the husband was left with nothing from the marital assets after the divorce.</p>
<p>6</p>	<p>Stw/ Marriage Participant/ Interviewed in Pekon Bakhu,</p>	<p>By our customs, I have severed my lineage and inheritance rights from my parents, and I am not entitled to my wife's inherited or acquired</p>	<p>The wife was very dominant and often caused</p>

⁵⁴ Interview with Fai, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

⁵⁵ Interview with Jls, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

⁵⁶ Interview with Mhd, Semanda Lekok Marriage Participant, Pekon Bakhu, January 23, 2021.

January 23, 2021	property. My wife’s domineering behavior and frequent emotional abuse led to significant distress, ultimately resulting in divorce. I left the marital home with nothing. ⁵⁷	emotional distress. The marriage ended in divorce, and the husband did not receive any share of the marital assets.
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Table 1 above illustrates that the dominance of wives over husbands is more evident in issues related to a lack of appreciation for husbands and the status of marital property, particularly when divorces occur and husbands do not receive their share of the joint assets.

Table 2: Forms of Wife Dominance in *Semanda Lekok* Marriages Perceived by Customary and Religious Leaders

No.	Source	Interview Results	Coding
1	Pun Sekh/ Customary Leader/ Interview in Pekon Bakhu, January 23, 2021	The inheritance rights of a man who marries through <i>semanda lekok</i> will be severed from his own family. He will also not inherit any property from his wife. A <i>semanda</i> man only has the right to manage the entrusted property of his wife’s family to support his wife and her family. This property will be inherited by the eldest son, who will become the next generation in the male lineage of the wife’s father. ⁵⁸	The husband is severed from his parental kinship and does not acquire his wife’s property.
2	Rsl/ Customary Leader/ Interview in Pekon Bakhu,	The practice of <i>semanda lekok</i> is a solution to ensure the continuation of the wife’s family lineage after the birth of a grandson. The <i>semanda</i> man must be honest and kind	Continuing the lineage of the wife’s family

⁵⁷ Interview with Stw, Semanda Lekok Marriage Participant, Pekon Bakhu, January 23, 2021.

⁵⁸ Interview with Pun Mad Sekhiar, Customary Leader, Pekon Bakhu, January 23, 2021.

	January 23, 2021	because he must sincerely join the wife’s family and take care of both the wife and her parents, until eventually being replaced by his male offspring. ⁵⁹	
3	Dnl / Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	A man who marries in <i>semanda</i> is separated from his parental kinship. He is not entitled to any inheritance from his family. He does not have the right to inherit and share the joint property. ⁶⁰	The husband is severed from his parental kinship, does not inherit from his parents, and does not acquire his wife’s property.
4	Slh / Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	The husband is not entitled to any inheritance from his father and mother, nor is he entitled to inherit his wife’s property or any joint assets. ⁶¹	The husband is not entitled to any inheritance from his parents, nor is he entitled to inherit his wife’s property or any joint assets.

Table 2 shows that both customary and religious leaders concur that the form of wife dominance in *semanda lekok* marriages is characterized by the husband’s severance from his parental kinship, his forfeiture of inheritance rights from his parents, his exclusive focus on managing his wife’s family and assets, and his disentitlement to his wife’s inheritance and joint property. Further, based on interviews with community members practicing *semanda lekok* marriages in Pekon Bakhu, the reasons for engaging in such marriages are displayed in the following table:

⁵⁹ Interview with Pun Rsl, Customary Leader, Pekon Bakhu, January 23, 2021.

⁶⁰ Interview with Ustaz Dnl, Religious Leader, Pekon Bakhu, January 24, 2021.

⁶¹ Interview with Ustaz Slh, Religious Leader, Pekon Bakhu, January 24, 2024.

