



## Flexibility of *Rejang Semendo* System in Modern Marriage Law: An Islamic-Law Analysis

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### ABSTRACT

The *Semendo* constitute an indigenous ethnic group in South Sumatra, Indonesia. This research aims to analyze the flexibility of the *Semendo* system in *Rejang* customary law and its conformity with the principles of Islamic law, particularly within the framework of *maqaṣid al-syari'ah*. This study employs a normative-juridical method, utilizing a conceptual and comparative approach to analyze customary norms, Islamic legal principles, and national marriage law provisions. The findings indicate that the *Semendo* system, particularly the *Semendo Rajo-Rajo* model, demonstrates a significant accommodating character towards the values of justice, equality of rights, and the protection of property and lineage, which are integral parts of *maqaṣid al-syari'ah*. Its flexibility allows it to function as a contextual and adaptive alternative model of marriage law. In conclusion, the integration of customary law values and Islamic law in the *Semendo* system provides a strong foundation for a more inclusive and culturally rooted reformulation of national marriage law in Indonesia. This study contributes to the scientific discourse by offering a methodological framework for harmonizing local wisdom with Islamic legal principles, which can be applied to the study of other customary law systems across the archipelago. Furthermore, it provides an academic foundation for the future development of a more pluralistic and context-sensitive national marriage law.

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## 1. INTRODUCTION

The complexity of marriage rules in Indonesia reflects the great challenge of integrating the positive religious, customary, and legal norms that prevail in the country. Indonesia's legal system, which is based on Pancasila and the 1945 Constitution, recognizes the plurality of existing legal rules, including Islamic, Christian, Hindu, and customary religious laws (Gustiana, 2021). In the context of Marriage, each religion has different views and rules, which often intersect or even contradict the provisions of state law. For example, in Islamic law, Marriage is considered valid if it has met the conditions and principles, such as the existence of a guardian, two witnesses, the contractual offer (*ijab*) and acceptance (*qabul*) (Rahmatillah et al., 2023; Tumiwa et al., 2025). In contrast, state law stipulates administrative and formal provisions as a matter of legality, such as the registration of marriages at the Religious Affairs Office (KUA) or the Civil Registry Office.

The problems of interfaith Marriage, divorce, inheritance rights, and recognition of customary Marriage add to the complexity. These differences in legal interpretation often lead to legal ambiguity for the couples involved, especially when it comes to women's and children's rights (Monk et al., 2024). Therefore, efforts to harmonize marriage law in Indonesia require more intensive dialogue among religious institutions, the government, and society to create a more just, inclusive, and socially just system (Setiawan et al., 2024).

The existence of the *Semendo* system in the *Rejang* tradition is one of the traditions that has endured for a long time and plays a significant role in the social structure of the *Rejang* community. *Semendo* is a form of customary institution that serves as a forum for addressing various social, legal, and economic issues within the community (Ramadhanty et al., 2023). This system is known as a collective decision-making process, where indigenous leaders or community elders play an active role in formulating solutions to existing problems.

The *Semendo* system bases its principles of deliberation and consensus on the primary foundation for solving problems, which involves considering various parties and applying applicable customary norms (Kwesi, 2024). The existence of *Semendo* also reflects local wisdom that prioritizes togetherness and harmony between community members, as well as maintaining a balance between individual and group interests. Even though times continue to evolve, the *Semendo* system remains a vital part of preserving *Rejang* customs and a valuable tool for promoting social justice within the community. Thus, *Semendo* is not only a symbol of a living tradition but also a mechanism for maintaining the *Rejang* cultural identity, rooted in the noble values of its people.

The lack of integrative studies between customary and Islamic law is a significant challenge in the development of legal studies in Indonesia, particularly in areas with strong customary traditions (Siroj et al, 2023). Many people still practice customary practices in their daily lives, but these practices are often not integrated with Islamic legal norms, despite sharing fundamental values that can complement each other (Karimullah, 2023). It creates a gap between the laws that govern society and those established by religion. It has the potential to cause conflicts in the application of the law, particularly in cases related to Marriage, inheritance, or dispute resolution.

This integrative study is crucial for creating a more holistic and comprehensive understanding of how Islamic customs and law can interact and complement each other, without overlapping, but instead supporting one another to create a positive synergy (Junaedi, 2017). Unfortunately, this kind of study is still limited and has not been developed, even though in the current era of globalization and modernization, a deep understanding of the relationship between the two is

needed to create a legal system that is more inclusive, progressive, fair, and in accordance with the values of diverse societies. A more comprehensive and systematic approach to examining the integration between customary and Islamic law will enrich the legal discourse in Indonesia and provide solutions to the legal problems that arise in society.

The relevance between the lack of integrative studies of customary and Islamic law and the existence of the *Semendo* system in the *Rejang* custom lies in the importance of aligning the customary values that exist within the community with the norms of Islamic law that should be applied. In the context of the *Semendo* system, although the principles of deliberation and consensus form the basis for resolving social problems, many decisions are made based on customary rules that have not been fully integrated with Islamic law, particularly in matters related to family law, inheritance, or disputes.

The lack of this integrative study may lead to potential incompatibility between the traditional practices of *Semendo* and the provisions of Islamic law, which should serve as a guideline in Muslim society. Therefore, it is essential to explore and develop studies that connect the two, so that the *Semendo* system not only reflects local wisdom but also aligns with Islamic teachings that prioritize justice, balance, and the well-being of the people. By integrating Islamic law into the traditional practice of *Semendo*, not only can togetherness be maintained, but also conformity with Sharia principles can be upheld, thereby promoting law and social justice in the *Rejang* community.

