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***Mak Di Juk Siang* Tradition in Lampung indigenous community: A Perspective on Islamic Marriage Law in Building Family Resilience**

Wahyu Abdul Jafar*

UIN Jurai Siwo Lampung, Indonesia

Badrun Taman

UIN Fatmawati Sukarno Bengkulu, Indonesia

Ahmed Hameed Kareem

Al-Bayan University, Baghdad, Iraq

Muntaser Ahmad Alqudah

Ajloun National University, Jordan

Nashat Mohammad Abdel Qader Bani Hamad

Irbid National University, Jordan

Iim Fahimah

UIN Fatmawati Sukarno Bengkulu, Indonesia

* **Corresponding author:** wahyujafar@metrouniv.ac.id

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Abstract:

This study explores the practice of *Mak Di Juk Siang* in the Lampung indigenous community as a way of promoting family resilience, with particular attention to gender perspectives and the application of living *fiqh munākahāt*. *Mak Di Juk Siang* is a customary practice that governs divorce proceedings while reinforcing moral responsibility and honour in marital relationships. The research employs a qualitative approach through ethnographic fieldwork, including in-depth interviews with married couples, customary leaders, and relevant authorities, participatory observation of traditional activities, and analysis of related customary documents. The findings reveal that *Mak Di Juk Siang* functions as a form of social control over divorce and as a means of fostering gender awareness within the household. The practice highlights the roles of both women and men in maintaining marital harmony and emphasises the balance between each spouse's rights and responsibilities. It also demonstrates the synergy between local *Piil Pesenggiri* values and the principles of *fiqh munākahāt* in establishing harmonious family relationships. From an academic perspective, this study helps further understand the interaction between Islamic law, customary practices, and gender dynamics, while illustrating the relevance

of living fiqh as an adaptive, culturally established approach. The findings may also inform the development of family law policies that are sensitive to local customs and promote gender justice in Indonesia.

Keywords: family resilience; *Mak Di Juk siang*; marriage law.

Introduction

Domestic resilience is a fundamental issue in the study of Islamic family law, legal sociology, and gender studies, particularly amid rising divorce rates and changing social relations in modern society.¹ In Indonesia, the issue of divorce is not only related to the normative aspects of positive law and *fiqh munākahāt*, but is also strongly influenced by customary values, social structures, and cultural control mechanisms.² In this context, customary practices that maintain household harmony are important arenas for understanding how Islamic law is practiced contextually in daily life (living law), especially among indigenous peoples.³ The indigenous people of Lampung have a distinctive value system and social institutions in regulating family life and husband-wife relationships. One traditional practice that survives today is *Mak Di Juk Siang*, a customary mechanism that regulates the divorce process, with a strong emphasis on moral responsibility, family honour, and gender balance. *Mak Di Juk Siang* is a procedure intended to resolve domestic conflicts and serves as a social instrument to prevent divorce, which is considered to tarnish the honour of families and indigenous communities.⁴

From the perspective of *munākahāt fiqh*, divorce (*ṭalāq*) is a permissible but highly disliked act (*abghadh al-ḥalāl*), so preventing it and maintaining the integrity of the household are important ethical principles.⁵ However, in social practice, the norms of *fiqh* are often formalised and legalistic, without considering socio-cultural dynamics and gender power relations at the local level.⁶ This is where the living fiqh

¹ Mohamad Zakky Ubaid Ermawan, 'The Divorce Causes of Couples with 30 Years Marriage Period or More in the View of Judges at Mojokerto Religious Court', *Sakina: Journal of Family Studies* 3, no. 2 (July 2019), <https://urj.uin-malang.ac.id/index.php/jfs/article/view/273>; Muhammad Iqbal Juliansyahzen, 'Dialektika Hukum Islam Dan Hukum Adat Pada Perkawinan Lelarian Di Lampung Timur', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 12, no. 1 (June 2019): 1–14, <https://doi.org/10.14421/ahwal.2019.12101>.

² Muhamad Zikri Kautsar and Zainudin Hasan, 'Perkawinan Adat Lampung Simbol Kehormatan Dan Identitas Keluarga Di Era Modern', *Jurnal Multidisiplin Ilmu Akademik* 2, no. 6 (November 2025): 64–72, <https://doi.org/10.61722/jmia.v2i6.6921>; Nurul Izzati et al., 'Dynamics of Gender Equality: Analysis of the Practice of Taklik Talak in Morocco and Indonesia from the Perspective of Legal Sociology', *An-Nisa' Journal of Gender Studies* 17, no. 2 (December 2024): 149–164, <https://doi.org/10.35719/annisa.v17i2.280>.

³ Muhamad Zaenal Muttaqin et al., 'Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's Maqāsid Perspective on Marital Rights and Duties', *MILRev: Metro Islamic Law Review* 5, no. 1 (January 2026): 61–79, <https://doi.org/10.32332/milrev.v5i1.10480>.

⁴ Idham, Lenny Nadriana, and Lina Maulidiana, 'Marriage of the Lampung Community (Mak Dijek Siang Tradition from the Perspective of Law Number 16 of 2019)', *Progressive Law Review* 7, no. 1 (2025): 63–84, <https://doi.org/10.36448/prolev.v7i1.265>.

⁵ Fathullah, Sayehu, and Nafan Tarihoran, 'Kafa'ah in Contemporary Islamic Marriage: Insights from a Systematic and Meta-Analytical Review', *NUSANTARA: Journal Of Law Studies* 4, no. 01 (July 2025): 60–73, <https://doi.org/10.5281/zenodo.17355035>.

⁶ Wahyu Abdul Jafar et al., 'Gender Justice in the Concept of Iddah: A Contextual Reading of Al-Kasani's Thought for Working Women in Indonesia', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (June 2025): 406–419, <https://doi.org/10.29300/mzn.v12i2.7683>.



approach becomes relevant, because it sees fiqh not only as a normative text but also as a social practice lived, negotiated, and adapted in a particular cultural context. *Mak Di Juk Siang* represents the practice of living *fiqh munākahāt* that interacts directly with local customs and values. This practice shows how the fiqh principles of husband-and-wife responsibility, deliberation, and justice are performed through customary mechanisms that command strong social authority. Interestingly, *Mak Di Juk Siang* is not solely oriented toward the interests of men as the head of the family; it also positions women as moral subjects with a strategic role in maintaining household resilience. This makes *Mak Di Juk Siang* important in reading gender relations in customary-based Islamic family law practice.

