

## THE TRADITION of SINGLE BACHELORS AND THE WEDDING ON *SIMBUR CAHAYA* LAWS IN OGAN ILIR AREA OF PALEMBANG DARUSALAM RESIDENCY

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### Abstract:

The views of the people in the Ogan Ilir region towards the Simbur Cahaya Law are very positive, because the law makes the community more orderly, besides that this law contains very supportive rules, and holds the moral values that are in line with the teachings of Islamic law. The existence of this law is unity in applying the law, especially as it relates to the association of Single Bachelors. The behavior and association of Single Bachelors in current conditions may be said to have deviated significantly from applicable legal provisions, both state and Islamic law. The Simbur Cahaya Law is a historical result; for this reason, the existence of the Simbur Cahaya Law can be a future reference for protecting and regulating behavior towards Bachelor girls and applying severe sanctions for those who commit sexual harassment.

### Keywords:

Married, Simbur Cahaya Law, Single Bachelors, Palembang Darussalam

### Preliminary

Balance and harmony in society (social equilibrium) is a condition that is desired by every society. Sociologically, humans are social beings (*Zoon Politicon*), so humans cannot live without their groups or communities. A society will only be balanced if every social institution is genuinely functioning and mutually complementary. However, in a society, there is always a person who violates the norms that have been regulated in the Act (Turmudzi, 2010).

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Violation of norms or rules is a behavior that is considered to be deviant and will harm the perpetrator and others. For this reason, the community needs to maintain order and harmony by referring to the law. As in the history of the Palembang Sultanate, the *Simbur Cahaya* Law used as a written law aimed at regulating order and harmony in community life.

The *Simbur Cahaya* Law is the original written source of indigenous law, the oldest and the XVII century used in the Palembang Darussalam region. The original text of the *Simbur Cahaya* Law written utilizing the Ulu letter script or local writing and spread in the rural area using regional dialects. The collection became a Single language unit is on the initiative of Queen Sinuhun around 1630, during the reign of Prince Seda Ing Pura, around 1630-1642 (Balai Pustaka South Sumatra, 1984). According to the elders of the former family/dynasty of the Sultan of Palembang, the Sultan who drafted this Law was His Majesty, the Queen, and assisted by the crown prince (husband) and state ministers and religious scholars (Balai Pustaka South Sumatra, 1984). Since the reign of Seri Sultan Abdurrahman in 1652-1659 (Mal 'An Abdullah, 1997), Palembang's royal territory expanded, for example, the islands of Bangka and Belitung, in the Bangka region, the Sindang Marga Act was enacted. The *Simbur Cahaya* Law applies only in the Uluan area (Sunanto, S., 2004) Palembang, which is also an area of Ogan Ilir. Ogan Ilir Regency is a low-lying area to the east of Palembang (Uluan is the designation of a place that is outside the city of Palembang, which includes the region of Oran Ilir Regency). Based on historical records obtained from community leaders, the term "Ogan Ilir" has existed and was used as an identity for this region since the period before Indonesian independence, or during the Dutch colonial period. At that time, the name "Ogan Ilir" used as an identification for a regional and community alliance that was located downstream of the Ogan River in the residential area of Palembang, which is called South Sumatra.

Following a decision made by the Netherlands on June 13, 1864, Ogan Ilir subsequently designated as a separate area (*Afdeeling*) in Tanjung Raja, in addition to other regions (*Afdeeling*) in the Palembang. *Afdeeling*, is a structure created by the colonial party and becomes a bridge to directly regulate the territory, society, and political law-Customary law in the rural area.

The *Simbur Cahaya* Law still applies even though the invaders have conquered this kingdom, despite changes. Initially, this law was a basic rule in the rural communities of South Sumatra, but by the invaders, it revised in such a way as to become a Customary Law. Officially this *Simbur Cahaya* Law of was made according to the decree decided in the deliberation on 2-6 September 1927 by delegates of the heads of the Country (Marga Heads) chaired by the Resident of Palembang (Balai Pustaka, South Sumatra, 1984). After that, in 1933, the *Simbur Cahaya* Law was first printed in Malay letters (M. Lutfi, Khabibi., 2015).