Table 3: Reasons for Practicing *Semanda Lekok* Marriages in Pekon Bakhu Community

No.	Source	Interview Results	Coding
1	Srm/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	The wife has no sisters; therefore, her father expressed a desire for a <i>semanda</i> marriage to continue the wife's family line. ⁶²	Continuing the wife's family lineage
2	Yd/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	My wife is the eldest daughter and has no brothers. Her father wishes for us to have a <i>semanda</i> marriage, hoping that our future children will become the heirs of her father's lineage. ⁶³	Continuing the wife's family lineage
3	Fai/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	My wife is an only child and comes from a wealthy family. I have no financial preparations for marriage because I come from a poor family. ⁶⁴	The wife is the sole offspring in the family, and the husband lacks the financial means.
4	Jls/ Marriage Participant/ Interviewed in Pekon Bakhu, January 22, 2021	My wife is the only daughter in her family, and I come from a poor family. I don't have enough money to get married. ⁶⁵	The wife is the sole offspring in the family, and the husband lacks the financial means.
5	Mhd/Marriage Participant/ Interviewed in Pekon Bakhu,	I decided to have a <i>semanda</i> marriage because I came from a poor family while my wife came from a wealthier one. I didn't have much education and found it hard to	The husband lacks the financial means and seeks financial support

⁶² Interview with Srm, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

⁶³ Interview with Yd, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

⁶⁴ Interview with Fai, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

⁶⁵ Interview with Jls, Semanda Lekok Marriage Participant, Pekon Bakhu, January 22, 2021.

	January 23, 2021	get a job, so I chose <i>semanda</i> marriage to get some money to start a family. ⁶⁶	to establish a household.
6	Stw/ Marriage Participant/ Interviewed in Pekon Bakhu, January 23, 2021	I come from a poor family and I need financial help for my wedding and for starting a business. ⁶⁷	The husband lacks the financial means and seeks financial support.

The reasons for *semanda* marriages are usually due to specific circumstances: the bride-to-be does not have any older or younger brothers, making her the only daughter in the family. Consequently, her parents may desire a *semanda* marriage so that their daughter can continue to live in the parental home. Additionally, families from a wealthier background often prefer this arrangement. Furthermore, men might opt for a *semanda* marriage due to their limited financial capabilities to support a wedding. In addition, the interviews with customary and religious figures have also identified several reasons that contribute to the persistence of *semanda lekok* marriages in Pekon Bakhu. The information is in the following table.

Table 4: Reasons for the Practice of *Semanda Lekok* Marriages in Pekon Bakhu According to Customary and Religious Leaders

No.	Source	Interview results	Coding
1	Pun Sekh/ Customary Leader/ Interview in Pekon Bakhu, January 23, 2021	The common reasons for conducting <i>semenda lekok</i> marriages are typically due to the wife not having any sisters, being the sole daughter in the family, and the husband coming from a less affluent background. ⁶⁸	Continuing the wife’s parents’ lineage, the wife being an only child, the husband being of limited means
2	Rsl/ Customary Leader/ Interview in Pekon Bakhu, January 23, 2021	The prevalent motivation for <i>semenda lekok</i> marriages is often attributed to the wife being the sole daughter and the	Continuing the wife’s parents’ lineage, the wife being an only child, the

⁶⁶ Interview with Mhd, *Semanda Lekok* Marriage Participant , Pekon Bakhu, January 23, 2021.

⁶⁷ Interview with Stw, *Semanda Lekok* Marriage Participant, Pekon Bakhu, January 23, 2021.

⁶⁸ Interview with Pun Mad Sekhiyar, Customary Leader, Pekon Bakhu, January 23, 2021.

		husband’s origin from a less affluent background. ⁶⁹	husband having limited means
3	Dnl/ Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	<i>Semenda</i> marriage is commonly practiced when a woman does not have any brothers, ensuring that her future offspring will continue her father’s lineage, especially when the woman’s family is economically well-off. ⁷⁰	The wife has no brothers, and her family is financially well-off.
4	Slh/ Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	The wife is an only child, and her family is financially well-off. ⁷¹	The wife is the sole child, and her family is financially well-off.

Table 4 describes that both customary and religious leaders view that the primary reason for *semanda lekok* marriages is to continue the wife’s family lineage. This is particularly prevalent when the wife is the sole daughter, hailing from a prosperous family who seeks to maintain their lineage through this specific matrimonial arrangement. Additionally, men may enter into such unions due to financial constraints, as they may lack the means to support a traditional marriage.

Table 5: Opinions of Religious Leaders on Wife Dominance in *Semanda Lekok* Marriages

No.	Source	Interview Results	Coding
1	Dnl/ Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	A husband’s lack of inheritance rights from his parents and his wife, as well as his exclusion from the joint property, is contradictory to the objectives of Islamic law.	Contradictory to the objectives of Islamic law
2	Slh/ Religious Leader/ Interview in Pekon Bakhu, January 24, 2021	The denial of inheritance rights from parents and the lack of entitlement to a wife’s inheritance and joint property constitute a deviation from	A deviation from Islamic law

⁶⁹ Interview with Pun Rsl, Customary Leader, Pekon Bakhu, January 23, 2021.