However, academic studies on *Mak Di Juk Siang* are still relatively limited and tend to be normatively descriptive. Several previous studies examine the relationship between Lampung customs and Islamic law, without specifically situating *Mak Di Juk Siang* as a practice of living *fiqh munākahāt*, nor have they analysed this practice through the perspectives of gender and the politics of domestic resilience. Research conducted by Fathu Sururi, for example, discusses *Mak Di Juk Siang* in the Lampung Indigenous People of Pepadun Megou Pak.⁷ This research emphasises that *Mak Di Juk Siang* is one of the traditional practices that remain alive and are firmly established among the indigenous people of Lampung Pepadun, especially within the *Megou Pak* kinship structure. Within the framework of Pepadun customs, marriage is understood not solely as a personal bond between a man and a woman, but also as a social event that involves the honour of the extended family, the clan, and the customary order as a whole. Furthermore, Nancy Dela Oktora examines the role of women in Lampung marriage customs, focusing on symbolism and cultural rites. This study found that the portrait of gender relations in the Ulun Lapping family, as presented in an ethnographic review, shows a division of roles built out of customary values and honour (*Piil Pesenggiri*), in which men hold positions of public family authority. Simultaneously, women play an important role in maintaining domestic harmony and household stability. These relationships are complementary but not entirely equal, as the moral burden of maintaining marriage is often greater for women, reflecting the ongoing negotiation between customary harmony and gender justice.⁸ Meanwhile, another study by Zelfeni Wimra et al. examines the practice of living fiqh in the context of family law in the Minangkabau community.⁹ Although methodologically relevant, this study does not address the Lampung context and does not specifically examine customary mechanisms as a politics of divorce prevention.

⁷ Fathu Sururi, 'Mak Di Juk Siang Pada Masyarakat Adat Lampung Pepadun Megou Pak', *Al-Hukama': The Indonesian Journal of Islamic Family Law* 6, no. 1 (June 2016): 125–145, <https://doi.org/10.15642/alhukama.2016.6.1.125-145>.

⁸ Nancy Dela Oktora, 'Potret Relasi Gender Pada Keluarga Ulun Lapping (Tinjauan Etnologi)', *SETARA: Jurnal Studi Gender Dan Anak* 1, no. 02 (December 2019): 43–62, <https://doi.org/10.32332/jsga.v1i02.2172>.

⁹ Zelfeni Wimra et al., 'An Interlegality-Based Ethnography Of Living Fiqh In Minangkabau Marriage Practices', *Akademika: Jurnal Pemikiran Islam* 30, no. 2 (November 2025): 175–186, <https://doi.org/10.32332/akademika.v30i2.11259>.



The analysis of the previous studies above indicates a significant research gap. First, no prior studies explicitly focus on *Mak Di Juk Siang* as a living practice of *fiqh munākahāt* that helps maintain household resilience. Second, gender perspectives still receive less attention, even though traditional practices often accommodate the negotiation of roles, rights, and responsibilities between men and women. Third, there has been little research that views the customary practice of divorce as a form of social politics aimed at maintaining the stability and honour of indigenous communities. Therefore, this research seeks to fill this gap by analysing *Mak Di Juk Siang* as a practice of living *fiqh munākahāt* among the indigenous people of Lampung, using a gender perspective for analysis. This research not only sees *Mak Di Juk Siang* as a customary mechanism but also as a political arena of household resilience, where religious, customary, and gender relations interact to form a distinctive pattern of husband-wife relationships.

The above research background has led to the central question: How does the practice of *Mak Di Juk Siang* among the indigenous people of Lampung function as a mechanism of household resilience, and how does it reflect gender relations within the framework of living *fiqh munākahāt*? This question sets the primary basis for exploring the meaning, function, and social implications of *Mak Di Juk Siang* in the context of Islamic family law and local customs. The significance of this research lies in its theoretical and practical aspects. Theoretically, this research contributes to the study of living *fiqh* by presenting empirical evidence on how *fiqh munākahāt* is adapted to living customary practices. This research also enriches the discourse on Islamic family law by incorporating gender perspectives and local wisdom as important analytical variables. In practice, the findings of this study can serve as a reference for policy formulation in family law, customary institutions, and religious institutions, informing the design of more context-specific, gender-fair approaches to resolving domestic conflicts that are in line with local cultural values.

Method

This research employs a qualitative, ethnographic field study design¹⁰ to examine the practice of *Mak Di Juk Siang* within the indigenous community of Lampung. The ethnographic approach is adopted given that the object of inquiry is not merely a formal customary institution, but a living socio-religious practice whose meaning is constructed through interaction, interpretation, and negotiation among community actors. In this context, *Mak Di Juk Siang* is understood as a dynamic arena where Islamic legal norms, customary values (*Piil Pesenggiri*), and gender relations intersect in everyday practice. The empirical data for this study were generated through three primary techniques, including in-depth interviews, participatory observation, and document analysis. In-depth interviews were conducted with multiple categories of informants who possess direct and contextual knowledge of the practice. These include *adat* leaders (*penyimbang*), married individuals who have experienced *Mak Di Juk Siang* proceedings, female informants with direct involvement in domestic conflict mediation (including one referred to as *Firma*), and community actors such as religious leaders and village-level authorities. The interview data form the core empirical basis of the analysis, particularly in capturing participants' subjective experiences, gendered perceptions, and moral reasoning.

¹⁰ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).