The first printing of *Simbur Cahaya* Law is no longer found, but the second print is still there. That was published in 1939 by the printing company "Drukkerij Meroe Palembang" and also published by "Balai Pustaka". This text used as the main source in this study and there is a rule entitled "Original Court Regulations in Tanah Seberang".

The *Simbur Cahaya* Law consists of eleven chapters, each chapter consisting of articles containing rules. Most of the content and articles are on the problem of a Single Bachelor (*Simbur Cahaya* 2, p. I). From several articles regulated in the Act, some articles are still valid and carried out traditionally by the community up to now, and those contained in articles 6, 8, 10, 18, 19, 20, and so on. Those articles are about eloping, get married without parental consent (*tekapmalu*), and other marriages (both standard and problematic marriages), which until now still practiced in reality in some parts of South Sumatra society. But the payment of fines is no longer made. At present, the influence of the *Simbur Cahaya* Law still seen in the patterns of life in the culture of the Ogan Ilir community (A. Damanhuri., 2019)

The norms/rules that exist in the *Simbur Cahaya* Law are no longer formally enforced because there are no institutions, but to date in practice, still exists in the people of South Sumatra, especially the Ogan Ilir community (K.M.S. Umar, 2019). In the *Simbur Cahaya* Law, there are rules regarding cases faced by the community; among them, is a case of contiguity between a boy and a girl. When a man touches a girl's hand, it is called "Naro Gawe." A man holding a girl's arm is called "Meranting Gawe", a man holding a girl above his elbow, and hugging his body is called "Merangang Gawe", a boy captures a girl or seizes her cloth is called "Nangkap Rimau," and there are many other types of violations. Those violations will get Customary sanctions following the violations where he did, regulated in the *Simbur Light Act* (Husin Abdullah, 1933). From this law, it can be seen that the protection of the girl is indeed guarded and maintained by her honor, from all disturbances, both physical and non-physical.

## Research Methods

This research aims to describe the thought of the intellectual heritage of Indonesian Muslim tradition, specifically the Thought of Queen *Sinuhun*, which is part of the Palembang Sultanate, in her Book of *Simbur Cahaya*. This study uses a qualitative research type with a library research model by carefully examining a variety of relevant literature, especially the results of research or works related to research, including books relating to the development of Palembang culture and others. Research approaches using scientific concepts, called: "Sociology". The data sources are primary and secondary. The data collection techniques in the study are heuristic, verification, interpretation, and

historiography techniques. This research aims to give more information about the law for a Single Bachelor.

### **Literature review**

The object of this research is to explore the actualization and application of the *Simbur Cahaya* book in the focus of the study of the resolution of the case of Single Bachelors and marriage. Broadly no one has done similar research in the general public limited to academics, including the works, are: Saudi Berlian (2012) title "Traditional Management of Gender in Islamic Studies on the Simboer Tjahaya Text", reviewed one of the salient aspects of the *Simbur Cahaya* (or *Simboer Tjahaya*) text, namely the gender aspect, which he highlighted from the view of Islamic law as well as from the Customary view. In this study, the book *Simbur Cahaya* contains the values of gender courtesy, which are relevant in a more democratic and Islamic socio-cultural life.

Tongki Pamungkas (2010) with the title, "Islamic Law in the Sultanate of Palembang (Study of *Simbur Cahaya* Book)". This research is about the historical socio study of how Islam (Islamic law), social and cultural life of the people under the Islamic Kingdom, or Islamic Government, especially the Islamic kingdom which had the style of Malay Javanese. Further research is developed by reviewing additional aspects of written law that apply through the book of *Simbur Cahaya*. The findings state that the *Simbur Cahaya* Book applied in the Palembang Darussalam Sultanate has a strong basis for Malays in carrying out social life as implementation and interpretation of Islamic teachings in the form of glorifying humans.