⁷⁰ Interview with Ustaz Dnl, Religious Leader, Pekon Bakhu, January 24, 2021.

⁷¹ Interview with Ustaz Slh, Religious Leader, Pekon Bakhu, January 24, 2024.

Islamic law, and this practice
should be abandoned.

Table 5 indicates that in terms of the religious perspective on a wife's dominance in *semenda lekok* marriages, the religious leaders assert that such dominance contradicts Islamic law and its objectives.

A Wife's Dominance in *Semenda Lekok* Marriages: The Perspectives of *Maqāsid al-Sharī'ah* and Gender Justice

Based on the empirical data collected from Pekon Bakhu, three distinct forms of wife dominance resulting from *semenda lekok* marriages can be identified. Firstly, the husband's position within the marriage is subordinate, placing him under the authority of his wife and her extended family. The husband lacks the autonomy to make decisions, especially regarding family assets, and must consult with his wife's family. Secondly, the husband is severed from his patrilineal lineage and is deprived of inheritance rights from his parents. This implies that the husband's primary focus is on his wife and her family. Furthermore, the husband is not entitled to any joint property in the event of a divorce, although a shift in customary inheritance practices has been observed. In instances where the couple remains childless, the husband may inherit his wife's property upon her death.

The persistence of *semenda lekok* marriages in Pekon Bakhu can be attributed to several factors. Primarily, the absence of brothers among the wife's siblings necessitates a marriage arrangement that ensures the continuation of her father's lineage. Additionally, the wife, often the only daughter, is highly cherished by her parents. The wife also comes from a financially secure family while the husband may lack the financial means to support the marriage.

Marriage brings about mutual rights and responsibilities between husband and wife. These rights and obligations should be balanced, equitable, and just, respecting the inherent dignity of each individual. The dominance of wives in *semenda lekok* marriages in Pekon Bakhu, as highlighted in Robert Kurniawan's research⁷² is influenced by the marriage model and the substantial financial expenditure made by the husband. Bourdieu's theory⁷³ supports this notion, suggesting that power dynamics are determined by the possession of capital, field, and habitus. The cultural norms surrounding *semenda* marriages also legitimize the wife's dominance in the division of joint property. In contrast to the study by Sa'dan, which focuses on matrilocal marriages, this study found that in *semenda lekok* marriages, the husband is often positioned as an outsider in

⁷² Hammar, Balubun, and Luturmas, An Existence of Traditional Marriage Forms and Implications in the Community of Kei Southeast Maluku.

⁷³ Esha, Membincang Perempuan Bersama Pierre Bourdieu.

his wife's household.⁷⁴ Consequently, the cultural dominance within these marriages results in unequal rights between husband and wife.

Upon closer examination, the injustice inherent in the wife's dominance becomes evident in the husband's lack of rights to joint property in the event of a divorce. Hence, the husband is forced to start a new life without any assets accumulated during the marriage. Normatively, both *bajujokh* and *semenda* customary marriages in Lampung adhere to the cultural principle of avoiding divorce.⁷⁵ However, the evolving social and cultural structures within the community have led to a paradigm shift regarding this principle. Indigenous communities no longer strictly adhere to the tradition of avoiding divorce, necessitating an adaptation of *semenda* marriage practices to accommodate these societal changes. This adaptation should include considering the husband's rights to joint property in the event of a divorce. Legal frameworks must evolve in tandem with societal changes.

The wife dominance in matters of joint property has led to gender inequality and human rights violations, indirectly causing significant harm.⁷⁶ The denial of a husband's rights to joint property constitutes a violation of a man's basic human rights.⁷⁷ The practice of *semenda lekok* marriage, which obstructs a husband's access to joint property, is incongruent with the objectives of Islamic law, or *maqāṣid al-sharī'ah*. In the context of joint property division, *maqāṣid al-sharī'ah* aims to establish justice, promote the common good, and protect the rights of all individuals involved.