To complement interview data, this study also involved participatory observation of *Mak Di Juk Siang* proceedings as they occur in practice. These observations provide insight into the dynamics of deliberation, including interactions among *adat* leaders, spouses, and extended family members, as well as how authority, moral pressure, and gendered expectations are enacted in situ. Observational findings are integrated into the analysis, particularly to identify patterns such as the distribution of speaking opportunities, the forms of admonition directed at husbands and wives, and the collective framing of domestic conflict as a social responsibility rather than a purely individual dispute. In addition, documentary analysis was conducted to situate the practice within its broader normative and institutional context. The documents examined include customary manuscripts where available, decisions or records of *adat* institutions, village administrative materials related to family matters, and scholarly literature on *fiqh munākahāt* and living *fiqh*. These sources serve not only as background material but also as interpretive references in understanding how Islamic legal principles are applied as culturally embedded practices.

Data analysis in this study follows a critically interpretive approach. The process begins with inductive reading of interview transcripts and observational notes to identify recurring themes and patterns emerging from the data. These initial findings are then interpreted through two analytical perspectives. First, the framework of living *fiqh munākahāt* is used to examine how Islamic legal principles, such as *shūrā* (deliberation), *mas'ūliyyah* (responsibility), *'adl* (justice), and *dar' al-mafāsīd* (prevention of harm), are substantively enacted within the customary practice, even when not explicitly articulated in formal *fiqh* terminology. Second, gender analysis is applied to explore how roles, responsibilities, and moral expectations are distributed between men and women within the *Mak Di Juk Siang* process, including both its protective and constraining dimensions.

The validity of the findings is guaranteed through triangulation of data sources and methods. Interview data are cross-checked with information obtained from observation and documentary materials to identify consistencies and divergences. Rather than treating discrepancies as methodological weaknesses, this study interprets them as analytically significant, particularly in understanding the gap between normative claims and lived practice. Finally, researcher reflexivity is treated as an integral component of the research process. The researcher's position as a Muslim scholar with familiarity in *fiqh munākahāt* facilitated engagement with the normative language used by *adat* actors, while also requiring critical awareness to avoid over-interpreting the practice as inherently aligned with Islamic legal ideals. Simultaneously, the condition in which the researcher is not a member of the specific *adat* community studied provided a degree of analytical distance, allowing the practice to be examined not as a taken-for-granted norm but as a contested social space shaped by power relations, cultural values, and gender dynamics.

Results and Discussion

The Practice of *Mak Di Juk Siang* as a Mechanism for Household Resilience

The findings of this study reveal that *Mak Di Juk Siang* functions as a preventive social mechanism for household resilience — not merely as a procedural step before



divorce, but as a normative channel in which the values of living *fiqh munākahāt* are actively negotiated. This finding aligns with Bowen's argument that Islamic legal norms in Indonesian communities operate not through formal textual imposition but through culturally embedded social practices that carry their own authority. In the Lampung case, the customary logic of *Piil Pesengiri* — which frames divorce as a collective social event affecting family honour, not simply a private decision — functions as the cultural medium through which *fiqh* principles of *hifz al-nasl* (preservation of family) and *dar' al-mafāsīd* (prevention of harm) are enacted. The critical analytical question, therefore, is not whether this mechanism exists, but under what conditions and for whom it produces equitable outcomes.¹¹

In practice, *Mak Di Juk Siang* involves various social actors, ranging from traditional leaders and nuclear and extended families of both parties to village officials and local religious leaders. This collective involvement reflects the people of Lampung's view that the household is not merely an individual institution but rather part of a broader social structure. The customary deliberations that take place in *Mak Di Juk Siang* are not intended to determine who is legally right or wrong, but to foster mutual awareness of the responsibilities of husband and wife in maintaining family harmony and honour. A traditional leader explained in the interview that *Mak Di Juk Siang* essentially serves as a moral reminder for couples in conflict. He stated:

*"Mak Di Juk Siang did not want to separate people immediately. Precisely there we remind that the household is not only about the feelings of two people, but also about the family relationship. If divorce is arbitrary, not only are the husband and wife embarrassed, but the extended family is also affected."*¹²

This account illustrates a central analytical finding: *Mak Di Juk Siang* exercises what Bourdieu would recognise as symbolic power — authority that works through internalised cultural dispositions rather than through legal coercion. Crucially, this power is not gender-neutral. The burden of social shame associated with divorce falls differentially on women in the patrilineal Lampung social structure, a dynamic that this study's data reveal but that the practice itself does not formally address. While the mechanism's non-coercive character becomes its institutional strength, it constitutes a structural ambiguity: the same symbolic pressure that encourages reflection can, in different contexts, function as a barrier to women's legitimate exercise of the right to divorce. Distinguishing between these protective and the constraining effects, therefore, is the central analytical task of this section. Field data indicate that the *Mak Di Juk Siang* process enables deep reflection among married couples. Domestic conflicts that were initially understood as personal problems, such as quarrels, economic issues, or communication issues, are reconstructed in customary forums as social responsibility issues. Couples are invited to look back on their relationship in terms of rights and obligations, rather than based solely on momentary emotions. In many cases, this process leads both parties to reflect and improve their domestic relationship. One of the female informants who had

¹¹ Fathu Sururi, 'Mak Di Juk Siang Pada Masyarakat Adat Lampung Pepadun Megou Pak', *Al-Hukama': The Indonesian Journal of Islamic Family Law* 6, no. 1 (June 2016): 125–145, <https://doi.org/10.15642/alhukama.2016.6.1.125-145>.

¹² Ar, 'Personal Interview', 2025.



undergone the *Mak Di Juk Siang* process — referred to here as *Firma* — described the experience as a moment of gender-relational reconfiguration, saying,

*"When we were taken to Mak Di Juk Siang, I felt embarrassed, but that is when I realised. Our problems are not just my husband's business; it has become a family affair. There, my husband was also reprimanded, not just me. Finally, we rethought, the divorce turned out not to be as simple as we imagined."*¹³

Analytically, *Firma's* account reveals two simultaneous dynamics: the internalisation of collective shame (a constraining function), and the public redistribution of moral accountability to include the husband (a corrective function). That both effects can coexist within a single experience underscores the practice's structural ambivalence; it is neither straightforwardly oppressive nor straightforwardly liberatory. This experience shows that *Mak Di Juk Siang* serves both as a social control and as a space for dialogue and gender awareness. Women are not placed as the party who is entirely to blame or burdened with the responsibility of taking care of the household. On the other hand, husbands are also expected to be morally responsible, especially regarding maintenance obligations, relationship ethics, and attitudes towards wives. Customary reprimands that are open to husbands are an indication that this practice does not fully reproduce patriarchal relationships that place women as parties who must always give in.