In the context of legal decentralization and recognition of customary law communities, it is crucial to explore the contribution of customary law in national legal reform, especially in response to evolving social and cultural dynamics (Gede Agung et al., 2024). Customary law, which reflects local wisdom and norms prevalent in society, has excellent potential to contribute to the formulation of a more relevant and contextual legal system (Kurnia et al., 2022). One concrete example is the *Semendo* system, which exists among the *Rejang* customs. This system, which prioritizes the principles of deliberation and consensus, can serve as a reference in designing a more humane model of marriage law that accommodates the needs and values of the local community while remaining grounded in the principles of Islamic law. By integrating local wisdom into the marriage legal system, we can create a model that is more equitable, inclusive, and in line with contemporary demands, while also accommodating cultural diversity without compromising Sharia values (Setiyawan et al., 2024). This update is significant in ensuring that national law is not only top-down but also respects and integrates the socio-cultural diversity that exists in Indonesian society.

Several previous studies have discussed the *Rejang* customary marriage system, especially the *Semendo* system, and its relevance to Islamic law. One of them is a study by Agusten et al. (2023), which examines the implementation of *Semendo* traditional Marriage in *Rejang* Lebong through a socio-normative approach. This study found that, although the practice of *Semendo* traditional marriage has evolved, it remains normatively aligned with the principles of Islamic family law, such as the determination of dowry and the exercise of the rights and obligations of spouses. In addition, research by Albuhari (2021) highlights the position of women in *Rejang* traditional Marriage, especially in the context of *Semendo* marriage. This study demonstrates that in *Semendo*'s Marriage, there is equality of rights and obligations between husband and wife, reflecting the values of gender justice from the perspective of Islamic law.

Another study by Arso (2020) revealed that the *Rejang* indigenous people adhere to the eleutherogamy marriage system, which does not restrict Marriage based on specific lineages. It demonstrates the flexibility of the *Rejang* traditional marriage system in responding to social and cultural dynamics, which could serve as a model for reforming national marriage laws. Overall, the studies demonstrate that the *Semendo* customary marriage system possesses flexibility, allowing for integration with the principles of Islamic law. It opens up opportunities to formulate a model of marriage law that is more humane, contextual, and in line with Islamic values, within the framework of legal decentralization and the recognition of customary law communities.

Although some previous studies have examined aspects of customary law in Marriage, such as gender equality, spousal obligations, and the flexibility of the *Semendo* system, more in-depth studies of the integration of this system with the principles of Islamic law are limited. Most research has focused on the normative relationship between customary law and Islamic law, without exploring how these two systems can serve as a basis for formulating a more contextual and responsive model of marriage law that meets the needs of modern society.

Most previous studies have focused on socio-normative aspects without paying sufficient attention to the practical and formal legal dimensions, specifically how customary law can be integrated into the national legal system, particularly in the context of legal decentralization and the recognition of customary law communities. More comprehensive research on how the *Semendo* system can serve as a model for national marriage law reform, which takes into account customary flexibility and conformity with Islamic law, remains scarce. More in-depth research is needed to formulate legal models that can accommodate the diversity of customs and religions in Indonesia without ignoring sharia principles and social justice.

The purpose of this research is to analyze in depth the flexibility of the *Semendo* system in the *Rejang* custom and assess its conformity with the principles of Islamic law, primarily through the framework of *maqāṣid al-syari'ah*, in order to formulate an integration model between customary law, Islamic law, and national law that is more contextual, inclusive, and responsive to the modern needs of society. This research specifically seeks to answer several key questions: how the character and fundamental values of the *Semendo* system, both *Semendo Rajo-Rajo* and *Semendo Ambik Anak* operate in the kinship and marriage practices of the *Rejang* community; the extent to which these customary elements are in harmony with or contrary to Islamic legal norms, especially related to *nasab* (lineage), inheritance, the role of husband and wife, and the validity of the marriage contract; This study uses the principles of *'urf*, *maslahah mursalah*, and *maqāṣid al-syari'ah* to analyze contemporary family law cases in Indonesia to reconcile the potential disharmony between custom and Sharia; and how the flexibility of the *Semendo* system to explain as a model in the reform of national marriage laws. Thus, this study not only examines normative aspects but also provides a methodological overview of how local values are incorporated into the analysis with Islamic law to strengthen the development of Indonesian family law.

## 2. METHODS

This research employs a normative legal research method (doctrinal legal research), which focuses on a critical study of legal principles, positive legal norms, and the construction of the legal system (Creutzfeldt et al., 2019). The primary approach employed is a conceptual approach to examine the philosophical nature of the *Semendo Rejang* system, and a comparative approach to analyze its position in relation to the Islamic legal system and Indonesian national law.

The research data source consists of primary, secondary, and tertiary legal materials. Primary legal materials include: (1) Compilation of Islamic Law (KHI), especially Book I on Marriage Law; (2) Law Number 1 of 1974 concerning Marriage and its implementing regulations; (3) Relevant court decisions. Secondary legal materials include *fiqh* of *munakahat* textbooks, scientific journals in the field of customary law and Islamic law, as well as the results of previous research that discuss the kinship system and customary Marriage. Tertiary legal materials, such as legal dictionaries, encyclopedias, and glossaries, are used to ensure the accuracy of terminology.

The data analysis procedure is carried out through three main stages. *First*, inventory and systematization of all legal materials to identify the core norms of each legal system. *Second*, a systematic and comparative interpretation of the law is carried out. *Third*, the analysis of legal synchronization is carried out using the framework of *maqāṣid al-syari'ah*, especially by testing the suitability of the *Semendo* system for the five main objectives of Sharia (hifz al-dīn, al-nafs, al-'aql, al-nasl, and al-māl). The validity of the data is tested through triangulation of sources, i.e., by comparing findings from various doctrinal sources to obtain a comprehensive legal construction. Through this method, this research aims to make an academic contribution in the form of a theoretical model that integrates customary law and Islamic law within the framework of progressive national legal development.

