

The *Nyikok* Tradition of Lampung Pepadun Indigenous People as a Fulfillment of Children's Rights and its Relevance to Indonesian Islamic Family Law

Aldila Leo Saputra^{1*}

¹⁾ Lampung Provincial Office of Education and Culture, Indonesia

Abstract: This research examines the implications of the *nyikok* tradition in Lampung Pepadun customary society on the fulfillment of children's rights and its relevance to the development of Islamic family law in Indonesia. This type of research is field research, which is conducted in the Lampung Pepadun indigenous community in Lampung Province. This type of research is field research, which is conducted in the Lampung Pepadun Customary Society in Lampung Province. Data sources in this research are primary and secondary data sources. Data analysis in this research uses qualitative methods. Analyzed inductive thinking approach. The results of the study that *Nyikok* in Lampung Pepadun cultural customs has a good purpose. Based on the Receptio A Contrario analysis, *nyikok* has compatibility with Islamic law, so that its practice can be applied by the indigenous people of Lampung Pepadun, because it has positive implications in fulfilling children's rights, on the other hand, it is also to protect the inherited property of the deceased father, to continue the breed so that the balance is not broken and to maintain the kinship system that has been established. The *nyikok* tradition has relevance to Islamic family law in Indonesia, which is relevant to KHI Article 14, Article 2 (1) of Law No. 1 of 1974 concerning Marriage and then the existence of *nyikok* in the context of child protection and care is relevant to Article 45 of Law No. 1 of 1974 concerning Marriage, that parents have an obligation to maintain and educate children.

Keyword: *Nyikok*; Lampung Pepadun; Children's Rights; Indonesian Family Law.

Abstrak: Penelitian ini mengkaji implikasi tradisi *nyikok* pada masyarakat adat Lampung Pepadun terhadap pemenuhan hak-hak anak dan relevansinya dengan pengembangan hukum keluarga Islam di Indonesia. Jenis penelitian ini adalah penelitian lapangan (field research), yaitu dilakukan pada masyarakat Adat Lampung Pepadun yang berada di Provinsi Lampung. Jenis penelitian ini adalah penelitian lapangan (field research), yaitu dilakukan pada masyarakat Adat Lampung Pepadun yang berada di Provinsi Lampung. Sumber Data dalam penelitian ini yaitu sumber data primer dan sekunder. Analisis data dalam penelitian ini menggunakan metode kualitatif. Dianalisis pendekatan berfikir induktif. Hasil penelitian bahwa *Nyikok* dalam adat budaya Lampung Pepadun memiliki tujuan yang baik. Berdasarkan analisis Receptio A Contrario, *nyikok* memiliki kesesuaian dengan hukum Islam, sehingga dapat diterapkan praktiknya oleh masyarakat adat Lampung Pepadun, dikarenakan memiliki implikasi positif dalam pemenuhan hak-hak anak, disisi lain juga untuk melindungi harta pusaka peninggalan dari ayah yang sudah meninggal dunia, untuk melanjutkan trah sehingga keseimbangan tidak putus dan untuk menjaga sistem kekerabatan yang sudah terjalin. Tradisi *nyikok* memiliki relevansi dengan hukum keluarga Islam di Indonesia, yakni relevan dengan KHI Pasal 14, Pasal 2 (1) UU No 1 Tahun 1974 tentang Perkawinan dan kemudian adanya *nyikok* dalam rangka perlindungan dan pengasuhan anak relevan dengan Pasal 45 UU No 1 Tahun 1974 tentang Perkawinan, bahwa orang tua memiliki kewajiban untuk memelihara dan mendidik anak.

Kata Kunci: *Nyikok*; Lampung Pepadun; Hak-Hak Anak; Hukum Keluarga Indonesia.