From the literature review above, there is a similarity to this article, that is about the object of the study, that is *Simbur Cahaya* Law, but the difference lies in emphasizing and focusing on the custom of Single Bachelors and marriages in the Ogan Ilir region of the Palembang Darussalam Residency which has not been studied yet.

### **Discussion**

#### **Legal Analysis of Single Bachelors and Married Customs**

The presence of this law is an effort to ease the burden on the victims and also protect other communities. An interview conducted with one of the community leaders, Mr. K.H.M Ali Hanafi (2019) found that the *Simbur Cahaya* Law is not only a protector of society, but also work as a legal provision that must be obeyed and implemented, because in the *Simbur Cahaya* Law there are some values of Islamic teachings that have been in effect for a long time and are still

respected. For example, a prohibition on men holding women, or touch a girl (regulated in article 18) if it occurs the traditional sanctions will be given, which stipulated in the *Simbur Light Act* (D Sarego, Yurizal N.Z., 2010).

From the case above, it is known that the influence of the *Simbur Cahaya Law* is still visible in the life and culture of South Sumatra people, especially Ogan Ilir community. For example, if they want to make a solution in violation or other problems, they will continue to make two patterns as stipulated in the *Simbur Cahaya Law*; first by way of peace, namely through deliberation, if this method is not found consensus, then the second path is taken, namely by way of through customary justice. The everyday justice process is similar to the existing justice process, only that in the past, the trial was still simple. For example, the "Indigenous judges" have not worn uniforms like they are now; but only wear hats called "Airmas" or "topiremas" hats.

### **The Effect of Implementing Single Bachelors Rules for the Ogan Ilir Community**

Existing structure and created in the customs of society, of course, contain historical meaning because it has been known for a long time, as well as the structure of the community of South Sumatra (Nur Cholis., 2013). The life structure of the people of South Sumatra in addition to being bound by territorial genealogical factors is also enriched by aspects of age, profession, and sexual facts. This factor then develops into the central family with its expansion, hamlets and clans with their ins and outs and sexual facts with norms and manners (Nur Cholis., 2013).

Main families, consisting of fathers, mothers, and children, are formed through marriage. The elements and all the requirements for their formation refer to Islamic sharia. The headman, who is armed with his *shari'ah* knowledge, is trusted by the custom to manage the custom, with all his ability to freely complete the task. That is the process of forming a family as the central unit to support the enactment of the Islamic *Simbur Cahaya Law*.

The existence of the *Simbur Cahaya Law* aims to protect the honor of the women who existed at that time so that they were genuinely awake and preserved in their holiness. The *Simbur Cahaya Law* becomes a guideline in the process of resolving every problem that occurs in the community and family in *Uluan*, South Sumatra. The customs that apply to the people of *Ogan Ilir* have a religious nature that is quite high as it influences the content and rules in the *Simbur Cahaya Law*. Natural conditions and socio-cultural environment color the contents of *Simbur Cahaya law*. So it is clear the effect of the application of the *Simbur Cahaya Law* in people's lives is very visible even today after the *Simbur Cahaya Law* is no longer applies. The existence of

the *Simbur Cahaya* Law in the community of South Sumatra, especially regarding the rules of the Single Bachelor, gives a new color to the association of a Single Bachelor in this environment. This law preserves the honor of women and creates order, which still prevails in Ogan Ilir society. Such as elopement as regulated in article 6, old marriage or the traditional light of marriage, which has happened before, has been through a process that finally resulted in an agreement, which is regulated in article 1. There is also forced marriage, which is a marriage carried out due to having been pregnant before that has been regulated in article 8. There is also article about breaking money, that is, money given to the wife or sister of the wife and money for the cost of marriage or money for donations. This gift is often referred to as "Asep Money" as regulated in article 4 of the *Simbur Cahaya* Law (Endang Turmudzi, 2010).