### 3. RESULTS AND DISCUSSION

#### **The Role of Customary Law in the Renewal of National Law through an Integrative Approach**

The role of customary law in national law reform through an integrative approach is a strategic step towards creating a more inclusive, participatory, and grounded in the social reality of Indonesian society (Arifin et al., 2025). As a country with diverse ethnic, cultural, and religious backgrounds, Indonesia cannot rely on a single, uniform legal system (Isra & Tegnan, 2021). Customary law, which evolves organically within society, reflects a local value system that has been proven to govern social life for centuries (Safriani, 2018). Unfortunately, in the course of Indonesian legal history, the position of customary law has often been relegated to a complementary or subordinate role to national law and the Western law of colonial legacy. In fact, customary law holds great potential as a foundation for the formation of national law that better reflects the nation's identity (Bukido et al., 2022; Makka et al., 2025).

The integrative approach offers a way out of the dichotomy between customary law, Islamic law, and national law (Maiza Putra Bandung et al. 2022). Through this approach, national law reform is not carried out exclusively based on formal or positivistic values, but instead accommodates social values that exist in society. In the realm of family law, for example, customary practices such as the *Semendo* system, which developed in the *Rejang* community, demonstrate how customary law can provide flexible, fair, and sustainable solutions in regulating marital relationships, inheritance, and family formation (Syah, 2016). When these values are juxtaposed and harmonized with the principles of Islamic law, such as justice ('adl), benefits (*maṣlahah*), and responsibility (*mas'ūliyyah*), then a new legal model will be formed that is not only legally valid but also culturally and spiritually accepted.

Furthermore, the role of customary law in national law reform is also part of efforts to democratize law (Pomaza-Ponomarenko et al., 2023). Through the recognition of the existence of customary law communities, the state opens up a space for local communities to be involved in the law-forming process, so that national law is no longer top-down and elitist. On the contrary, the law is a reflection of local diversity framed in the spirit of nationalism (Dikici, 2022). In practice, this study adopts an integrative approach by synchronizing laws and regulations with officially recognized customary norms, establishing locality-based regional regulations, or updating law books (such as the Compilation of Islamic Law) that include customary practices as alternative legal references.

Thus, customary law plays a role not only as cultural heritage, but also as a source of dynamic national legal reform (Nimani et al., 2025). Through an integrative approach based on dialogue between legal systems, Indonesia can develop a family and social legal system that is fair, contextual, and responsive to the challenges of the times. This approach also strengthens Indonesia's legal identity as a plural law, firmly rooted in local values, but still open to universal principles.

### **Interaction of Customary Law with Islamic Law**

Customary law actually has a special place in the view of Islam. It aligns with Islam's high appreciation for reason as the basis for the formation and institutionalization of customs. There is a very popular Mauquf Hadith, narrated by Ibn Mas'ud, as follows:

فَمَا رَأَى الْمُسْلِمُونَ حَسَنًا، فَهُوَ عِنْدَ اللَّهِ حَسَنٌ، وَمَا رَأَوْا سَيِّئًا، فَهُوَ عِنْدَ اللَّهِ سَيِّئٌ

“What is considered reasonable by the Muslim community is also considered good by Allah, and what they think is bad is bad in the sight of Allah (Hanbal, 2001).”

Referring to the example of the companions, it seems clear that Islam can recognize what is considered reasonable by the human intellect in general, especially among the Muslim community whose intellect is always guided by religious rules. Recognition is given when good views arise not from individual entities alone, but from the good views of a group of Muslims who have escaped the phase of mutual correction among their fellow Muslims, and then become a kind of collective convention.

Collective conventions in viewing something are good, then manifested in the form of general behavior that has positive value, then applied in life behavior that is carried out repeatedly to form a custom or culture. Therefore, it can be understood when Sutan Takdir Alisjahbana defines culture as a configuration of values (Gazalba, 1990). Of course, the values in question are good values that emerge from the collective agreement.

Ushuliyah scholars further place positive customs/cultures/urf as one of the important factors in formulating Islamic law (Hassan & Batool, 2024). Within the treasure of legal principles, there are five main and most basic rules, known as *al-Qawa'id al-Khamsah al-Bahiyah*. The fifth rule specifically discusses how customs can serve as the basis for religious law. In the rule, it is stated that:

العادة محسنة

“Custom is made law.”

Shaykh Yasin Al-Fadaniy explained that the rule was read according to the direction of Imam Jalaluddin al-Mahalli, namely *al-'Adah Muhakkamah* (ha' is given harakat fathah, and kaf is tasydid), then the custom is used as a medium to punish something, or in other words, custom is applied as huku syarak (Al-Fadaniy, 2008). Therefore, when submitting to these customs, it is equivalent to having carried out Islamic law itself.

In the tradition of *ushul fiqh*, '*urf* is considered valid and can be a source of legal *istinbath* if it meets the criteria of '*urf sahib*: (1) generally applicable or prevalent in the community in question, (2) not contrary to the *nash* (Qur'an/Sunnah) especially *nash* that is *qath'i*, (3) brings benefits and not fama, and (4) is relatively stable and consistent (Yusuf et al., 2024). In other words, local customs that serve as social guidelines to fill legal gaps or provide practical interpretations of standard provisions, such as dowry ceremonies, party forms, or post-divorce social compensation, as long as the custom does not violate the explicit provisions of Sharia. Contemporary empirical studies show that the acceptance of '*urf* in the realm of ritual and the distribution of non-*fara'idh* property is compensatory, but this assertion is always based on verification that the custom does not violate *nash qath'i* (Djawas et al., 2022; Makka, Saleh, et al., 2024).