Corresponding Author: Aldila Leo Saputra (aldilas3hk@gmail.com)

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A. Introduction

Marriage is a binding agreement between a man and a woman to legalize biological relations between the two parties voluntarily based on Islamic law. (Abdul Rahman Ghozali, 2003, 8) The willingness of both parties is a major capital to realize the happiness of family life which is filled with love and tranquility in a way that is approved by Allah SWT. (Nasr Al-Din, 1431, 136) The Compilation of Islamic Law CHAPTER I Article 3 states that marriage is the most sacred and majestic contract in the history of human life. (Abdurrahman 2019, 114) Islam also explains that some of the provisions of marriage in society are inseparable from the influence of culture and environment, where the community is located, but what is more dominant is influenced by the customs and culture that apply where the community is located or lives. (Abdul Fatah Idris, 2004, 224)

Whereas in customary law, marriage is a matter of kin, family, it can also be a personal matter, depending on the structure of the community concerned. (Hilman Hadikusuma, 1990, 10) For groups of citizens who declare themselves as legal entities, the marriage of their customary citizens is a means of continuing the life of the group in an orderly and organized manner, and a means that can give birth to a new generation that will continue the lineage of their family life. (R. Wirjono Prodjodikoro, 1980, 10)

Lampung society and culture, especially Lampung Pepadun, is one of the two major traditional groups in Lampung society. This community inhabits the interior or highlands of Lampung. Based on the history of development, the Pepadun community initially developed in the Abung, Way Kanan, and Way Seputih (Pubian) areas. Lampung Pepadun Indigenous Peoples are spread across Lampung Province, covering South Lampung Regency, Central Lampung Regency, North Lampung Regency, East Lampung Regency, Bandar Lampung City, Tulang Bawang Regency, West Tulang Bawang Regency, and Way Kanan Regency.

This indigenous group is distinctive in terms of community order and traditions that take place in the community from generation to generation. Including the customs and cultural traditions of the Lampung begawi community. Begawi or what is often referred to as begawi cakak pepapadun is a traditional ceremony of the Lampung people to give someone a traditional title. So that through begawi the person who carries out the tradition gets an increase in status in custom through the title of *suttan* which signifies the highest status. (Indigenous People of Lampung Pepadun, 2021)

One of them that is still practiced by the Lampung Pepadun community besides Begawi is the *nyikok* tradition which can be interpreted as getting into bed and getting out of bed, namely marrying the wife of *puarei* (brother) who died. This tradition is carried out when the *puarei sanak* (young brother) dies, then the *puarei tuha* (old brother) of the *puarei sanak* (young brother) marries the wife of the *puarei sanak* (young brother), so it is called getting into bed. Conversely, if the *puarei tuha* (old brother) dies, the *puarei sanak* (young brother) of the *puarei tuha* (old brother) marries the wife of the *puarei tuha* (old brother), so it is called getting off the bed. This is a customary tradition that has become a custom that is carried out by the Lampung people continuously which is accepted by common sense and is carried out by the Lampung Pepadun indigenous people. If in Islamic law this is related to the rules of *usul fiqh*. (Ahmad Tahali, 2018, 27)

According to Lampung Pepadun's own traditional beliefs, *nyikok* adat is done to tie back the family of the wife who was left behind. To the husband's extended family so that the family is not cut off. In Lampung custom, especially Lampung Pepadun, a woman left by her husband cannot remarry other than to a member of the husband's extended family. In this case the family is *puarei* (brother) either the oldest brother or the younger brother. With the aim of protecting the family of the deceased brother so that it is not disturbed or disturbed by other people, maintaining the customs in Pepadun can be intact and maintained, and strengthening in order to be closer to the nephews who are left with the extended family.

In the research process, researchers found 25 *Nyikok* couples practiced by the Lampung Pepadun indigenous community spread across districts and cities in Lampung Province. Of all of them, the *nyikok* perpetrators did so with an awareness of maintaining the family, organizing the management of children in order to continue the breed and in order to appreciate the customary laws that apply in the extended family.

This research is important to study, it seeks to examine the philosophical values of *nyikok* in relation to the protection and fulfillment of children's rights when a father has died. With the existence of *nyikok*, it has an impact on several aspects, starting from the aspect of protection and fulfillment of children's rights, aspects of the continuity of a large family, the continuity of customary upright *tegi*, the preservation of family heirlooms. With these elements, the researcher aims to examine the *nyikok* tradition of Lampung Pepadun Indigenous people as a fulfillment of children's rights and its relevance to Indonesian Islamic family law.