The *maqāṣid al-sharī'ah* pertaining to joint property aims to protect various fundamental aspects of life. Firstly, it seeks to preserve property (*hifẓ al-māl*). The protection of property is a primary objective of *maqāṣid al-sharī'ah* in matters of joint assets. Every individual has the right to a fair share of the property acquired during the marriage. Equitable distribution aims to maintain economic balance and prevent unjust treatment. Secondly, it seeks to preserve life (*hifẓ an-nafs*), as the division of joint property also serves to safeguard the well-being of both spouses. A fair distribution helps ensure that both husband and wife have access to their basic needs. Thirdly, it seeks to preserve lineage (*hifẓ al-nasl*), which relates to fulfilling responsibilities towards children.

⁷⁴ Sa'dan, Tradisi Perkawinan Matrilokal Madura (Akulturasi Adat & Hukum Islam).

⁷⁵ Sumanto, Hukum Adat Di Indonesia Perspektif Sosiologi Dan Antropologi Hukum Islam.

⁷⁶ Melati and Tuti, Kedudukan Suami Dalam Perkawinan Semanda Pada Masyarakat Hukum Adat Lampung Di Pekonmon Kecamatan Ngambur Kabupaten Pesisir Barat.

⁷⁷ Umar; Sulaiman; Habibullah Tamba; "Hak Dan Kewajiban Suami Istri Dalam Rumah Tangga Tala'ah Kitab Uqudulujain Fi Bayani Huquq Az Zaujain Karya Syekh Muhammad Nawawi Al Bantani," *Jurnal Taushiah* 11, no. 02 (2021), p. 74–92.

Furthermore, a fair division of joint property ensures that parents can fulfill their children's needs,⁷⁸ thereby enabling their proper growth and development. Fourthly, it protects the mind (*hifz al-'aql*). A fair distribution helps prevent prolonged conflicts that can disrupt peace of mind and mental health. Justice contributes to maintaining emotional and mental stability for all parties involved. Fifthly, it preserves religion (*hifz al-dīn*). Justice is a fundamental value that must be upheld. A fair distribution of joint property, based on Islamic principles, is a manifestation of justice and upholds the sanctity of religion and adherence to religious teachings.

The husband's lack of rights to joint property in *semenda lekok* marriages constitutes a form of gender inequality within the family. Ideally, the relationship between husband and wife should be balanced and reciprocal, fostering the well-being of the family. The importance of reciprocity (*mubādalāh*) in marital relationships is crucial for cultivating cooperation rather than hegemony and domination.⁷⁹ This reflects a sense of mutual care among family members, characterized by shared happiness, shared challenges, and equal standing.⁸⁰ The concept of *mubādalāh* in the context of *semenda lekok* marriages implies that if a wife is entitled to inheritance and joint property, the husband should likewise be granted equal rights.⁸¹

The prevalence of wife dominance in marital relationships, characterized by a lack of respect for the husband and the wife's ultimate authority, is a reality underpinned by sociological theories, most notably Bourdieu's concept of capital, field, and habitus. Bourdieu argues that dominance is influenced by one's possession of capital, the social field, and the habitus. Those with significant capital, supportive norms, and a favorable habitus are more likely to emerge victorious in social struggles.⁸² In *semenda* marriages, the wife's possession of substantial assets influences the dynamics of power within the household. Husbands who enter into such marriages without significant capital often find themselves subjugated to the dominance of their wives and their families. This

⁷⁸ Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage, *MILRev: Metro Islamic Law Review* 3, no. 1 (2024), p. 1–21.

⁷⁹ Habib Shulton Asnawi, Discrimination Against Wife In The Perspective of CEDAW and Islam Mubādalāh, *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 20, no. 2 (2020), p. 67.

⁸⁰ Khoiruddin Nasution, *Hukum Perkawinan I*, (Yogyakarta: Academia Tazaffa, 2004).

⁸¹ Rifqi Awati Zahara, Potret Relasi Suami-Istri: Masyarakat Petani Dalam Mewujudkan Fungsi Keluarga (Studi di Desa Kayen Kidul Kecamatan Kayen Kidul Kabupaten Kediri), dalam *Tribakti: Jurnal Pemikiran Keislaman* 28 No. 1 (2017), p. 129.