However, when it comes to *nasab* and inheritance (*fara'idh*) areas that, according to the *shari'i* texts, have been clearly defined, the role of '*urf* is limited (Putri, 2020). *Nash qath'i* about who is entitled as an heir and how its parts are normative and determinative; Therefore, a custom that attempts to transfer, add, or remove the rights of the *fara'idh* to a party not named in the *nash* cannot be accepted as a law that replaces the rule of the *fara'idh* (Aulia & Irham, 2023). KHI itself affirms this limit: the determination of lineage and inheritance rights follows the conditions mentioned by the *nash* and the evidence of *shari'i* (e.g., *nasab* through legal Marriage, recognition, or proof), while the custom can only act as a social regulator or remedial path (e.g., will, grant during life) but does not change the part of the *fara'idh*. Contemporary legal studies on KHI emphasize that some articles of KHI accommodate customary practices only to the extent that they do not violate the provisions of *fara'idh*, such as the regulation of wills and the management of property before final division as a form of normative compromise between '*urf* and *nash* (Bilalu et al., 2022; Hakim, 2023).

This linkage has direct implications for religious justice practices and compliance with state legislation. In terms of favorable legislation, the Marriage Law (Law No. 1/1974 and amendments to Law No. 16/2019) stipulates that Marriage is valid if it is carried out according to the laws of each religion and belief; the state then acknowledges the civil consequences (Muchimah, 2018). However, the provisions of the state do not allow for customs that change the relationship between *nasab* and inheritance rights that have been regulated by religious law: for example, the adoption of children according to custom can provide social recognition, but it does not automatically change the *nasab shar'i* or the right of *fara'idh* as emphasized in the KHI and interpreted by religious judicial jurisprudence. A post-amendment empirical evaluation of the Marriage Act reveals that the efforts of legislators and academics to maintain this balance acknowledge differences in local practices while upholding fundamental family principles (Rahmawati et al., 2024).

Doctrinally, the above shows doctrinal compliance between the principles of *ushul* (the limitation of '*urf* by *nash qath'i*) and the Indonesian national legal framework: KHI serves as a normative bridge that translates the principles of Sharia into the practice of national religious

justice while still restraining '*urf*' from going beyond *nash* in the realm of lineage and inheritance; while the Marriage Law perfects the scope of marriage formalities without giving authority to the custom to change the *nasab* or the rights of the *fara'idh* that the Sharia has determined (Zuhroh, 2017). Recent literature confirms that this strategy accepts '*urf*' in the realm of rituals and social organizations, but retaining it in the realm of *nasab* and inheritance is a consistent practice in Islamic family law reform in Indonesia (Luthfi et al., 2024; Makka, Djafar, et al., 2024).

### **Adaptation of the *Semendo* System in a Minority Context and Comparison with Other Traditions**

When the *Rejang* community migrated to areas with a majority non-Muslim demographic composition, such as some districts in Papua/Jayapura or urban areas in Manado, the practice of *Semendo* transformed a relatively strict customary structure into a more flexible and symbolic form. If in Bengkulu, the position of the *Rejang* as the majority group allows for the implementation of *Semendo* to be almost entirely, then in the context of this customary overseas, it is negotiated to be compatible with the local social environment. For example, the rule of staying in a woman's family (*uxorilokal*) is more often replaced with a neolocal pattern to adjust mobility and land access in overseas areas (de Munck et al., 2023). Nevertheless, the community still maintains its *Semendo* identity through symbols such as the *tando*, recognition of maternal lineage, and several family rites centered on women.

In the context of minorities, the authority of the *Semendo* system also regulates the woman's family. If in Bengkulu the women's family holds almost complete control in the process of Marriage and the determination of the form of customary handover, then in Papua and North Sulawesi, marriage decisions tend to be collective, involving local community leaders, nomadic associations (Fitriani et al., 2023; Makka, Djafar, et al., 2024), and non-*Rejang* traditional structures that are dominant in the region. It aligns with the findings of migration anthropology, which suggest that minority groups adapt by incorporating some of the majority's indigenous elements into their own processes to foster social coexistence (Smither, 1982). A concrete example can be seen in the *Rejang* family in Jayapura, which combines elements of Papuan dowry, such as beads or traditional cloth (*noken*), as a form of respect for local culture, without erasing the value of *Semendo* as an original custom.

Another adaptation appears to be a change in public rites. In Manado, the *Semendo* procession is often summarized to avoid highlighting religious and cultural differences, in line with the powerful ethos of inter-communal harmony in North Sulawesi. Traditional ceremonies, which in the context of Bengkulu are usually complete, including traditional dialogue, handover, and eating *bajamba* in Minangkabau (Lamadirisi et al., 2020), are more adapted to local formats, such as *mapalus* (joint work) (Yusuf et al., 2025), especially when the Marriage involves non-*Rejang* neighbors. It demonstrates that *Semendo*, in the context of minority groups, is practiced through the principle of social compatibility, which aims to preserve the essence of the tradition while allowing for compromise, thereby ensuring its continued acceptance by the surrounding community.

This pattern of adaptation is consistent with findings from other indigenous communities in minority areas. For example, the Bugis community in Papua has been recorded to reduce customary components such as *sunrang* to adapt to local leadership structures (Ammarell, 2002). The similarities between these communities show that when in a minority position, the custom

does not disappear but undergoes a shift in function: from a structural norm that governs domestic space to a more flexible and negotiable symbol of identity (Syah, 2016).

Overall, *Semendo*'s practices in the region illustrate that the *Rejang* identity is maintained through adaptive cultural strategies. As a minority, the *Rejang* community carries the normative essence of *Semendo*. However, it expresses itself through more fluid forms of borrowing local social structures, shortening rites, and negotiating the boundaries between the original and dominant customs. This pattern suggests that customary transformation in the context of migration is not a form of regression, but rather a dynamically occurring mechanism of cultural sustainability.

### **The Flexibility of the *Rejang* Traditional *Semendo* System in Responding to Modern Needs**

The *Semendo* system is a form of customary institution in the *Rejang* community that develops dynamically in response to the social, kinship, and economic needs of indigenous peoples. The long history of the *Rejang* community, which has its roots in the Renah Skalawi area (now part of the Lebong area, Bengkulu), reflects the character of the community, living in a strong family system with a social structure that prioritizes deliberation and collective values (Shesa, 2016). The development of the customary law system in this society is inextricably linked to its historical journey, beginning with a nomadic life, progressing through the royal period, and culminating in the introduction of Islamic influence and the colonial bureaucratic system.