At a glance, the regulations contained in the text of the *Simbur Cahaya* Law are seen as a series of formal, rigid and frozen legal words. It turned out that the influence was quite large in the community and a unique courtesy discovered. According to Sri Edi Sarwono (2009) in this *Simbur Cahaya* Law, Women get exceptional protection. This is regulated in the dictum on the meeting results of the heads of domestic children 2-6 September 1927, as contained in Chapter I of the first part of articles: 18, 19, 20, 21, 22, 23, 29, 31 and 32. The series of chapters by Article is the protection of women from physical and psychological violence, ranging from minor attacks to severe attacks. In the customs of the Ogan Ilir community, special rooms for girls are different from boys, they are accustomed to being separate from childhood to adulthood, such as beds, and there is also the regulation of playing games rule for boys and girls. A boy will play a boy's game is like pebbles and soccer, but girls have their games, such as *dakocan*, cooking and others. So the inculcation of noble values of boys and girls has been familiarized since a toddler. Sudarsono said that steps to instill attitudes between boys and girls could be done by parents by finding or choosing good playmates (Sri Edi Sarwono., 2009). Parents can select with whom and in groups where children can play freely to develop their activities and creativity in an Islamic way. So that this habit is still reflected until the children are adults.

Large guidance that can be obtained from moral guidance towards adolescents, according to Ibnu Maskawaih in essence, cannot take place on its own. The internalization process has raw media that cannot be ruled out. And also not through the teaching and learning process that can be used to internalize these values, but the role of both parents at home is no less important because parents can directly give examples to their children (Syarifuddin., 2007).

Then there is another example that the regularity and habits of the Ogan Ilir people are like the shape of the old public car body, there is a front door, there is a back door, and there is a middle door. This shows that the front door is for

the driver, the back door is for men, while the central door is for women. All of this is a separation of the distance between the position of men and the position of women in the way of preachers in the existing society.

### **Public's View of the Application of the Simbur Cahaya Law**

The *Simbur Cahaya* Law Book is a source of written law for the community in the clans, in the area that used to exist, precisely in the Uluan area of South Sumatra in Ogan Ilir Regency. The *Simbur Cahaya* Law made from the results of the Indigenous Consultation on 2-6 September 1927, which used as the legal basis of the clan government at that time. According to the information of the parents of the former family/dynasty of the Palembang sultans, someone who drafted this Law His Majesty is Ratu (Ratu Sinuhun), who is assisted by the crown prince (husband) and the Minister of State and religious scholars (Law of Simbur Cahaya, tt.).

The Single Bachelor association is the tradition and habits of the community in general, as well as in the Ogan Ilir community. In an interview with a family of female leaders named Zakiyan (2019), it found that the *Simbur Cahaya* Law contains rules that are very supportive and upholds the values of charity that are in line with the teachings of Islamic law. Its existence is unity in applying the law, especially in connection with the association of Single Bachelors. The position of women at that time was guarded and maintained so that women's honor was guaranteed. If the girl is going to leave the house, they must wear a hijab.

In line with the opinion above, Ahmad Ishak (2019) said that the *Simbur Cahaya* Law could provide a solution to various problems, especially problems between Single Bachelors because they are the responsibility of their parents to maintain and preserve so that both are awake lest an act that violates the law. In the Indigenous community, this condition called "*Adagium*," i.e. if in one family has more than one daughter, then it is like storing embers on the ridge of the house. At any time, this danger will threaten.

Looking at some of the views above, it shows how much responsibility a mother has for her children, especially girls. Girls are a virtue in the family, to maintain the good name and dignity of the family. The Holly book of Islam mention in the QS, al-Ahzab: 15 As follows: "And indeed before they had promised to Allah, they will not turn back (backward) and is an agreement with God will be held responsible." (M. Quraish Shihab. 2000).