The results of the study show that the tradition of marriage down the bed is valid as long as the terms and conditions of marriage are fulfilled, both in Islamic law and legislation. When viewed from the marriage procession, the two regions have something in common, namely that it is carried out more simply, in contrast to the usual marriage procession. However, when viewed from the motive in conducting a Turun Ranjang marriage, the Lampung region aims to maintain traditional honor and to continue the lineage, while in West Java it aims to maintain family inheritance. (A Kumedi Ja'far, 2020). The journal written by Safitri, E. F., Sani, K., & Muniroh, L. The results of this study concluded that the marriage down the bed that occurred in Bontang, East Kalimantan was a man whose wife died remarried his wife's younger sibling in order to continue the kinship. According to Islamic law, the marriage is in accordance with the concept of *'urf* and does not contradict Islamic law because it has fulfilled the pillars and conditions of marriage. It is contrary to Islamic law if a husband marries several women who are still siblings at the same time. If they have separated due to divorce or death, then the husband may marry his wife's sister. The difference in research, that in this study will discuss the implications of the *nyikok* tradition in the Lampung Pepadun Indigenous community on the fulfillment of children's rights and its relevance to the development of Islamic family law in Indonesia. (Safitri, E. F., Sani, K., & Muniroh, L. 2022). Then the Journal written by Haniru, L. The results of the research indicate several reasons underlying the *walian tondro* marriage (down the bed), namely so that the replacement wife can provide offspring for the successor of the family. If they already have offspring from the first wife, the child

can be cared for by the younger brother who became the second wife of the deceased husband. Another reason a person performs walian tondro (down the bed) marriage is to establish kinship relations by both families from the first marriage. (Haniru, L. 2019). and Journal written by Abdul Fattadan Zulfahmi Alwi, Review of Islamic Law on Marriage Down the Bed in the Tradition of the Galesong Community (Case Study in Parambambe Village Kec. Galesong Kab. Takalar), Qadauna, Vol 2 No 1 2020. The results of this study indicate that marriage down the bed in the Parambambe Village community was originally allowed in the community and has been going on from ancient times until now. This form of marriage is a form of Makassarese traditional marriage which is currently rarely found in the community, Turun Ranjang marriage is a marriage in which a man marries his deceased wife's younger brother. (Abdul Fata, 2020)

Based on the previous research above, this article has similarities and differences in research. The similarity in this research is that there is a similarity in discussing marriage down the bed in indigenous peoples, and discussing the fulfillment of children's rights from various perspectives. However, the difference and novelty of this article is the focus of the problem to be studied, namely the nyikok tradition of Lampung Pepadun Indigenous people as a fulfillment of children's rights and its relevance to Indonesian Islamic family law.

B. Research Methods

This type of research is field research, which is conducted in the Lampung Pepadun indigenous community in Lampung Province. This research uses a qualitative approach. Data sources in this research are primary and secondary data sources. The population in this research is all Lampung Pepadun indigenous people in Lampung Province while the samples in this research are traditional leaders and Lampung Pepadun indigenous people in Lampung Province, which are spread in South Lampung Regency, Central Lampung Regency, North Lampung Regency, East Lampung Regency, Pesawaran Regency, Bandar Lampung City, Tulang Bawang Regency, West Tulang Bawang Regency, and Way Kanan Regency who carry out the *nyikok* tradition. Data collection techniques in this study were interviews and documentation. Data analysis in this study used qualitative methods. Analyzed inductive thinking approach

C. Findings and Discussion

Lampung Pepadun Profile

Lampung Pepadun is one of the two major traditional groups in Lampung society. This community inhabits the inland or highland areas of Lampung. Based on the history of its development, the Pepadun community initially developed in the Abuy, Way Kanan, and Way Seputih (Pubian) areas. (Admi Syarif, 2023) This indigenous group is distinctive in terms of community order and traditions that take place in the community for generations. The Pepadun community adheres to a patrilineal system that follows the father's lineage. (Habib Sulthon Asnawi., 2023) Within a family, the highest customary position rests with the eldest son of the eldest descendant, called Penyimbang. The title of Penyimbang is highly respected in Pepadun customs because it is decisive in the decision-making process. This

customary leadership status will be passed down to the eldest son of the penyimbang, and so on. (Rofeneldo, 2017)