In this context, household resilience is understood more substantively. Resilience is not interpreted as maintaining a marriage under any conditions, but rather as an effort to maintain stability, fairness in relationships, and mutual honour. If, after going through *Mak Di Juk Siang*, divorce is still considered the best option, it is positioned as the last resort to take place with dignity and responsibility. The customary mechanism ensures that no party is socially disadvantaged, especially women, who are often in a vulnerable position. This practice also shows how *Mak Di Juk Siang* functions as a form of living *fiqh munākahāt*. *Fiqh* principles such as *shūrā* (deliberation), *mas'ūliyyah* (responsibility), and prevention of *mafsadat* (harm) are present substantively in customary practice, although they are not always stated in formal *fiqh* language. These values are expressed in the language of the *Piil Pesengiri* culture, making them easier for the community to understand and accept. In this way, *fiqh* does not appear as a rigid legal norm but as a life ethic integrated with social practices.

Interestingly, *Mak Di Juk Siang* can also be read as part of the politics of household resilience of the indigenous people of Lampung. Through these practices, indigenous communities actively manage the social risks posed by divorce, such as inter-family conflicts, social stigma, and gender inequality. Households are positioned as strategic units in maintaining the sustainability of indigenous communities.¹⁴ Therefore, customary intervention in domestic conflicts is not

¹³ Fi, 'Personal Interview', 2025.

¹⁴ M. Anwar Nawawi and Chalawah Ummy Sa'diyah, 'A Mubādalah Based Legal–Cultural Model of Mak Dijuk Siang in the Lampung Pepadun Megou Pak Community for Strengthening Family Resilience in Indonesia', *Journal of Islamic Mubādalah*, 27 December 2025, 157–176, <https://doi.org/10.70992/xqrw3986>; Fadil Fadil et al., 'Religious Moderation and Family Resilience in the City of Malang, Indonesia: The Historical Perspectives of the Islamic Law', *Samarah: Jurnal*



considered a trespass on privacy, but rather a form of collective responsibility.¹⁵ However, this study also found that the effectiveness of *Mak Di Juk Siang* in maintaining household resilience is highly dependent on the social context and quality of the indigenous actors involved. In a community with traditional leaders who are sensitive to gender justice and have a contextual understanding of *fiqh*, *Mak Di Juk Siang* tends to be fairer and more reflective. Instead, in a more conservative context, the practice has the potential to be a tool for legitimising traditional gender norms. These findings confirm that *Mak Di Juk Siang* is not a static practice but a dynamic space of negotiation among customs, religions, and power relations.

***Mak Di Juk Siang* and Gender Relations in the Household**

The gender analysis in this study resists two reductive positions that characterise much of the existing literature on customary law and gender in Indonesia: the position that customary institutions are inherently oppressive to women,¹⁶ and the counter-position that local practices are straightforwardly protective once freed from state-law bias.¹⁷ The findings from *Mak Di Juk Siang* support a more complex reading, consistent with Hellum and Derman's argument that customary institutions are best understood as contested normative arenas in which gender relations are actively negotiated rather than simply reproduced.¹⁸ In the proceedings observed, women were not positioned as passive objects of customary decision-making. However, the degree to which they functioned as recognised moral subjects, with legitimate voices that shaped deliberative outcomes, varied significantly across cases and depended critically on the gender sensitivity of the presiding adat actors.¹⁹

Field findings show that when domestic conflicts are brought into the *Mak Di Juk Siang* forum, the narrative built is not only centred on women's failure to carry out domestic roles, as is often assumed in patriarchal cultures. Instead, customary forums actively dig into the sources of the conflict by questioning the responsibilities

Hukum Keluarga Dan Hukum Islam 8, no. 1 (February 2024): 236–56, <https://doi.org/10.22373/sjhc.v8i1.19821>; Fitriyani Fitriyani, Abd Basir, and Arman Budiman, 'Building Family Resilience Among Early Marriage Practitioners in North Bogor, Indonesia', *EL-Ussrah: Jurnal Hukum Keluarga* 8, no. 2 (December 2025): 835–852, <https://doi.org/10.22373/ujhk.v8i2.26643>.

¹⁵ Opik Rozikin et al., 'Contextualizing Maqāṣid Al-Sharī'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 2 (September 2025): 344–362, <https://doi.org/10.19109/nurani.v25i2.27760>; Iwan et al., 'Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra', *Al-Manahij: Jurnal Kajian Hukum Islam*, 28 June 2024, 161–178, <https://doi.org/10.24090/mnh.v18i1.11090>.

¹⁶ Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle', *American Anthropologist* 108, no. 1 (2006): 38–51.

¹⁷ Euis Nuraelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam University Press, 2010).

¹⁸ Anne Hellum and Bill Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice Through an Integrated Human Rights Framework', *World Development* 32, no. 10 (October 2004): 1785–1805, <https://doi.org/10.1016/j.worlddev.2004.07.001>.