The above verse explains, to give a warning to parents (father and mother) that they have promised to God in educating children, they are responsible for all actions done by children from the world to the hereafter. That is a good way

following the guidance of the Qur'an, which has the most fundamental meaning for domestic life, both through deeds and through speech, this method is a way of Islamic communication in the family. It is a "standard method" in realizing a harmonious family (Sudarsono., 1993); a *sakinah* household full of mercy. Harmonious family will radiate peace, peace of life for all family members. The atmosphere of family life can guarantee the fulfillment of children's psychological needs (affection). The direction and purpose of family life will be in harmony. The ideals of the child will be in line with the wishes of both parents. A harmonious family is basically favored by God, because here the child always respects both parents, also both parents full of willingness and compassion for their children.

Not only are parents required to be responsible for their children, but children must do good to both parents, called "*Birrul Waalidaini*" (do good to both parents) which means that, in the orderly manner of serving and respecting both parents become the next turn after worshiping Allah and obeying His Messenger.

This is following the teachings of Islam because women are obliged to maintain good manners as in walking to be done simply and cover their genitals so as not to cause male bad intentions to commit crimes. Because of this, manners rest on a specific control. With this control, supervision carried out so that women do not cross the line in appearance or deviate from their nature. If women want to come out to meet a man who is not their family or "*mahram*" they should wear a full cover dress. The importance of courtesy in Islam expressed through evidence that the Prophet Muhammad (PBUH) was sent to the world precisely to perfect human's morals (morality and suave) as follows:

"Indeed, I was raised to perfect morals" Next is explained in *Surah al-Imran* (3): 110 as follows: Be you the best people who are shown to humans, command the forgiveness and prevent evil, and believe in Allah. And if the believers of the People of the book, undoubtedly better for them; some of them believe, and some of them are wicked people "(M. Quraish Shihab., 2000).

This hadith and verse explain that all the people of Muhammad from generation to the next generation are the best because of the guidance, examples and praiseworthy qualities that adorn themselves all humanity. This is because Muslims are a continuous *Ummah* without being bored to ask the *ma'ruf* namely what is considered good by the community as long as it is in line with Divine values and prevents evil, that is, contrary to noble values, prevention that reaches to the limit of using force (M. Quraish Shihab., 2000). In this case, al-Marogh (Sudarsono., 1993), said that an association conducted between fellow human beings, especially between men and women must be

based on "faith and the principle of *amar ma'ruf nahi munkar*" so that God's will be stated that Muhammad's people are the best.

Another verse explained, in QS. al-Imran: 14 as follows: "Made beautiful for man's love of various lusts, namely women, sons, wealth that is not doubled again of the types of gold, silver, choice horses, animals, livestock, and the fields. That is the pleasure of life on earth and in the sight of Allah is a good place to return. "The above verse explains that the" humans "referred to in this verse are all sons and daughters of Adam let alone adults, both men and women (M. Quraish Shihab, 2000).

According to Shihab (2000), there are two answers put forward as a reason for not mentioning male and female. First, this verse is reluctant to express explicitly the lust of women against men, for the sake of maintaining the subtlety of women's feelings. On the other hand, this verse mentions sons, not daughters, because the state of society at that time still greatly added sons and did not welcome the presence of daughters. The *Jahiliyah* Arab community at that time looked down on the position of women and considered them only carriers of disgrace.

Ali 'Imran's verse above does not mention "daughters," As one who is loved by humans, because women have referred to previously as one who is loved by humans, so also is not called love for men "because boys have called one loved by them. Thus, it can be said that the verse states. They have made beautiful for "all men", love for various lusts, namely women for men, and men for women, as well as boys and girls.

Every "human" would have desires with other people from different gender, as Zulaikha did with Joseph, if Joseph did not see evidence of the greatness of his Lord, the wisdom and knowledge bestowed upon Him, surely he would follow the despicable and wrathful desires because Joseph was a God-elect that was chosen so that Satan could not subdue him.

According to the analysis of the author by seeing the reality between Joseph and Zulaikha, Joseph was a handsome young man, and Zulaikha was a beautiful woman, but the Prophet Joseph a.s. Do not have a bad desire for the woman (Zulaikha), and even the temptation was so great that if he not strengthened by faith in Allah, indeed, he will fell into disobedience. This is what shows the importance of confidence in the association of Single Bachelors so that they do not commit unlawful acts.