Unlike Saibatin, which has a strong culture of nobility, Pepadun tends to develop more egalitarian and democratic. Social status in Pepadun society is not solely determined by lineage. Everyone has the opportunity to have a certain social status, as long as that person can organize the traditional ceremony of Cakak Pepadun. Titles or social status that can be obtained through Cakak Pepadun include the titles Suttan, Raja, Pangeran, and Dalom. (Humaidi, 2023)

The name Pepadun comes from the traditional tools used in the *Cakak Pepadun* procession. Pepadun is a wooden bench or throne that symbolizes a certain social status in the family. The traditional title of Juluk Adok is given on this throne. In the ceremony, members of the community who want to raise their status must pay a certain amount of Dau money and cut a number of buffaloes. The Cakak Pepadun procession is held in the "*Sessat House*" and is led by a Penyimbang or customary leader in the highest position. (Pratiwi et al, 2019).

Based on the explanation above, it can be concluded that Lampung Pepadun Custom is a custom whose people inhabit the inland or highland areas of Lampung, which are spread throughout *Lampung Province*, in the *Abuy*, *Way Kanan*, and *Way Seputih (Pubian)* areas.

Marriage in Lampung Pepadun Custom

Marriage in Lampung Pepadun custom contains high philosophical elements, because marriage in Lampung custom not only unites men and women, but also unites both sides of the extended family. (Tajuddin Nur, 2023) So in Lampung custom, divorce is prohibited. When a marriage occurs, the marriage lasts for life.

When a marriage occurs, the status to nurture it moves from the parents to the husband, and the wife also follows the husband's breed. Women only help to provide offspring and devotion to the men. Thus, she is included in the husband's extended customary family (Anshari Djausal, 2023). According to customary provisions, the marriage system of the Lampung Saibatin community adheres to two main systems, namely: (Humaidi, 2023)

a. *Nyakak* or Matudau Marriage System This system is also known as the honest marriage system because the man spends money to pay honest/*Jojokh (Bandi Lunik)* to the girl's family (prospective wife). The *nyakak* or mantudau system can be implemented in two ways, namely:

1) *Sabambangan* method: This way the girl is taken by the bujang from her house to the customary house or the house of the bujang. Usually the first time the girl arrives at the sibujang's place, she is brought to the house of the customary head or jukhagan and then taken home by the bujang's family.

2) The *tekahang* method (sakicik Betik): This method is done by openly proposing directly to the girl. After receiving a report from the bujang that he and the girl mutually agree to establish a household, the proposal meeting between the bujang and the girl when they have found a match determines the date of marriage, the place of marriage, honest money, pengeni *jama hulun tuhabandi balak* (dowry), how to pick up, when to pick up and others. Which relates to the smooth running of the wedding ceremony. (Hilman Hadikusuma, 2003, 80)

b. *Cambokh Sumbay* Marriage System The *Cambokh Sumbay* marriage system is also called *Semanda* marriage, which is actually a form of marriage in which the prospective husband does not issue honesty (*Bandi lunik*) to the wife, the man after carrying out the marriage contract relinquishes his rights and responsibilities towards his own family, he is responsible and obliged to take care of and carry out tasks on the wife's side.

This is in accordance with what Hilman Hadikusuma stated. *Semanda* marriage is "a form of marriage without paying honestly from the man to the woman, after marriage must settle on the side of the wife's relatives or be responsible for continuing the woman's offspring on the wife's side". In the Lampung community, there are several types of *semanda* marriage (*Cambokh Sumbay*) according to the agreement during the marriage contract between the prospective husband and the prospective wife or the bride's family (Meli Septania, 2017).

Marriage in Family Law

Marriage in Arabic is known as *al-nikah*. (Mahmud Yunus, 1973, 468) *Al-nikah* means *al-wat{i}*' and *al-dammu wa al-tadakhul*, sometimes also called *al-dammu wa al-jam'u* or *ibarat al-wat ('u wa al-'aqdu* which means intercourse, gathering and contract. (Amiur Nuruddin, 2004) Because marriage is a contract, marriage is defined as a very strong contract or *misaqan galidan* to fulfill Allah's commandments and carrying it out is an act of worship, (Compilation of Islamic Law) with the material purpose of forming a happy family (household), and eternal based on God Almighty (Habib Shulton Asnawi, 2018).