¹⁹ Habib Shulton Asnawi, 'Mental Rehabilitation of Divorce Prohibition Victim Wives Through the Balancing Institution of Megou Pak Customary Pepung and Its Implications Against Household Harmony', *COUNS-EDU: The International Journal of Counseling and Education* 9, no. 1 (March 2024): 15–24, <https://doi.org/10.23916/0020240945810>.



of both sides. In this context, women gain space to express their grievances, experiences of injustice, and their hopes for more equal domestic relations. Women's voices are not considered a form of disobedience but rather part of the process of seeking justice and domestic harmony. One of the traditional leaders emphasised that in *Mak Di Juk Siang*, women have the same right to speak as men:

*"If we have entered Mak Di Juk Siang, we hear both. Your wife can also talk. If the husband is wrong, yes, the husband is reprimanded. Custom does not justify a man as he pleases just because he is the head of the household."*²⁰

This statement shows that *Mak Di Juk Siang* facilitates the correction against the one-sided interpretation of male leadership in the household. Leadership is not understood as domination, but rather as a moral responsibility that must be carried out fairly. In customary forums, a man's status as a husband does not automatically give him the right to ignore obligations or to mistreat his wife. Furthermore, *Mak Di Juk Siang* emphasised that domestic harmony is a shared responsibility, not a one-sided burden on women. This principle is strongly reflected in the custom's emphasis on the husband's obligations, especially in fulfilling alimony obligations, maintaining communication ethics, and respecting the wife as a life partner. In many of the cases observed, customary forums openly reprimanded husbands who were considered negligent or who committed verbal or psychological violence. The reprimand is not purely symbolic but leads to social consequences, including embarrassment and demands for attitude change. The experience of a female informant reinforces this finding. She told how the *Mak Di Juk Siang* forum became a space where her position as a wife was recognised and protected:

*"When Mak Di Juk Siang, I thought I would be the one to blame. However, it turned out that the husband was reprimanded more. Traditional leaders said that men have a great responsibility. If you cannot be fair and provide for your family, do not blame your wife."*²¹

This recognition shows that *Mak Di Juk Siang* has the potential to serve as a corrective measure against gender inequality in the household. Women are no longer positioned as parties who must always restrain themselves for the sake of the household's integrity but are recognised as having the right to receive fair and dignified treatment. In this framework, custom does not serve to legitimise male dominance but instead functions as a moral mechanism to balance power relations in the household. These limitations require more than acknowledgement and demand analytical interrogation. In the two proceedings where outcomes were least favourable to women, a consistent pattern emerged: deliberation was framed in terms of the restoration of household stability as a collective good rather than the wife's individual rights and safety. This framing is analytically significant because it reveals how the fiqh principle of *dar' al-mafāsīd* (prevention of harm), when exercised through the cultural logic of *Piil Pesenggiri*, can shift from protecting the vulnerable party to protecting the institution of marriage itself. In such contexts, the practice does not simply fail to achieve gender justice; it actively produces a normative

²⁰ Er, 'Personal Interview', 2025.

²¹ La, 'Personal Interview', 2025.



environment in which a woman's decision to seek divorce is constructed as the source of collective harm, rather than a response to it. This dynamic reflects what Merry (2006) identifies as the translation problem in customary law: when global or religious norms of protection are adjusted into local cultural forms, they may be selectively applied in ways that reinforce, rather than challenge, existing power imbalances.²²

These findings confirm that gender relations in *Mak Di Juk Siang* are dynamic and contextual. Customary is not a single entity that always oppresses or liberates women, but rather a place of negotiation shaped by specific actors, values, and social contexts. In other words, *Mak Di Juk Siang* is a social space where the tug-of-war between patriarchal norms and the value of gender justice continues to develop. From the perspective of living *fiqh munākahāt*, *Mak Di Juk Siang* shows how the principles of *fiqh* about 'adl (justice), *mas'ūliyyah* (responsibility), and *shūrā* (deliberation) are actualised in traditional practice. The relationship between husband and wife is not understood as purely hierarchical, but as a moral partnership that demands a balance of rights and obligations. When this principle is translated into the cultural language of *Piil Pesenggiri*, gender justice is not an abstract concept but a concrete ethical demand that is easy for society to understand.

***Mak Di Juk Siang* as a Practice of Living Islamic Marriage Law**

This subsection develops the article's central theoretical claim: that *Mak Di Juk Siang* constitutes a practice of living *fiqh munākahāt* in the specific sense theorised by Bowen and extended by Wimra et al. It is not as a mere local approximation of normative *fiqh*, but as a socially legitimate enactment of *fiqh*'s core ethical principles through culturally mediated forms.²³ Three criteria distinguish living *fiqh* from mere customary practice: (a) the normative principles at stake are recognisably derived from, or structurally homologous with, Islamic jurisprudential values; (b) these principles are enacted rather than merely cited, thereby shaping the structure and outcomes of social practice; and (c) their authority is experienced by participants as religiously grounded, not solely customarily so. The data from *Mak Di Juk Siang* satisfy all three criteria, as the analysis below demonstrates. *Mak Di Juk Siang* shows how the basic principles of *munākahāt fiqh*, comprising *shūrā* (deliberation), *mas'ūliyyah* (responsibility), 'adl (justice), and *dar' al-mafāsīd* (prevention of harm), are implemented substantively without always using formal *fiqh* terminology. The principle of deliberation, for example, is evident in the process of resolving domestic conflicts involving various parties and prioritising open dialogue. Deliberation is not interpreted simply as an administrative procedure but as an ethical space for listening to one another, correcting, and finding a solution that is most beneficial to all parties.²⁴

In *Mak Di Juk Siang*'s practice, domestic conflicts are not directly adjudicated in legal proceedings, such as divorce, but are first brought to customary forums that

²² Merry, 'Transnational Human Rights and Local Activism'.

²³ Zelfeni Wimra et al., 'An Interlegality-Based Ethnography Of Living Fiqh In Minangkabau Marriage Practices', *Akademika: Jurnal Pemikiran Islam* 30, no. 2 (November 2025): 175–186, <https://doi.org/10.32332/akademika.v30i2.11259>.

²⁴ Habib Shulton Asnawi et al., 'The Concept of Maṣlaḥah Family in Lampung Customary Law: A Study of Mak Dijuk Siang and Its Relevance to Indonesian Marriage Law', *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya* 9, no. 1 (July 2024): 104–121, <https://doi.org/10.25217/jf.v9i1.4710>.



prioritise reflection and moral responsibility. This process aligns with the spirit of *fiqh munākahāt*, which views marriage as a sacred bond and divorce as the last resort.²⁵ Thus, *Mak Di Juk Siang* serves as a social channel that animates the value of *fiqh* regarding prudence and responsibility in decision-making related to family life. A traditional leader who is also known to have a strong religious understanding explained the connection between *Mak Di Juk Siang* and Islamic values.