From the explanation above, various ways and invitations to be able to maintain morals and behavior, such as having a sense of shame, dressing well and not using thin headscarves and transparent clothing. The moral that is taught is very important to be obeyed and followed, which aims to maintain

honor and proof of faith and as a reflection of a Muslim. The existence of shame is intended so that before doing bad action, everyone must think first so that the actions he does do not violate God's law.

### **The Effect of Implementing Single Bachelors Rules for the Ogan Ilir Community**

The *Simbur Cahaya* Law contains the values of Islamic teachings about the association between Single Bachelors, which aims to protect the honor of both parties from being violated. All of these rules are aims to preserve the award and to maintain the values of the Islamic teachings. Islamic ethics is an ethical doctrine based on Islamic teachings contained in the Qur'an and the Sunnah of the Prophet Muhammad SAW, in which there are noble values and commendable qualities. Praiseworthy qualities include: being honest, doing good to both parents, maintaining self-purity, compassion and being frugal, being modest, good treatment, truth, forgiveness, justice, courage, shame, patience, thanking and others.

Through an interview with South Sumatra art figure Djohan Hanafiyah, he quoted from an interview with the Saudis on July 5, 2017; he said that the *Simbur Cahaya* Law is an added value in maintaining the dignity of women both in God's eyes and in human eyes. Where this condition is still kept from the past until now, however, at this time the sanctions/fines do not apply.

This is because this rule was not formally regulated as during the reign of the Sultan of Palembang Darussalam, namely what was applied in Palembang, precisely to the clans that existed at that time. When in the event of a violation, there are sanctions and fines, but at present, these rules are only part of customary law, which is not regulated as before. Today's Single Bachelor looks very different from the promiscuity of *Simbur Cahaya* Law. This is all due to the effects of globalization, both through television and other media, so that the influence cannot be swaddled and easily developed among society/adolescents, however, its existence is maintained for people in their respective families.

When seen criminal cases, there are now many violations of the law, both crimes in the association of adolescents who violate the norms of politeness or sexual harassment against young women committed either by biological father, stepfather, or uncle or other adults. Also the case of promiscuity between young people who lead to free sex and the case of parents who raped their biological children. If we relate this problem to the *Simbur Cahaya* Law, it appears that this problem discussed in the *Simbur Cahaya* Law, such as the term Big Contribution and Small Contribution i.e. a biological father molested his biological child or in-law who molested his son/daughter-in-law, regulated in the *Simbur Cahaya* Law in article 27 in chapter I states that: "if there is a

contribution in the village, then the case should not be decided by Pasirah, but the case should be brought under a large meeting (the king's punishment). "Big contribution" must be punished again for "buffalo washers", while "Small contribution" will be penalized with a goat, rice, coconut and other necessary alms.

The article provides clear and strict penalties for parents who have the heart to behave disrespectfully to their biological children, that is, commits obscene acts with their biological children, and in-laws who molest their son/daughter-in-law, with a monetary fine, and a buffalo or a goat plus rice, coconut and others for alms, which aim to wash the village that has been defiled by the Act of being torn. But if we see the current conditions, it is unfortunate as events that often occur through mass media or television shows about sexual crimes against young women committed either by his friend, father, uncle, stepfather, or others. This shows how low the values of courtesy and morals exist in society, especially in the association of a Single Bachelor.

When we compared these two texts (the *Simbur Cahaya* Law and the Criminal Law Act), it appears that the *Simbur Cahaya* Law is more effective and straightforward, easy to digested and obeyed by the community. This is because the punishment given by the *Simbur Cahaya* Law is open and directly witnessed by all members of the community so that the perpetrators of the crime become ashamed and the community becomes aware that the punishment for sexual violations is very severe and actually applied, so they will be afraid to break them because it will bring shame to themselves, their families and relatives.