Chapter 1 article one of Law No. 1 of 1974 states that marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on God Almighty. (Achmad Asrori, 2015)

Marriage law, namely the law that regulates the relationship between humans and each other regarding the distribution of biological needs between the sexes, and the rights and obligations that are closely related to the consequences of marriage (Ismail, 2020). Judging from the legal basis of marriage, it can be arranged based on the sources of Islamic law, namely the Al-Qur'an and Al-Hadist. Allah SWT, says in Q.S. An-Nisa (4): 1

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۗ وَاتَّقُوا اللَّهَ
الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۗ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

Meaning: "O mankind, fear your Lord, who created you from a single person, and from him created his wife; and from them He multiplied men and women. And fear Allah, by whose name you ask one another, and maintain the bonds of friendship. Verily, Allah is always watching over you" (Q.S. An-Nisa (4):1).

Rasulullah SAW. Said:

عَنْ ابْنِ مَسْعُودٍ. قَالَ: يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضَى لِلْبَصْرِ وَأَحْصَنَ لِلْفَرْجِ وَمَنْ
لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ (متفق عليه)

Meaning: "Ibn Mas'ud reported that the Rasulullah SAW. said: "O young men, whoever among you is able (to bear) the burden of marriage, then marry for indeed marriage is more able to delay the gaze and more able to guard the private parts: and whoever is not able, then he should fast for indeed fasting is for him (a) restraint of lust". (Muttafaq 'alaihi). (Abu Abdullah, t.th)

Neither the pillars nor the conditions, as emphasized by Khairudin Nasution, indeed none of the conventional *fuqaha* explicitly provide a definition of the pillars and conditions of marriage, even conventional *fuqaha* do not mention which are the conditions and which are the pillars. (Khoiruddin Nasution, 2005, 9) However, he admits that there are some *fuqaha* who mention which elements are the conditions and which elements are the pillars of marriage.

A pillar is something that must be present and determines the validity and invalidity of a work (worship) and determines that something is included in the series of work itself, such as washing for wudhu and *takbiratul ihram* for prayer, (Abdul Hamid Hakim, 1976, 9) or the existence of a prospective groom, and prospective bride in marriage. The majority of scholars agree that the pillars of marriage consist of:

- a. The existence of prospective husbands and wives who will enter into marriage;
- b. The existence of a guardian on the part of the bride-to-be;
- c. The existence of 2 witnesses;
- d. *Sighat* of the marriage contract, namely *ijab qabul* pronounced by the guardian or his representative from the woman's side, and answered by the prospective groom (Abdurrahman Al-Jaziri, 2010, 45).

A condition is something that must be present which determines the validity and invalidity of an act of worship, but it is not included in the act, such as covering the *'awrah* in prayer, or according to Islam, the prospective bride/groom must be Muslim. *Sah* is a work (worship) that fulfills the pillars and conditions specified. (Abdur Rahman Ghazali, 2010, 46)

Ibn Qadamah of the Hambali school of thought does not explicitly mention the conditions and pillars of marriage. The discussion that exists is only statements that lead to the pillars and conditions of marriage, such as mentioning that marriage is valid if there is a guardian and there are witnesses. (Abi Muhammad, 1984, 337)

According to Ibn Rushd, paying the mahr according to the consensus of the scholars is obligatory and is one of the conditions of a valid marriage. (Ibn Rushd, t.th, 14) Islamic law does not stipulate the amount of dowry but is based on the ability of each person or based on family circumstances or traditions.

