

Structure, Prohibitions, and Stages in Saibatin Traditional Marriage: An Ethnographical and Legal Study

ABSTRACT

This study discusses the structure, prohibitions, and stages of Saibatin customary marriage in Lampung as part of a sustainable customary legal system. Using a normative and ethnographic juridical approach through interviews, literature studies, and field documentation, it was found that Saibatin customary marriage includes the matudau (honest) and semenda systems, with prohibitions related to kinship and social status. The stages include pre-marriage, the main ceremony, and the closing with the awarding of the adok title. Its implementation is in line with national law as long as it does not conflict with Law No. 1 of 1974. Saibatin customs function not only as a cultural tradition, but also as a legal system that maintains harmony and moral values in Lampung society.

Keyword: Saibatin, Juridical, Ethnographic

INTRODUCTION

Saibatin customary marriage is an integral part of the customary law system that exists and is practiced within the Saibatin community of Lampung. Customary law here functions as a social regulatory system that governs various aspects of life, including marriage, encompassing procedures, traditions (such as nayuh, tetapol, deduaan), customary titles such as "adok," the obligations and rights of husband and wife, and patrilineal inheritance. This customary law, endowed with deep-rooted noble values and morals, provides social legitimacy for marriage and is often formally and informally recognized by the local community as a requirement for valid marital relationships between individuals within the Saibatin community.

Saibatin customary marriage in Lampung as part of the patrilineal kinship system that emphasizes paternal descent, must remain subject to the provisions of Indonesian positive law, specifically Law Number 1 of 1974 concerning Marriage and regulations regarding marriage registration and post-marital rights. However, with modernization and the development of human rights and gender equality values, several Saibatin customary practices have begun to receive attention, as they are deemed necessary to align with national legal principles and the Islamic teachings adhered to by the majority of the Saibatin community. This raises questions about the suitability, validity, and adaptability of Saibatin customary law to social changes and prevailing legal norms in Indonesia. In this context, it is important to examine how customary values are maintained without neglecting the principles of justice and equality before the law. Harmonizing customary law, national law, and religious law is a crucial step in maintaining the existence of Saibatin customs in modern society. (Saraswati et al. (2023): 45-60)

RESEARCH METHODS

This research employed qualitative methods using interviews, documentation, and literature review. Interviews were conducted with relevant sources to obtain in-depth information, documentation was used to collect related written data, and a literature review explored academic sources to strengthen the analysis and compare the research results with previous studies.

RESULT AND DISCUSSION

General Image Traditional Lampung Saibatin Wedding



Image of Saibatin Traditional Lampung Wedding Attire

(Source: LampungGeh.com)

In customary law, marriage is not only a private matter for the couple but also involves family, tribe, community, and caste. Marriage is the process by which individuals separate from their parents and continue the lineage. In a tribal context, marriage serves to ensure the continuity and order of the tribal community. Meanwhile, in a community or association, marriage is a significant event that brings in new members who will assume responsibility for the community. In the context of caste, marriage holds significance because, in traditional societies, castes often maintain their status through prescribed marriage rites. (Hasan, 2025: 36)

According to Hilman Hadikusuma (1990); 38, there are several principles of marriage according to customary law that must be considered, namely:

- a. The purpose of marriage is to form a harmonious, peaceful, happy, and eternal family.
- b. Marriage must be conducted legally in accordance with religious law or belief and must be recognized by family members.
- c. A man can marry several women as wives with positions determined by customary law.

- d. Marriage should be based on the consent of parents and family members. The community has the right to reject a husband or wife's status if it is not recognized by customary law.
- e. Men and women who are underage or still children still require permission from their parents or family members to marry.
- f. In divorce, there are certain things that are permitted and those that are not. Divorce between husband and wife can result in the breakdown of kinship ties.

The balance of status between husband and wife is regulated by customary law, with the wife acting as both homemaker and wife. Saibatin customary marriage law is an important part of the culture and identity of the Saibatin people of Lampung. This marriage unites not only two individuals but also two extended families through traditions such as nyakak, nayuh, tapiol, pemacakhan, and the conferment of the title adok. These traditions serve to maintain honor, social status, and the continuity of patrilineal kinship. Furthermore, Saibatin customs are constitutionally recognized through Article 18B of the 1945 Constitution, which respects the rights of customary law communities. (Millah and Kusmawan, 2023: 150-163).