*"We never say this is fiqh or not fiqh, but what we do at Mak Di Juk Siang is in accordance with Islamic teachings. Deliberation first, find the good, and do not get divorced right away. That is what religion teaches."*²⁶

This statement is analytically significant on two levels. Empirically, it confirms that the *fiqh* alignment of *Mak Di Juk Siang* is not a post hoc scholarly attribution but is recognised, albeit in non-technical terms, by practitioners themselves. The elder's formulation ("what we do is in accordance with Islamic teachings") satisfies criterion (c) above, in which religious authority is experienced as establishing the practice's legitimacy. Theoretically, this confirms Hooker's observation that in pluralist legal contexts, normative systems interact not through formal citation but through shared moral dictions.²⁷ The absence of technical *fiqh* language does not indicate the absence of *fiqh* content; rather, it indicates the successful translation of *fiqh* into a cultural register that the community finds more immediately accessible and authoritative. Such translational capacity precisely constitutes the distinctive feature of living *fiqh* as a social phenomenon.

Mak Di Juk Siang also serves as an important medium in translating *fiqh* values into the local cultural language of *Pil Pesenggiri*. The concepts of honour (*piiil*), family self-esteem, and social responsibility are effective avenues for inculcating the ethics of *fiqh munākahāt*. In this context, the prohibition of arbitrary divorce is not conveyed through textual postulates alone, but through narratives about shame, family honour, and responsibility towards children and communities. This cultural language is easier for society to accept and internalise because it is ingrained in their daily social experiences.²⁸ In other words, *fiqh* does not exist as a rigid legal norm, separate from the social context, but as a living moral value that constructs behaviour. This reinforces the argument that the success of Islamic family law in the local context is primarily determined by its ability to negotiate and dialogue with local cultures.²⁹

²⁵ Nurnazli Nurnazli and Muhammad Akmansyah Akmansyah, 'Contestation of Human Rights Values and the Protection of Women within the Mak-Dijuk Siang Tradition', *ADHKI: JOURNAL OF ISLAMIC FAMILY LAW* 7, no. 1 (August 2025), <https://doi.org/10.37876/adhki.v7i1.136>.

²⁶ Tabrani, 'Personal Interview', 2025.

²⁷ Nurnazli and Akmansyah, 'Contestation of Human Rights Values and the Protection of Women within the Mak-Dijuk Siang Tradition'.

²⁸ Ami Rizki Purnawan, 'Position of Husband and Wife, Gender Relations, and Legal Pluralism in Customary Marriage in Indonesia: A Study of Jujur and Semanda Marriages in Lampung', *SMART: Journal of Sharia, Traditon, and Modernity*, 31 December 2025, 179–196, <https://doi.org/10.24042/hnkn7654>.

²⁹ Fitri Damayanti, Dewi Kurniawati, and Fatma Merve Prayogo, 'From Tradition to Modernity: The Contemporary Relevance of Islamic Law in Art and Culture', *NUSANTARA: Journal Of Law Studies* 3, no. 1 (July 2024): 14–26, <https://doi.org/10.5281/zenodo.17372790>.



Mak Di Juk Siang shows that *adat* is not a competitor of *fiqh*, but a medium that enables *fiqh* to work more effectively and contextually.

Field findings also show that *Mak Di Juk Siang* helps instil the principle of *mas'ūliyyah* (responsibility) in husband-wife relationships. Husbands and wives are not only held accountable for their actions personally, but also socially, in front of their families and indigenous communities. This mechanism aligns with *fiqh munākahāt*, which emphasises the husband's moral responsibility as the family's leader and the wife's obligation to maintain domestic harmony. However, these responsibilities are not interpreted hierarchically, but as a division of roles that complement each other. A male informant who had undergone the *Mak Di Juk Siang* process shared his experience as a process of "religious reminder" in the tradition.

*"When I was in Juk Siang, I felt like I was being advised by religion, but the way was customary. I was reprimanded for a living, about my attitude towards my wife. It made me realise that getting married is a responsibility, not just a status."*³⁰

This experience shows that *Mak Di Juk Siang* not only resolves conflicts but also serves as a means of practically and emotionally internalising the values of *fiqh munākahāt*. Customary advice conveyed in collective forums has a strong social bonding effect, thereby encouraging changes in attitudes and behaviours, especially among husbands who often hold dominant positions in the household. Furthermore, *Mak Di Juk Siang* also reflects the principle of preventing *mafsadat* in *fiqh*. By postponing or withholding divorce through a deliberative mechanism, this practice seeks to minimise the negative impact of divorce, both for spouses, children, and indigenous communities. Even when divorce is inevitable, *Mak Di Juk Siang* ensures the process is carried out in a dignified, responsible manner, without further conflict. This approach is consistent with the purpose of *fiqh*: to maintain benefits and prevent social harm.

This finding also confirms that living *fiqh* is not synonymous with normative compromises that weaken Islamic principles. On the contrary, *Mak Di Juk Siang* shows how *fiqh* becomes more relevant and functional when actualised through traditional practices that have social legitimacy. Custom, in this case, is not an obstacle to the application of *fiqh*, but a means to actualise *fiqh* values oriented towards real benefits. In a broader framework, *Mak Di Juk Siang* also contributes to the formation of contextual Islamic family law awareness. People do not understand family law solely through the text of laws or *fiqh* books, but through social experiences that construct their perceptions of justice, responsibility, and domestic harmony.³¹ Thus, *Mak Di Juk Siang* bridges religious norms, customs, and social practices. However, this study also notes that the sustainability of *Mak Di Juk Siang* as a practice of living *fiqh* depends heavily on indigenous peoples' ability to continue adapting to social changes. Challenges such as increasing individualism, changing gender roles, and the influence of state laws can alter customary positions in

³⁰ Ba, 'Personal Interview', 2025.