The Concept of Children in Islamic Law and Positive Law

a. The Concept of Children in Islamic Law

Children in Islam are defined as entrusted by Allah SWT to parents, communities, nations and countries that will one day prosper the world as *rahmatan lil'alamin* and as inheritors of Islamic teachings. This understanding implies that every child born must be recognized, believed, and secured as an implementation of the practice received by parents, communities, nations and countries. (Muhammad Zaki, 2014, 1)

The child is a mother who must be guarded and protected in all her interests, physical, psychological, intellectual, rights, and dignity. Protecting children is not only the obligation of their parents, but it is the obligation of all of us. As a religion that is full of compassion (rahmatan lil alamin), Islam gives special attention to children, from when they are still in their mother's womb until they reach adulthood. The obligation to breastfeed (radha'ah), nurture (hadhanah), the permissibility of mothers not fasting while pregnant and breastfeeding, the obligation to provide halal and nutritious food, behave fairly in peremberian, give a good name, marry, circumcise, educate, is a manifestation of this affection. (Muhammad Zaki, 2014, 1) In the Qur'an there are four typologies of children:

- 1) Children as an adornment of life in the world
- 2) Children as comforters of the heart
- 3) Children as Enemies of Parents If parents are mistaken and wrong in educating their children. (Muhammad Zaki, 2014, 1)

In Islamic law, there are quite a few verses of the Qur'an and hadiths of the Prophet that discuss the rights that must be obtained by children, among others:

- 1) The right to life and development.
- 2) The right to protection and preservation from the punishment of hellfire.
- 3) The right to livelihood and welfare.
- 4) The right to education and teaching
- 5) The right to justice and equality
- 6) The right to love
- 7) The right to play (Budiyanto, 2022).

Thus, there are at least seven kinds of children's rights that have been outlined by Islamic teachings. This does not mean that there are only seven rights, because there may be other rights that have not been captured.

b. The concept of the child in positive law

According to the understanding of children both in general and the opinion of experts, when children grow up, and parents are unable, children are the hope of parents to rely on. But in the increasingly sophisticated times, children's socialization must also be considered carefully. Children's associations and who children make friends with can affect their lives and their journey as adults. (Fatchur Rahman, 1981, 41)

In article 1 paragraph 12 of Law No. 17 of 2016 concerning Child Protection, "*Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, community families, the state, government, and local governments*". And in article paragraph 12, children are also entitled to special protection which reads "*Special Protection is a form of protection received by children in certain situations and conditions to obtain a guarantee of security against threats that endanger themselves and their lives in their growth and development*" (Law of the Republic of Indonesia Number 17 of 2016).

Meanwhile, in the law of the Republic of Indonesia Law Number 35 of 2014 Amendment to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, of course, there is also an implementation effort to protect children's rights which makes a way to fulfill children's rights protected and realized. Between the rights and obligations of both must be balanced in order to realize a goal which can improve the welfare of children. In the Convention on

the Rights of the Child there are 4 (four) principles that are the basis for every implementation of child protection including: (Mardi Chandra, 2018, 206)

- 1) Non-discrimination This principle instructs the parties concerned to never discriminate against a child for any reason and not to look at the child from any angle.
- 2) The best interests of the child This principle reminds the child protection organizers mentioned in Article 20 of Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of the Year, namely parents. Parents as much as possible must be able to carry out their responsibilities in making decisions regarding the child's better future.
- 3) The right to life, survival and development This principle ensures the inherent survival of every child by ensuring that the basic needs of the child are properly met.
- 4) Respect for children's opinions This principle guarantees children the right to express their opinions freely. Children who have the courage to express their opinions must be heard and deserve appreciation so that children can be confident in demonstrating their speaking abilities.

Number of *Nyikok* Offenders in Lampung Province

Until now, the *nyikok* culture is still widely found in the indigenous Lampung Pepadun community. These *nyikok* actors are generally scattered in the districts in Lampung Province, with the population spread in South Lampung, Central Lampung, North Lampung, East Lampung, Bandar Lampung City, Tulang Bawang Regency, West Tulang Bawang Regency, Pesawaran Regency and Way Kanan Regency. In this study, there were 25 people who practiced the *nyikok* custom, whether it was traditional or biological *nyikok*, but this biological *nyikok* was more dominantly applied in the indigenous Lampung Pepadun community. (Research Results, 2023) Because the *nyikok* itself has a good purpose and does not conflict with religious law, among its goals such as protecting children and wives, protecting library property, and so that kinship remains intertwined.