The structure of the *Semendo* system is divided into two primary forms, namely *Semendo Rajo-Rajo* and *Semendo Ambik Anak*. *Semendo Rajo-Rajo* gives married couples the freedom to choose a place to live and opens up opportunities for children to inherit from both their father's and mother's bloodlines. Meanwhile, in *Semendo Ambik Anak*, the husband resides at the wife's residence and builds a household, with his descendants traditionally following the lineage and inheritance system from the mother. In contrast to the betrothal or traditional Marriage, which is patrilineal in nature and places women entirely under the husband's family environment, the *Semendo* system demonstrates social flexibility that allows for adaptation to the times without abandoning the roots of tradition.

The fundamental values that form the foundation of the *Semendo* system include the principles of deliberation, equality, collective responsibility, and respect for the harmony of the extended family (Hasan et al., 2017). This system not only reflects the customary order but also opens up space for integration with the principles of Islamic law, such as justice in marital relations, the protection of children's rights, and the proportionate distribution of inheritance. Therefore, the system *Semendo* can be seen as one of the relevant models of local wisdom-based marriage law to be used as a reference in efforts to reform national law that is more humanistic and contextual.

The implementation of the *Semendo* system in the practice of *Rejang* customary marriage reflects the flexibility of customary law in responding to evolving social dynamics. In the reality of *Rejang* society, the practice of Marriage is not only limited to ceremonial rituals, but also involves complex social, economic, and kinship arrangements. The *Semendo* system, especially the *Semendo Rajo-Rajo* and *Semendo Ambik Anak* forms, is widely practiced in daily life because it provides a more adaptive alternative to the bleket or honest system, which is more rigid. In *Semendo Rajo-Rajo*, the couple has the freedom to determine where to live, and the children have inheritance rights from both parents.

Meanwhile, in *Semendo Ambik Anak*, the husband resides in the wife's family residence, and the children inherit from their mother.

This practice shows that the *Rejang* people have developed a marriage system that is not only based on customary values but also considers equality, justice, and the economic and social conditions of each couple. It can be seen from the agreement reached through family deliberation (Sit Down) in determining the form of Marriage and residence (Nur et al., 2022). Even in the modern context, the implementation of the *Semendo* system survives. However, it has undergone modifications in terms of material requirements, such as the delivery of goods that can be replaced with money. This flexibility makes the *Semendo* system easier to adopt during a lifestyle change for the *Rejang* community, without compromising the essence of traditional values that prioritize family harmony, respect for ancestors, and the sustainability of the lineage.

In the *Semendo* community, the practice of "waiting for tubang" (where the eldest daughter is given the right of primary inheritance) and the customary matrilineal system have led to conflict when they intersect with Islamic law. For example, based on research by Pitaloka Oktarina & Zahra (2023), in the *Semendo* tribe, the eldest daughter ("wait for tubang") gets a share of the inheritance of the house and rice fields, while boys only get a full inheritance if they are "ngangit" (after Marriage and their wives take care of the family property). When the heirs disagree with this customary division, they revert to the division according to *fara'id* (Islamic inheritance law), as determined by the Religious Court. In the opinion of *ushul*, this *Semendo* custom can be considered an '*urf shahib* custom, accepted because it provides benefits to the community and does not contradict the provisions of Sharia (Putri, 2020). However, in the application of the court, customary authorities such as waiting *tubang* are accommodated not as a change in the share of the inheritance, but through instruments such as grants or property management agreements, so that the inheritance rights remain in accordance with the *fara'idh* (e.g., the inheritance share of girls and boys according to KHI / Islamic law).

Another case that confirms the limits of '*urf* by *nash* is the adoption of a child ("*Ambik Anak*") in the *Semendo* custom. According to (Agusten et al., 2023), in some *Semendo* families, adopted children whom the family traditionally treats as biological children can even inherit from adoptive parents. However, from the perspective of Islamic law and KHI, an adopted child does not automatically become an heir to *shari'i* because he or she does not have a blood lineage; However, the custom is recognized as '*urf shahib* for social purposes ("family recognition"), and is later accommodated as a obligatory will or grant during life, rather than a part of the *fara'idh*. This approach is consistent with *magasid al-syari'ah*, particularly the principles of *hifz al-nasl* (protection of lineage) and *hifz al-mal* (protection of property), because although custom confers social status, it does not undermine the structure of *nasab* and property ownership regulated by *shari'a*.

In the dynamics of contemporary *Semendo* inheritance, Agusten et al. (2023) also reveals that the practice of distributing inheritance within the *Semundam* (*Semendo*) community involves a customary distribution, with 70% allocated to women and 30% to men. The community considers this division to be an application of the principle of *ta'awun* (help-help) in customs, which provides social benefits and stability, and according to them, in the Sharia, it is not contradictory, so that it can be accepted as '*urf shahib*. However, according to juridical studies, this part must be balanced with the Islamic *fara'idh* section, as per KHI or Islamic inheritance law, in the event of a dispute,

so that the accommodation mechanism through customary deliberation remains within the formal Sharia framework.

Changes in gender roles, social mobility, and the influence of modernization have had a significant impact on traditional practices, including the marriage system in the *Rejang* community. In the context of gender roles, there has been a shift from traditional structures that tend to place men in a position of socio-economic dominance to a more egalitarian pattern of relations (Ilyas, 2017). *Rejang* women now play a role not only in the domestic sphere but also in the fields of education, economy, and government, thereby influencing decision-making within the family, including the selection of marriage forms such as *Semendo* or *Bleket* (Shesa, 2016). Social mobility also helps drive this change; many members of the *Rejang* community migrated to work or study outside the region, thus encouraging the birth of a new mindset that was more open to changes in traditional values.