⁸² Esha, Membincang Perempuan Bersama Pierre Bourdieu.

dominance is affected by the manner in which a man approaches marriage and the availability of resources invested in the marriage.⁸³

The discovery of customary traditions in *semenda lekok* marriages that sever a husband's kinship ties and inheritance rights from his parents is a significant finding. Moreover, there is a general dominance of wives in inheritance matters, where husbands are typically excluded from inheriting their wives' property, as the inheritance is passed down to the eldest male descendant. Such customary law practices are seemingly at odds with Islamic inheritance principles. In Islam, all individuals have the right to inherit based on their kinship and marital ties.⁸⁴ This practice is also viewed as a form of female dominance that contradicts the traditional Islamic understanding of justice, where both men and women are entitled to inherit according to the provisions of the Qur'an.⁸⁵ However, over time, there has been a shift towards more equitable and humane practices in *semenda* inheritance customs. The dominance of wives becomes particularly evident during divorce, where husbands are not entitled to any share of the joint property.

The evolution of Islamic teachings is not solely driven by the dynamics of social, cultural, scientific, and technological changes,⁸⁶ but also by a reconciliatory approach towards local customary laws.⁸⁷ Hazar Kusmayanti highlights that, in addition to national law, judges in Indonesia often consider Sharia-based customary law in their judgments.⁸⁸ In cases where customary law conflicts with Islamic law, judges are expected to prioritize the latter. In the context of Aceh, for instance, judges' acceptance of Sharia-based customary law has strengthened the position of Islamic law and the enforcement of national law. Moreover, Articles 35-37 of the Marriage Law grant equal rights to both spouses, ensuring that in case of divorce, both parties are entitled to a share of the joint property.

This construction of customary law, which positions men and women unequally, contradicts the Indonesian Constitution, which guarantees equal

⁸³ Hammar, Balubun, and Luturmas, An Existence of Traditional Marriage Forms and Implications in the Community of Kei Southeast Maluku.

⁸⁴ Mahalliy, *Syarhu Minhaj al -Thalibin III*.

⁸⁵ Abdul Ghofur Anshori, Sources and Legal Principles of Islamic Inheritance* Dynamics in Indonesia, *Journal Equity of Law and Governance* 2, no. 2 (2022), p. 157–165.

⁸⁶ Taufid Hidayat Nazar, Analisis Terhadap Pembulatan Timbangan Pengiriman Barang Pada JNE Menurut Perspektif Hukum Islam, *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 1, no. 1 (2022), p. 69–84.

⁸⁷ Eko Saputra and Busyro, Kawin Maupah: An Obligation to Get Married After Talak Tiga in The Tradition of Binjai Village in Pasaman District a Maqâsid Al- Shari'ah Review, *Qudus International Journal of Islamic Studies* 6, no. 2 (2018), p. 18.

⁸⁸ Hazar Kusmayanti et al., Judges' Acceptance of Sharia-Inspired Laws in Indonesia, *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 199–214,.

property ownership rights for both genders.⁸⁹ When compared with the provisions of Indonesian Islamic family law, these practices of dividing joint property are clearly at odds. Alisansyah⁹⁰ describes that, in Islamic law, joint property is typically divided equally, even if the wife does not directly contribute to acquiring it. Further, Jayusman⁹¹ argues that progressive Indonesian Islamic family law grants a larger share of acquired property to wives when they are the primary earners, reflecting a sense of justice. There should be no room for authoritarian practices or gender-based discrimination post-marriage.⁹² Therefore, there is a need for adaptation and a shift towards a more equitable approach to marital relationships.⁹³ From the perspective of equality and *maqasid al-sharia*, customary law construction should be reoriented towards establishing relationships that provide equal status and opportunities for both husbands and wives, enabling them to play balanced roles in life.⁹⁴

To address the friction between Islamic law and local traditions in the practice of *semenda lekok* marriage, a negotiation between Islamic legal norms and Lampung local culture is necessary. This negotiation aims to reconcile the practice of *semenda lekok* marriage by prioritizing *maqāsid al-sharī'ah*, particularly regarding joint property in marriage.⁹⁵ In Erwati Aziz's⁹⁶ study of the acculturation of Minangkabau local culture with Islamic law, the acculturation is a means of adapting local culture to Islamic law. Customs incompatible with Islamic teachings are modified, while those aligned with Islam are preserved. Family law norms must also adapt to societal value changes.⁹⁷ Moreover, Mulyo⁹⁸ points out the importance of both verbal and nonverbal communication for

⁸⁹ Napsiah, Muryanti, and Yani Tri Wijanti, Inequality as a Construct of Customary Law: Access to Home Ownership Rights of Women in Lampung, *El-USrah* 7, no. 1 (2024), p. 185–203.