Implementation of *Nyikok* Tradition in Lampung Pepadun Indigenous Community

Lampung people, both those from the Pepadun custom, have a philosophy of life system that has become the cultural identity of the Lampung tribe in their social life. The philosophy of life of Lampung people is known as *Piil Pesenggiri*. *Piil Pesenggiri* is a combination of the original values of Lampung people sourced from the teachings of the Kuntara Rajaniti, Keterem and Cempala books combined with Islamic teachings, because *Piil Pesenggiri* was formulated in connection with the plan to establish an Islamic sultanate in the Lampung area. As a society that had previously existed and had its own culture before the Islamization process occurred, the Lampung people already had their own philosophy, namely *Piil* (Fernanda, 2020).

Lampung *Pepadun* custom in marriage recognizes the term *Mak Dijuk Siang*, from the results of interviews with several Lampung Pepadun traditional leaders, the meaning of *Mak Dijuk Siang* is that divorce is something that is prohibited in Lampung Pepadun custom, when married there is no divorce, except for death divorce. Because the Lampung community, especially *Pepadun*, marriage is not

only between the biological relationship of husband and wife but also the kinship relationship between the two families. If a divorce occurs, a customary fine will be imposed (*Pepadun Ngelubngkop*).

Because of these customary rules, where divorce is not good or against custom, the question arises, what if the wife is left dead by her husband, then from there the term *nyikok* or *nyemalang* arises which means replacing the position of a brother or sister who dies. So if this case occurs, it is the brother or sister of the husband who replaces the position of the husband who has died, in national terms it is down or up the bed.

The practice of *nyikok* in Lampung society has been practiced throughout Lampung Province, including South Lampung Regency, Central Lampung Regency, North Lampung Regency, East Lampung Regency, Pesawaran Regency, Bandar Lampung City, Tulang Bawang Regency, West Tulang Bawang Regency, and Way Kanan Regency.

The culture of *nyikok* in Lampung Pepadun custom is not without purpose, in Lampung Pepadun custom when a marriage occurs, it is not only the husband and wife who are bound but also the extended family, because Lampung custom recognizes the kinship system. After marriage, the woman becomes the full responsibility of the man's family. Based on this reason, the *nyikok* tradition in Lampung Pepadun custom arises.

Nyikok is carried out with a good purpose other than so that kinship is not interrupted, there are other objectives of *nyikok*, such as protecting the woman from interference from outside parties, protecting and fulfilling children's rights, protecting inherited property and protecting the wife so that she remains in the extended family of the deceased husband's custom, and continuing the breed in the balance.

Based on the results of the study, it shows that *nyikok* is carried out by the Lampung Pepadun Indigenous community voluntarily and appreciation as an implementer of customs or habits. The practice of *nyikok* is based on the agreement of the extended family, so that it is carried out solemnly and practiced with the guidance of Islamic law.

***Nyikok* Tradition in Lampung Pepadun Indigenous Community as a Fulfillment of Children's Rights**

Nyikok is carried out with high philosophical value, including in order to protect the lineage and balancing so that it is not interrupted. The existence of *nyikok* carried out by a younger sibling or older sibling to his brother's wife aims to uphold the custom of the older sibling as the heir to the customary balance in the family, so it is important to do *nyikok* so that the customary line in the balance is not interrupted. With the values of upholding this custom, the Lampung Pepadun customary community has the view that *nyikok* is an obligation that must be carried out so that the extended family line can continue its balance, so that it can be passed down to the eldest son of the deceased husband.

Then the next implication of *nyikok* is the fulfillment of the rights of children left behind by older siblings who have died, whose care is then continued by the brother or sister who did *nyikok* to the wife whose brother died. Based on the results of the research, the majority have the aim of continuing the child, so that

the child can get perfect care, can be guaranteed for health, education and other children's rights which are the duty of a father.

Then with the death of the deceased, in Lampung Pepadun custom, it is known to have inherited property, with the existence of *nyikok* the property is managed by the connecting father, the results of which are given to the continuation of the child in full, solely to continue the child's livelihood, and when the child has grown up or has married, the inheritance will be returned to the child in full. This shows that the *nyikok* is a sincere move by the brother or sister of the deceased, in order to ensure that the children left behind can be assured of their livelihood.