³¹ Yenny Febrianty et al., 'Legal Reform in Customary Marriage Law in Indonesia and South Africa for Inclusive Justice', *Journal of Law and Legal Reform* 6, no. 3 (July 2025): 1027–242, <https://doi.org/10.15294/jllr.v6i3.20896>; Inna Fauziatal Ngazizah et al., 'Localizing Islamic Law: Marriage Practices and the Pak Ponjen Tradition in Kudus', *El-Mashlahah* 15, no. 1 (June 2025): 59–78, <https://doi.org/10.23971/el-mashlahah.v15i1.8906>.



regulating family life. Therefore, critical reflection and continuous dialogue between customs, fiqh, and social reality are essential to keeping *Mak Di Juk Siang* relevant as a living practice of *fiqh munākahāt* in the future.

The Politics of Household Resilience in Customary Practice

Mak Di Juk Siang, among the indigenous people of Lampung, cannot be understood solely as a prohibition on divorce or as a customary mechanism to postpone divorce. More than that, this practice represents a politics of domestic resilience, a socio-cultural strategy collectively designed to maintain family stability as the primary foundation for the sustainability of indigenous communities. In this context, the household represents not only a private relationship between husband and wife but also a strategic social unit with direct implications for the honour of the extended family, the customary order, and the collective identity of the people of Lampung.

Field findings show that *Mak Di Juk Siang* operates on the logic of communal interests, where divorce is seen not only as a failure of personal relationships but also as a social event that is likely to undermine the traditional balance and diminish the family's dignity. Therefore, customary intervention through this mechanism is a preventive effort to ensure that domestic conflicts are resolved internally and with dignity before entering the formal legal domain. In practice, *Mak Di Juk Siang* encourages couples to postpone their decision to divorce and directs them to dialogue facilitated by traditional leaders, extended families, and religious leaders. The politics of domestic resilience carried out through this local tradition is normative and persuasive, not coercive. No physical sanctions or formal legal punishments are involved for couples who insist on divorce, but there is intense moral and symbolic pressure based on the values of *Piil Pesenggiri*. The values of honour (*piil*), social shame, and responsibility towards the extended family are essential to internalising the norm of domestic resilience. Thus, social control subtly takes place through cultural mechanisms accepted and legitimised by society. A traditional leader in East Lampung explained that *Mak Di Juk Siang* is not intended to force couples to stay together in hostile conditions, but to ensure that divorce is the last resort unless all moral and social efforts succeed, as stated in the interview.

"Mak Di Juk Siang does not prohibit divorce absolutely. We want to make sure that momentary emotions do not damage the household. Customary teaches patience, sitting together, and being ashamed of the family if they have not tried to improve."³²

This statement shows that the politics of domestic resilience in *Mak Di Juk Siang* works alongside ethical rationality rather than repressive power. Custom positions itself as a moral buffer, slowing down divorce decisions so they are not taken impulsively, while opening a more expansive space for reconciliation. In this context, household resilience is understood as the result of a sustained social process rather than a forced, static condition. Furthermore, the practice of *Mak Di Juk Siang* also reflects the typical power relations among indigenous community members, in which the moral authority of traditional leaders and extended families plays a central role. However, findings in this study show that these power relations do not continuously

³² Ha, 'Personal Interview', 2025.



work unilaterally. In some cases, women's voices actually gain significant space in the customary deliberation process, especially when domestic conflicts involve violence, neglect of livelihood, or injustice in gender relations. A woman involved in the *Mak Di Juk Siang* process recounted her experience:

*"At that time, I wanted to separate, but my family asked Mak Di Juk Siang first. There, I can talk openly about what I experience and what I feel. The traditional leader even reprimanded my husband, not me."*³³

The above excerpt indicates that *Mak Di Juk Siang* should not be understood as a patriarchal instrument that silences women, as is often assumed in criticism of customary practices. On the contrary, in specific contexts, this customary channel serves as a mediating space that confers social legitimacy to women's experiences and complaints. In other words, the politics of domestic resilience in *Mak Di Juk Siang* is dynamic and contextual, depending on the indigenous actors involved and their sensitivity to gender justice. From the perspective of legal sociology, *Mak Di Juk Siang* can be understood as a representation of non-state regulation that effectively helps establish family life. This practice runs in parallel with state law and formal Islamic law, without confronting them in an antagonistic manner. In fact, in many cases, *Mak Di Juk Siang* serves as an initial filter before couples bring a divorce case to the Religious Court. This shows that customs do not negate state laws, but complement and strengthen them through cultural approaches. An important implication of these findings is the recognition of indigenous peoples' capacity as political actors in family resilience management. The politics of household resilience should not always be interpreted as a top-down state policy; it can also arise from a living, deep-established social practice. In Lampung, *Mak Di Juk Siang* is proof that indigenous communities have relatively effective internal mechanisms for maintaining family stability while negotiating religious, customary, and social justice values.

The normative ambiguity identified in this study is not incidental but structural. It arises from a fundamental tension within the practice's own logic: *Mak Di Juk Siang* is designed to slow the path to divorce, but Islamic family law, including *fiqh munākahāt*, does not treat marital continuity as an unconditional good. The *fiqh* principle of *la darar wa la dirar* (no harm shall be inflicted or reciprocated) sets a clear normative limit: when marriage potentially allows harm, its dissolution is not merely permissible but may be obligatory. In the cases where *Mak Di Juk Siang*'s deliberative pressure was experienced as coercive, particularly where women in hostile marriages were morally burdened to endure, the practice failed to protect. Simultaneously, this situation actively reproduced the very *mafsadat* that *fiqh* is designed to prevent. This finding has a direct theoretical implication: living *fiqh* is not automatically more protective than formal *fiqh* simply by virtue of its cultural embeddedness. Cultural mediation can amplify *fiqh*'s ethical commitments, but it can also selectively suppress them. The evaluation of any living *fiqh* practice must, therefore, include an assessment of which *fiqh* principles are translated, which are silenced, and who bears the cost of that selection. Therefore, customary-based household resilience politics requires a critical reading to avoid legitimising structural injustice, especially against women.