Modernization, with its various implications including technological advancements, access to information, and cross-regional cultural interactions, further enhances the flexibility of the *Rejang* tradition in adapting. The traditional marriage system, once rich in symbolism and material requirements, is now being simplified while maintaining substantial values, such as deliberation and responsibility, between families. On the other hand, this openness also poses challenges, especially in maintaining a balance between preserving customary values and adapting to national legal norms and Islamic law. However, these changes are evidence that the *Rejang* customary law system, including its aspects related to Marriage, has the capacity to survive and develop through the dynamic and contextual integration of local and modern values.

The adaptation of *Semendo*'s values to the contemporary context demonstrates the resilience of *Rejang* customary law in the face of social and cultural changes. The *Semendo* system, which was essentially born out of the need to maintain family harmony and lineage continuity, is now undergoing adjustments that do not compromise its core values. In practice, the *Rejang* community began to provide a more expansive space for young couples to determine the form of Marriage that suits their economic conditions and modern life, both in terms of residence, the role of husband and wife, and the distribution of inheritance rights. Between money and customary symbols that were once an absolute obligation can now be replaced or adjusted based on the results of family deliberations, showing that the principle of *asén* (mutual agreement) remains at the heart of this system.

Furthermore, the values of equality, shared responsibility, and respect for individual decisions within this pattern have strengthened the household through the implementation of modern *Semendo*. It allows women to maintain a strong position in the family, even when couples choose to live outside the village or migrate for career and educational opportunities. *Semendo* has also become a form of cultural compromise that has been accepted across generations, as it can accommodate the demands of modern life without erasing traditional identities. This adaptation demonstrates that local values do not have to be abandoned in the face of modernization, but can be contextualized to create a more inclusive and sustainable social system (Nagata & Sunarya, 2023).

Based on the available customary documents, the principles in the *Semendo* system exhibit several conformities with Islamic Sharia principles, particularly in the aspects of contracts, the rights and obligations of spouses, and justice in domestic life. In *Rejang* custom, Islamic law defines Marriage as a legal bond between a man and a woman, which is carried out through a customary process mutually agreed upon by both parties, known as sitting letok. This process essentially reflects the principle of contract in Sharia, namely the existence of a transaction (*ijab-qabul*) accompanied by the consent of both parties and the family, accompanied by the giving of a dowry (bleket or uang antaran), which aligns with the concept of dowry in Islam.

In addition, in the *Semendo* system, both in the form of *Semendo Rajo-Rajo* and *Semendo Ambik Anak*, there has been a clear division of roles and responsibilities between husband and wife, which can be paralleled with the concept of rights and obligations in Islamic law. The husband is responsible for providing for the living, while the wife contributes to fostering the household. Both of them support and agree on determining the place of residence and pattern of domestic life, which prioritizes the principles of justice and deliberation as taught in Islam.

Justice can also be seen in the inheritance provisions of the *Semendo* system, where children can inherit property from both parents in the form of *Semendo Rajo-Rajo*, which demonstrates flexibility as well as the spirit of distributive justice, as well as the principle of *adl* in Islam. Even in the form of *Semendo Ambik Anak*, if the customary agreement is approved, the inheritance can be given to the deserving party according to the contribution and needs, similar to the principle of *maslahah* in *fiqh*. Thus, the *Semendo* system does not substantially contradict the basic principles of Sharia, and in fact, it shows potential for integration as a form of Islamic and contextual legal locality.

Potential conflicts or disharmony between the *Semendo* system in the *Rejang* custom and the principles of Islamic law primarily arise in fundamental aspects, such as the determination of lineage, the inheritance system, and leadership authority within the household. In the form of *Semendo Ambik Anak*, for example, children born from this Marriage tend to enter into the mother's clan or kinship, and traditionally inherit property from the mother's family. It is clearly contrary to the fundamental principle of Islamic law, which stipulates that a child's destiny is derived from the father's line, encompassing both identity, legal responsibility, and inheritance rights. Similarly, the provision in the custom that allows the husband to live permanently in the wife's family home can cause problems in the relationship of authority and leadership in the household, according to the Islamic perspective, which places the husband as the head of the family and the main person in charge in the aspect of maintenance and protection.

The conflicts can also arise in the context of law enforcement when indigenous peoples are confronted with formal state legal institutions based on Islamic legal systems or national laws. The inconsistency between customary law and religious law can lead to legal confusion, especially in cases involving family disputes, inheritance, or the dissolution of Marriage. It is also not uncommon for dualism to occur in practice, where some people adhere to customs as traditions but turn to Islamic law when disputes arise, thus causing an overlap of legal authority.

However, the meeting point between the *Semendo* system and Islamic law is not only possible but can also be strengthened through a contextual and integrative approach. One of the most prominent points of convergence is in the fundamental values of both systems, which prioritize justice, domestic harmony, and the protection of children and women. The principle of *as en* (consensus deliberation) in the *Rejang* custom aligns with the principle of *shura* in Islam, which

emphasizes the importance of joint decision-making based on wisdom and mutual benefit. Likewise, the value of mutual responsibility between husband and wife, as regulated in the *Semendo* custom, is in very much accordance with Islamic teachings regarding rights and obligations within the household.

In the context of inheritance, the *Semendo* system can be adapted to the principle of *maslahah mursalah* in Islamic law, which is an approach that allows for legal adaptation based on considerations of public interest, as long as it does not explicitly contradict the Qur'an and Hadith. With this approach, the practice of inheritance in the *Semendo* system, which allows children to inherit from both parents, can be interpreted as an effort to maintain the social and economic sustainability of the family within the context of indigenous peoples. Furthermore, the restoration of inheritance rights through the vertical procession of *jurai* can also be understood as a form of social recognition of hereditary rights, which can be studied within the framework of *maqāsid al-shari'ah*.