Types of Saibatin Traditional Marriage Systems

a. Matudau or Honest Marriage System

A matudau or honest marriage is a marriage conducted with an honest gift (money or goods) from the groom to the bride's family. The purpose is to release the prospective wife from her family and incorporate her into the husband's family and to restore emotional balance to the woman's family who has lost a member through the marriage. This tradition also reflects the values of responsibility and respect the groom places on the bride's family.

Matudau or honest marriages can be found in both pure and transitional patrilineal societies. The general characteristic of a matudau or honest marriage

is that it is patrilocal, meaning the wife is required to reside with the husband's residence or family. This form of marriage continues the lineage through the man's (father's) side.

b. The Semanda Marriage System

Semanda marriages generally occur in matrilineal communities, where the matrilineal line is traced through the mother's line, while the paternal line is disregarded. A semanda marriage is the opposite of a matudau, or honest, marriage, in which the prospective groom and his relatives do not provide honest money to the bride, but rather the bridegroom proposes to the groom. Therefore, in a semanda marriage, after the marriage has taken place, the husband is under the wife's authority.

In a semanda marriage, the wife's authority plays a more significant role, while the husband, referred to as "nginjam jago" (borrowing a male), is merely a provider of offspring and assumes little responsibility within the family or household. (Imron and Pratama, 2020: 121-130)

Prohibitions in Saibatin Marriage Tradition:

1. Prohibitions on marriage between distant relatives, namely between distant relatives or semenda (women or men related by blood in a particular line). Although not always specifically stated in every document, they are common in many indigenous communities due to fears of violating social norms or disrupting the patrilineal line.
2. Prohibitions based on customary status/gender or title, for example, prohibiting a party without "penyimbang" status from marrying a party without fulfilling certain customary requirements, as title or customary status carries certain consequences and rights in the Saibatin system.
3. Prohibitions on violating customary traditions such as nyakak, Tapiol, or Metudau. If the prospective spouse or family fails to comply with established customary procedures, for example, if there is no respect for mandatory rituals, the expenditure of customary fees or customary preparations can be considered

a violation of customary norms and there is potential for social sanctions within the community. Legally, these prohibitions must be viewed in terms of their consistency with positive law (Marriage Law No. 1 of 1974) and the principles of human rights and gender equality. If customary prohibitions discriminate or harm one of the parties legally or religiously, they may be deemed invalid or require adjustment. Ethnographic studies can explore how communities practice these prohibitions, their perspectives, and the customary sanctions imposed for violations. (Embiring, 2023: 3-5)

Stages of the Saibatin Traditional Wedding Ceremony

- Pre-Wedding Stages

1. Nindai or Nyubuk is the initial stage where the prospective groom's family examines and assesses the prospective bride in terms of her physical appearance, behavior, and family background.
2. Nunang, or the proposal ceremony, is then carried out. On the agreed-upon day, the prospective groom's family arrives bringing various traditional gifts such as various cakes, betel nuts, and other food for the proposal.
3. Nyirok or Ngikat is often performed alongside the proposal. The groom's parents tie the bride's waist with lutan thread (white, red, and black thread) as a symbol of spiritual bond and protection for the two parties from all obstacles.
4. Menjeu or Berunding is a meeting of representatives from both families to negotiate and reach an agreement on the amount of honest money, dowry, and traditional ceremonies.
5. Sesimburan is a procession of bathing the bride in a river or well, followed by a parade. The bride and groom bathe together with other girls, splashing water on each other, a symbolic act of finality and warding off evil before the wedding day. Betanges, or steam bath, is performed by the bride sitting on a chair with fragrant spices (pepun) boiled underneath. This fragrant steam is used to scent her body and prevent sweating on the wedding day. (Yanti & Saputri, 2024: 40-49)

CONCLUSION

Saibatin traditional marriage is a manifestation of customary law that reflects the identity and value system of the Lampung people. This customary marriage structure emphasizes two main systems: *matudau* (honesty) and *semenda* (marriage), demonstrating social flexibility in regulating interfamily relationships. Customary prohibitions serve as moral controls to maintain the purity of lineage and social status within the community, such as prohibitions against marrying within the same kinship line or violating the existing title system. Meanwhile, the ceremonial stages, consisting of pre-wedding, wedding, and closing ceremonies, reflect spiritual and symbolic values, as well as respect for ancestors. Legally, Saibatin traditional marriages align with the principles of Indonesian positive law, as long as they do not conflict with religious law and human rights. Therefore, Saibatin customs remain relevant within the national legal system.

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