### **Contribution of Simbur Cahaya Law to the Association of Single Bachelors**

Judging from the two existing laws, according to the author, the more priority is governed by the *Simbur Cahaya* Law. The considerations are simpler, easy to digested and understood and obeyed by the community because the *Simbur Cahaya* Law is more effective and consistent. The more severe the punishment for violators, the more afraid the community will be to violate the law. While the current law is quite heavy, it's just that the law has not been fully enforced. Law enforcers have not been maximized in upholding the rule of law.

Therefore, compliance and public awareness of the law is still low. For example, the witnesses, a witness to provide information, is still afraid because their safety is not guaranteed. As is the case, an employer or employer rapes or has an affair with an employee, if other employee sees this, so the employee who sees this does not dare to give testimony of the behavior of his employer to his co-workers because they fell afraid of being fired. If we see the current

conditions, it is now appropriate to formulate regulations regarding the association of Single Bachelor, so that they will not lead to free sex, and giving severe penalties for sexual offenders so that women's honor can be protected, from all kinds of disturbances (Cholis Nur Asiah, 2017).

If a woman leaves her house, she needs to wear a full cover dress and veil, and this will cause tremendous respect for her. It also will avoid interference from men who are immoral and have no manners. If a woman leaves her home and wears a full cover dress, this not reduces her dignity as a human but increases it. From the opinion above, if a girl/teenager who will travel outside the house should cover their body properly, so as not to invite men who will disturb him in any condition.

If we pay attention to the contents of the manuscript in the *Simbur Cahaya* Law above, then there are some Islamic values contained in the *Simbur Cahaya* articles which are still valid as customs in the Ogan Ilir community in regulating the social relations of the community, especially to a Single Bachelor. For example, the case of touching the skin of men and women who are not “mahram” (family) as an act that invalidates the “wudhu”. This illustrates that touching someone who is not from a family member (*mahram*) is prohibited in Islam, generally not only in ritual worship, as well as in the law.

That adultery is strictly prohibited in Islam and not only that, committing acts that lead to an affair is also forbidden in Islamic teachings. For example, touching has led to adultery, at least stimulating lust. So the *Simbur Cahaya* Law absorbs what is taught by the teachings of Islam, which forbids all actions or behaviors that lead to adultery.

The *Simbur Cahaya* Law regulates in its articles, such as articles 18, 19, 20, concerning touching the skin of women, in the *Simbur Cahaya* Act referred to as “*Naro Gawe, Meranting Gawe, Meragang Gawe*” and others. These articles can be seen as customs in Islam. Customs identified as 'Urf; in this case, the articles of the *Simbur Cahaya* can be categorized as 'Urf Shohih'. 'Urf shohih, is an act which has been known by humans and does not contradict the proposition of *syara*' also does not justify the unlawful and also does not cancel the mandatory (Sri Edi Sarwono, 2009).

In this case that the word 'urf comes from the word' *arofa, ya'rifu* (عرف يعرف) is often interpreted as "al-ma 'ruf" (المعروف) with the meaning: "something has known" If said that someone is more than others than in terms of 'urfya, it means that the person has better known than the others. The definition of "known" is close to the notion of "being recognized by others". The word 'Urf is also found in the Qur'an with the meaning" *ma'ruf* "(معروف) which means good (doing good).

The word '*Urf*' means not seeing in terms of the repetition of an action carried out, but in terms of that, the Act is already well-known and recognized by many people. In this case, that '*Urf*' can be seen in several ways: in terms of material that is usually done. From this point of view, there are two types of '*Urf*'.

First, '*Urf qauli*' (عرف قولي), which is a habit that applies to use of words or speech. As the word, "*waladun*" means "child," which is used for boys and girls. But in Arabic daily habits, the word "*walad*" is used for boys, not for girls, so in understanding the word "*walad*" sometimes used '*Urf the qauli*'.

Second, '*Urf fi'li*' (عرف فعلي), a habit that applies to actions. For example, the practice of buying and selling items that are light (cheap and less valuable (transaction between the seller and buyer is enough to show only the goods and handover of goods and money without saying anything about the transaction (contract) anything. This does not violate the rules of the agreement in the sale buy.