Therefore, despite the fundamental differences that have the potential to cause conflict, the spirit of value harmony between *Semendo* customary law and sharia principles provides an excellent opportunity for constructive dialogue. By opening up a more expansive space for study and adopting a locality-based integrative approach, these two systems can reinforce each other in building a family law model that is not only rooted in cultural values but also reflects Islamic values that are inclusive, fair, and contextual for the Indonesian Muslim community.

### **Analysis of the *Rejang* Traditional *Semendo* System from the Perspective of Islamic Law**

The marriage law model that accommodates both customary and Islamic law represents a form of harmonization between two legal systems with strong roots in Indonesian society. Customary law is an expression of local wisdom that develops from generation to generation, and Islamic law is a normative guideline that comes from the revelation and tradition of the Prophet Muhammad. In the context of the *Rejang* community, which historically and sociologically operates within a strict customary order while adhering to Islam broadly, a legal model is needed that does not negate either of these two aspects. Instead, integrate them into a single, responsive, and contextual system. Such a model not only allows for the sustainability of traditional values, such as deliberation, collective responsibility, and harmonious kinship relationships, but also ensures that Islamic legal principles, including justice in the household, protection of women and children, and the validity of marriage contracts, are fully upheld.

This model can take the form of a locality-based formulation of marriage law, which incorporates customary elements within limits that do not conflict with the principles of Sharia. For example, Islamic law still allows the *Rejang* community to maintain the *Semendo Rajo-Rajo* system, provided that the marriage contract is carried out in accordance with the terms and harmony (*akad/ijab qabul*, *wali*, two witnesses, and the bride-to-be). At the same time, socio-cultural aspects such as determining residence and distributing inheritance are adjusted through family deliberations that consider justice and benefits. This model must also open up space for forms of agreement (*mu'amalah*) between families that do not contradict the *qath'i* (firm) texts in Islam, but provide leeway in matters of *ijtihadiyyah* or contextual, such as the form of dowry or the arrangement of joint property.

Furthermore, this model must be designed in the form of regulations that can serve as an official legal reference, applicable in both administrative and judicial realms. It is where the role of the state is crucial in formulating family law policies that acknowledge the existence and authority of indigenous communities, while maintaining the integration of national law within the framework of the Unitary State of the Republic of Indonesia, based on Pancasila and the 1945 Constitution. Efforts to recognize and protect customary law communities, as stated in Article 18B paragraph (2) of the 1945 Constitution, provide a constitutional basis for the application of locality-based family law models (Arifin et al., 2025).

In terms of fiqh, the approach of *maqāsid al-shari'ah* is highly relevant as a theoretical framework for compiling this legal model (Amin & Tanjung, 2024). The primary purposes of the Sharia, such as maintaining religion (*hifz al-dīn*), taking care of the soul (*hifz al-nafs*), keeping your mind (*hifz al-'aql*), taking care of offspring (*hifz al-nasl*), and taking care of the treasure (*hifz al-māl*), can be articulated into customary norms that have been tested socially, such as the family responsibility system, parenting patterns, and family dispute resolution mechanisms. It is where the model of marriage law that accommodates customs and Islam not only becomes a normative solution but also serves as a valuable social instrument, addressing the reality of diversity and the dynamics of society without compromising its theological and cultural foundations.

Thus, the marriage law model that integrates customs and Islam is a progressive and rooted form of legal approach. He does not rule out the possibility of developing a legal system that is more humane, fair, and responsive to the challenges of the times. This model can serve as a prototype for family law reform in Indonesia that is not hegemonic, but rather dialogically provides space for local cultural diversity to grow and coexist harmoniously within the framework of universal Islamic values.

A study of the flexibility of the *Semendo Rejang* system from the perspective of Islamic law reveals a strong space for interaction between customary law and Islamic Sharia in developing a marriage system that is responsive to the local community's needs while upholding Sharia values. The *Semendo* system is a form of customary institution in the *Rejang* community that has long served as a guideline in marriage practices, particularly in terms of the division of responsibilities between husband and wife, the determination of residence, and inheritance and kinship patterns. This system is known to be flexible because it can adapt to social dynamics without losing its core values, such as deliberation (*asēn*), shared responsibility, and respect for family harmony.

In practice, there are two primary forms of the *Semendo* system, namely *Semendo Rajo-Rajo* and *Semendo Ambik Anak*. In *Semendo Rajo-Rajo*, married couples are given the freedom to determine where to live, and children can inherit from both parents. Meanwhile, in *Semendo Ambik Anak*, the husband lives at the wife's house, and the children follow the mother's lineage. These two forms demonstrate the flexibility of the marriage system in responding to the socio-economic conditions of the family, without establishing a single pattern, as in the patrilineal or matrilineal systems. In the context of Islamic law, this form raises questions about the validity of the principle of *nasab* and inheritance, given that Islamic law emphasizes that a child's *nasab* is derived from the father's line.

However, an in-depth analysis reveals that the *Semendo* system has, in many ways, retained the essence of values that align with the principles of Islamic law. First, in the case of marriage contracts, this system acknowledges the importance of an agreement between the two parties, as

well as the exchange of gifts or property, similar to a dowry in Islamic law. The process of sitting down as a forum for family deliberation before Marriage is a tangible form of implementing the principles of shura in Islam. The agreement between families regarding the chosen form of *Semendo* reflects the spirit of collective *ijtihad* in facing specific social contexts.

Dowry in the provisions of Islamic law is not part of the terms or harmony that determine the validity of Marriage (Efrinaldi et al., 2022). However, a dowry becomes mandatory or paid in cash by the husband when an intimate relationship has been established. It is because dowry is only a consequence of a marriage (Min Atsar Al-Nikah), in accordance with the Qur'an Surah Al-Baqarah: 236 (Al-Zuhayliy, 2011).