Then with the *nyikok*, the implications for the wife who is married by her brother or sister-in-law, solely for the sake of maintaining kinship relations, keeping them unbroken. So that a wife is still in the kinship of the extended customary family of the deceased husband.

Based on the results of research conducted on traditional leaders and the Lampung Pepadun community related to the fulfillment of children, it was found that the purpose of *nyikok* was achieved, because even though they were raised by the father of the *nyikok* who was none other than his own uncle, the children's rights were fulfilled properly, there was no difference between biological children and conjoined children regarding care, health and education, everything was done fairly (Nawawi, 2022). One of the income to fulfill the rights of the child is the existence of property left by the deceased father, the property is managed by the sambung father and in time will be returned to the child when he has grown up (Usually marked by marriage). Then when a marriage occurs, if there is a daughter, then the guardian in the marriage is the *nyikok* father.

Relevance of *Nyikok* Tradition in Lampung Pepadun Indigenous Community with Islamic Family Law in Indonesia

Nyikok, which is practiced by Lampung Pepadun Indigenous people, is a solution when a husband dies. then *nyikok* is analyzed using the theory of *receptio a contrario*, this theory was coined by Hazairin. This theory states an opinion that is completely opposite to Christian Hurgronje's *receptie* theory. In this theory, it is precisely customary law that is under Islamic law and must be in line with Islamic law, so that new customary law can take effect if it has been legalized by Islamic law (Sayuti Talib, 1983).

The theory of *Receptio A Contrario* theory in this study analyzes the *nyikok* tradition in the Lampung Pepadun Indigenous community and its compatibility with Islamic law. *Nyikok* is a custom or custom of Lampung Pepadun which has a high philosophical value in relation to continuing the customary breed of balancing, continuing childcare so that children get their full rights in terms of health, education, care and other rights attached to children, then the existence of *nyikok* as an effort to manage customary property so that it is not misused by other parties who enter the family, then the existence of this *nyikok* to determine a wife remains in the extended family of the deceased husband. So when examined, *nyikok* has values that are relevant to Islamic marriage. With this relevance, *nyikok* can be applied because there are no elements of *nyikok* that deviate from the teachings of Islamic law.

Based on the *Receptio A Contrario* analysis, *nyikok* is in accordance with Islamic law, so that its practice can be applied by the Lampung Pepadun customary

community because it has positive implications in fulfilling children's rights, then to protect the inheritance property of the deceased father, to continue the breed so that the balance is not broken and to maintain the kinship system that has been established.

The *Nyikok* Tradition in Lampung Pepadun Customary Society can be carried out on the condition that it fulfills the pillars and conditions of marriage as in KHI Article 14 and is carried out based on Islamic religious law as in Article 2 (1) of Law No. 1 of 1974 concerning Marriage (Habib Shulton Asnawi dan M. Anwar Nawawi, 2022). Then the existence of *nyikok* in the context of child protection and care is relevant to Article 45 of Law No. 1 of 1974 concerning Marriage, that parents have an obligation to maintain and educate children. When a father dies, if *nyikok* is carried out, the maintenance, care and education of the child will be more guaranteed if it is carried out by a replacement parent who comes from his family, namely the uncle of his father's brother. Based on this description, it shows that the *nyikok* tradition has relevance to Islamic family law in Indonesia, so it can be applied to the community as a whole.

D. Conclusion

Nyikok in Lampung Pepadun cultural customs has a good purpose. Based on the *Receptio A Contrario* analysis, *nyikok* has compatibility with Islamic law, so that its practice can be applied by the indigenous people of Lampung Pepadun, because it has positive implications in fulfilling children's rights, on the other hand it is also to protect the inheritance property of the deceased father, to continue the breed so that the balance is not broken and to maintain the kinship system that has been established. The *nyikok* tradition has relevance to Islamic family law in Indonesia, which is relevant to KHI Article 14, Article 2 (1) of Law No. 1 of 1974 concerning Marriage and then the existence of *nyikok* in the context of child protection and care is relevant to Article 45 of Law No. 1 of 1974 concerning Marriage, that parents have an obligation to maintain and educate children.

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