⁹⁰ Amir Syarifuddin, *Hukum Kewarisan Islam*.

⁹¹ Jayusman and Zuhri Imansyah, The Decision on Joint Properties in Bengkulu High Religious Court Jurisdiction, *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (2021), p. 99–134.

⁹² Tamba, Hak dan Kewajiban Suami Istri dalam Rumah Tangga Tala'ah Kitab Uqudulujain Fi Bayani Huquq Az Zaujain Karya Syekh Muhammad Nawawi Al Bantani.

⁹³ Nuraida and Zaki, Pola Komunikasi Gender dalam Keluarga.

⁹⁴ Unidad Metodología D E Conocimiento D E Los, Membangun Kesetaraan Gender Dalam Kehidupan Keluarga Perspektif Hukum Islam," n.d., p. 88–104.

⁹⁵ Kiki Muhamad Hakiki and Bukhori Abdul Shomad, Negotiation of Islam And Local Culture In Traditional Lampung Marriage," *Jurnal Studi Lintas Agama* 17, no. 1 (2022), p. 201–119.

⁹⁶ Erwati Aziz, et.al., The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia, *Qudus International Journal of Islamic Studies* 8, no. 1 (2020), p. 131–160.

⁹⁷ Maimun et al., Dynamics of Family Law in Indonesia: Bibliometric Analysis of Past and Future Trends, *Samarah* 8, no. 1 (2024), p. 518–537.

⁹⁸ Mufrod Teguh Mulyo, et. al., The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maṣlaḥah Mursalah, *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 125–136.

husbands and wives to foster mutual understanding, respect, and achieve justice within the household. Balanced and respectful communication is key to fostering justice and resilience in families.

Efforts to foster justice, reciprocity, and virtuous relationships are essential for achieving family well-being and tranquility. These principles must be upheld to establish a new paradigm for more harmonious marital life.⁹⁹ In line with an anthropological approach, which seeks to identify desirable models within a society, there is a need to develop new patterns within traditional practices, particularly those that are more equitable and gender-sensitive.¹⁰⁰ This renewed awareness can be achieved through adaptation and negotiation in the practice of *semenda lekok* marriage, with the aim of realizing the objectives of Sharia in safeguarding the well-being of individuals, families, and society by applying the principle of reciprocity, granting rights and status commensurate to each party, and ensuring that everyone's rights are fulfilled within the family. Ultimately, it is hoped that a new concept will emerge, rendering the practice of *semenda lekok* marriage compatible with Islamic law, thereby upholding justice and equality.

Conclusion

One significant finding of this study is that the form of wife dominance in *semenda lekok* marriage is very apparent in terms of the division of joint property. After a divorce, the husband must start his new life without taking any property of his efforts from the previous marriage. Other forms of dominance, such as the husband being separated from his kinship with his parents, the husband not receiving inheritance rights from his parents, and the husband not receiving inheritance rights from his wife, still contain a degree of tolerance and negotiation, either from the parents or the child as the heir. Further, the main reason the local people carry out *semenda lekok* marriage is to continue the lineage of the wife's family since there is no son in the family, the wife is the only child, and the family is economically well-off while the husband is unable to finance the marriage. Moreover, the subordination of the husband is not in line with the *maqāṣid al-sharī'ah* to protect property, life, lineage, mind, and religion. It is also contrary with the theory of gender justice, as ideally the relationship between husband and wife is established on the principles of justice and mutuality. Therefore, there is a need for negotiation and adaptation of the values of *semenda lekok* customary law with the construction of Islamic law and positive law in order to apply a more just customary law.

⁹⁹ A. Kumedi Ja'far and Agus Hermanto, Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives, *Samarah* 5, no. 2 (2021), p. 648–667.

¹⁰⁰ Wahyu Abdul Jafar, et. al., Philosophical Foundations and Human Rights in the Bajapuik Tradition: Bridging Local Wisdom and Islamic Law in Minangkabau Marriage Practices, *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024), p. 212–233.

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