Similarly, regarding the amount of dowry, there is no standard rule that is the standard of his obligation, even referring to a hadith issued by Imam al-Hâkim:

أَعْظَمُ النِّسَاءِ بِرَكَةً أَيْسَرُهُنَّ صَدَاقًا

“The woman who has the greatest blessings is the one who is the easiest to dowry (Al-Hâkim, 2018).”

In the absence of standard provisions regarding the amount of dowry, the *Semendo* custom can be used as a legal foothold for marriage provisions that are more accommodating for the parties involved in the Marriage.

Second, the *Semendo* system places household responsibilities in a balanced manner between husband and wife. In this case, this study did not find any rigid imposition of gender roles. The wife still retains authority in the family, and the husband remains responsible for maintenance, even though he resides in the wife's family home (Nurani, 2021). This model is in accordance with Islamic principles that regulate rights and obligations fairly and proportionately in the family. As with other relationships that start from a transactional (contract), for both parties to the contract, each has rights and obligations to each other reciprocally (*Mutabadil*), as an implementation of the principle of justice, equality for both parties who have agreed in a marriage contract. This balance also reflects *maqâsid al-syâ'i'ah* in the aspects of maintaining family, honor, and household welfare. Allah says in Surah Al-Baqarah: 228, as follows:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ

“And women have rights that are balanced with their obligations in a virtuous way.”

As emphasized by Wahbah al-Zuhayliy, the basis for the distribution of rights and obligations between husband and wife is to return to the local *'urf* and to his *fitrah*, which, in principle, every time there are rights, there are obligations (Al-Zuhayliy, 2011).

Third, in the aspect of inheritance, the *Semendo* system does have the potential to be disharmonious with Islamic law. In *Semendo Ambik Anak*, inheritance can flow from the mother's side, which is not always in accordance with Islamic law, which establishes patrilineal principles for the withdrawal and distribution of inheritance. However, in practice, the *Rejang* community often solves this problem through deliberation and family agreements. It is where the *maslahah mursalah* approach can be utilized as a tool of harmonization, while still adhering to the principles

of justice and utility. As long as it does not contradict the *qath'i* (strict) *nash*, thus, contextual Islamic law can accommodate local practices like this.

Additionally, the flexibility of the *Semendo* system is evident in its ability to adapt to changing times. The influence of modernization, increased social mobility, and shifting gender roles has encouraged the *Rejang* people to adapt their traditional marriage practices without compromising their fundamental values. Many couples now base their decision on *Semendo* on considerations of education, work, and economic conditions. It demonstrates that the *Semendo* system is not rigid, but relatively open to change, while still adhering to the principles of harmony and togetherness. In Islam, this is in line with the concept of '*urf* and *ijtihad* in responding to social dynamics.

Thus, the *Semendo* system can be understood as a model of customary law that facilitates a dynamic dialogue with Islamic law. The two do not need to be contradicted, but can be synergized in building a contextual, fair, and humane family law system. In the context of countries like Indonesia, which adhere to legal pluralism, where customary law, Islamic law, and national law can mutually enrich each other in the formation of regulations, it is imperative. In this regard, an integrative approach is highly relevant in making local values, such as the *Semendo* system, a source of more responsive and contextual Islamic family law reform.

This review of flexibility reveals that customary law is not inherently in conflict with Islamic law, but rather requires a more open and contextual methodological approach. Islamic law has a tradition of *ijtihad* and the principle of *maqāsid al-shari'ah*, which allows for adaptation to local practices as long as they do not explicitly contradict the religious text. In this context, the *Semendo* system can be positioned as an '*urf* practice that deserves to be accepted and even preserved as part of the richness of the Indonesian Islamic legal system. Such an approach not only preserves the sustainability of local culture but also ensures the relevance of Islamic law in the context of a pluralistic and ever-evolving society.

Finally, the flexibility of the *Semendo* system not only reflects the resilience of customary law in the face of change but also demonstrates that local wisdom can coexist with religious norms in building a fair, balanced, and contextual family order. In an increasingly complex world, legal approaches that accommodate local values are becoming increasingly relevant for creating laws that are socially just and rooted in the cultural realities of society. Therefore, the *Semendo Rejang* system, from the perspective of Islamic law, merits consideration as a reference in the development of a pluralistic, inclusive, and value-based model of national family law.

#### 4. CONCLUSION

Based on the normative-doctrinal analysis that has been carried out, this study concludes that the *Semendo Rejang* system is a manifestation of '*urf shahib* (legitimate tradition), which has these local practices possess sufficient substantive flexibility to be harmoniously integrated with the principles of Islamic law. A comparative analysis of customary norms, provisions in the Compilation of Islamic Law (KHI), and the Marriage Law shows that the core values of the *Semendo* system such as deliberation (*asēn*), justice, and collective responsibility have met the criteria of '*urf* that can be used as a legal basis, as long as they do not contradict the *qath'i*. The position of '*urf* in the *Semendo* system is even stronger when viewed through the lens of *maqāsid al-syari'ah*, where this practice has been proven to be able to realize the purposes of the Shari'ah, especially in safeguarding one's offspring (*hifz al-nasl*), property (*hifz al-māl*), and honor (*hifz al-'ird*). Although there are formal differences in some aspects, such as the pattern of inheritance in *Semendo Ambik*

Anak, the contextual approach, based on the principles of *maslahah mursalah* and the rules of *al-'adah mubakkamah*, provides space for reconciliation without compromising the fundamental principles of Sharia. Therefore, this study recommends the need for juridical recognition of '*urf Semendo* as one of the sources of law in the reform of national marriage law. The synergy between customary law based on '*urf*, Islamic law, and state law through the *maqasid al-syari'ah* approach can be the basis for the creation of an Indonesian marriage law system that is more inclusive, fair, and responsive to the cultural diversity of the archipelago, while still adhering to the principles of Islamic law.

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