The habit of taking cigarettes between friends without asking and giving words is not considered stealing. In this case, "*Khallaf*" also believes that "*Ulf*" is something that is often known by humans and becomes a tradition, either in the form of words or deeds and or things that leave something also called tradition. According to the "*syara*" experts said that there is no difference between '*Urf*' and Tradition, then '*Urf*' which is an act, as in buying and selling without using the spoken "*shighot*" whereas '*Urf*' is like understanding each other about the absolute enlightenment.

Because of these terms, the scholars say that tradition is a "*shari'ah*" that is confirmed as law. Whereas '*Urf*' according to the '*Shariah*' also received recognition, as Imam Malik said to the people of Medina, that he based most of his law on the deeds of the people of Medina. Because there are verses that can be used.

This verse is addressed to breastfeeding mothers who need to complete their breastfeeding period for two full years. But in reality in the community, Imam Malik saw that it was not his mother's (his biological mother) but other people who were rewarded, namely from the "*Badwis*". Even this was taken and sought from fertile places because from here, determine the location is excellent and calm so that the child can develop properly.

With this context, Imam Malik narrated the verse with Tradition '*Urf*'. In this case, Hanafiyah scholars quoted from Sri Edi Sarwono (2009) that '*Urf*' was strengthened for the general text. As an example of the above verse, that the period of raising a perfect child is two whole years. But according to '*Customary Arab aristocracy, children are fed to others by paying them.*' "This

custom or *'urf* is used for the general end of the verse. So, Arab aristocrats who used to pay for breastfeeding their children did not need to feed their children for two whole years.

Parents or husbands are obliged to provide income and fortune to their children and wives, but in this verse, the amount is not determined, but Imam Malik said it is ordained with local traditions. Then why did Imam Malik make *'Urf* as a law?, because *'Urf* is justified in Islam. Considering Imam Malik has the basis *'Urf* and *Maslahah Mursalah*, it means that in view when *'Urf* is considered good, then the goodness according to *'Urf* is not specified in the text or the passage is only a suggestion then the tradition containing the problem that can be justified in Islamic law. It turns out that the above verse is a suggestion that is not in the form of "*fi'il amar*" with the condition that it turns out children who are suckled by others are considered more beneficial for the child.

From the opinions of the experts above it can be concluded that, the customs that develop and are applied in a society, can be used as a law if it is not contrary to *shariah* law. Thus the Simbur Cahaya Law was applied in the past and continues to be carried out by the community as long as it does not conflict with *shari'at* it can be used as a source of law.

### **Conclusion**

The settlement of the case of Single Bachelors in the Marga Ogan Ilir area during the enactment of the *Simbur Cahaya* Law is that almost all violations are offenses. If there are no complaints, they will not be processed. In resolving the case, it is not regulated in detail in the *Simbur Cahaya* Law but only based on Tradition rules which are carried out by the community for generations. But the implementation refers to the *Simbur Cahaya* Law. The judicial process is not much different from the current judicial process. It's just that in the past, there were no uniforms, but what was used as a hallmark at the time of the hearing was only wearing a hat called the *Airmas* hat. Also, in determining the decision, it still applies after the hammer knocked decision.

Traditions and customs that still apply to the Ogan Ilir community are legacies that still exist and are applied today. Even though the *Simbur Cahaya* Law is no longer formally enforced in the Palembang Uluan community, these rules are still incarnated in the cultural practices of the Palembang Uluan community, especially in the Ogan Ilir community. The regulations set out in the *Simbur Cahaya* Act have a relationship between the Customary Courts in settlement of the Single Bachelor relationship with the *Simbur Cahaya* Law, namely Customary Marriage habits, Light Indigenous or Old Age, Forced

Marriage, Forced Marriage / Party Costs and Breaking money. All these habits still apply in the Ogan Ilir community up to now.

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