³³ Rn, 'Personal Interview', 2025.



In such a context, the dialogue between customs, *fiqh munākahāt*, and human rights principles becomes crucial. *Mak Di Juk Siang* has excellent potential to be developed as a model of family mediation with gender justice, as long as the principles of benefit, protection of vulnerable parties, and voluntariness remain the primary foundation. In this case, the state does not need to replace customs but can position itself as a strategic partner by recognising, coaching, and developing policy frameworks that are sensitive to local wisdom. Altogether, the findings from all four subsections of this analysis position *Mak Di Juk Siang* within a broader comparative frame. The practice shares structural features with analogous divorce-prevention mechanisms documented in other Indonesian communities: the *sulh*-based mediation in Minangkabau studied by Wimra et al.,³⁴ and the *adat* deliberation forums in Gayo analysed by Bowen.³⁵ Across these cases, a consistent customary mediation emerges as a mechanism whose effectiveness derives from social embeddedness, but its gender implications depend on the normative orientation of the actors who control deliberation. What distinguishes *Mak Di Juk Siang* is the explicit invocation of *Piil Pesenggiri* honour values as the primary mechanism of moral pressure — a feature that intensifies both its protective potential and its coercive risk relative to the cases above. This comparative observation both extends and complicates the living *fiqh* literature's general optimism about the adaptive capacity of local Islamic legal practice, whereby adaptiveness and equity are not the same thing, and the former does not guarantee the latter.

Conclusion

This study advances a central theoretical argument: Islamic family law achieves its deepest social effectiveness not through formal codification alone, but through substantive embeddedness in culturally legitimate practices. *Mak Di Juk Siang* exemplifies this dynamic. As a living practice of *fiqh munākahāt*, it operationalises the Islamic normative preference for reconciliation over dissolution — *hifz al-nasl, ishlāh, shūrā* — through the culturally authoritative medium of *Piil Pesenggiri*, generating forms of moral accountability that neither state law nor formal religious institutions have consistently achieved in the same social contexts. Crucially, however, this study demonstrates that cultural embeddedness is not sufficient for gender equity. The practice's protective capacity for women is real but contingent, realised only where the *adat* actors presiding over deliberation are themselves sensitive to the asymmetric, gendered consequences of each case. This conditionality is the study's most significant and honest finding, and it constitutes a direct contribution to the ongoing debate in the living *fiqh* literature about whether cultural adaptation enhances or dilutes Islamic law's emancipatory potential. The findings also complicate a tendency in the living *fiqh* literature to treat cultural embeddedness as an unqualified good. The data demonstrate that the same cultural medium — *Piil Pesenggiri* honour values — that enables *fiqh* principles to reach communities in socially meaningful ways can

³⁴ Wimra et al., 'An Interlegality-Based Ethnography of Living Fiqh In Minangkabau Marriage Practices', November 2025.

³⁵ John R. Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge University Press, 2003).



simultaneously suppress other fiqh commitments, particularly the principle of *la darar wa la dirar* (no harm shall be inflicted or reciprocated). When *Mak Di Juk Siang*'s deliberative pressure is applied in cases of genuine marital harm, it risks inverting fiqh's own protective logic: rather than preventing mafsadat, it may produce it. This finding refines rather than rejects the living fiqh framework, in which cultural mediation is necessary but not sufficient for just application of Islamic family law. What is additionally required are *adat* actors who read each case's specific gender dynamics and calibrate the practice's normative pressure accordingly.

These findings carry concrete implications for three categories of institutional actors. For policymakers and the Ministry of Religious Affairs, the study supports the development of a formal recognition framework for *adat*-based family mediation that acknowledges *Mak Di Juk Siang* as a legitimate pre-litigation mechanism while establishing minimum procedural standards to protect vulnerable parties, particularly women seeking divorce due to marital harm. For Religious Courts, the findings suggest systematic coordination with *adat* institutions: judges handling cases that have prior *Mak Di Juk Siang* proceedings have an empirical basis for assessing whether the customary process was conducted with adequate gender sensitivity, and for calibrating their adjudication accordingly. For customary institutions themselves, the most actionable implication is investment in gender-capacity development for *penyimbang* elders, equipping them with integrated knowledge of *fiqh munākahāt* principles, gender justice frameworks, and deliberative skills. So, the practice's protective potential is realised more reliably across diverse marital conflicts. Three specific research directions follow from this study: (1) Comparative ethnographic research across multiple *adat* communities in Lampung, including Pepadun and Saibatin systems, and in analogous divorce-prevention mechanisms in other provinces, to determine whether the gender-conditionality finding identified here is a structural feature of this practice type or specific to the communities studied; (2) longitudinal research tracking the outcomes of *Mak Di Juk Siang* proceedings over time, including rates of marital continuation, post-proceeding conflict, and subsequent divorce filings, to evaluate the practice's effectiveness claims empirically rather than relying solely on retrospective informant accounts; (3) socio-legal research examining the interface between *Mak Di Juk Siang* and the Religious Court system in Way Kanan and North Lampung Regencies, specifically how judges respond to cases with prior *adat* proceedings, to illuminate the practical conditions under which the policy implications identified above could be institutionally realised.

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Conflict of Interest Statement

The authors declare that there is no conflict of interest regarding the publication of this article. The research was conducted independently without any commercial, financial, or personal relationships that could be construed as influencing the objectivity, integrity, or interpretation of the research findings.

Declaration of the use of AI

The authors declare that artificial intelligence (AI)-assisted tools were used solely to support language refinement, grammar checking, and improvement of manuscript readability during the preparation of this article. All conceptual development, data analysis, interpretation of findings, and final academic decisions remain entirely the responsibility of the authors. The authors have carefully reviewed and validated all contents to ensure the accuracy, originality, and academic integrity of the manuscript.

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Wahyu Abdul Jafar contributed to the conceptualization of the study, research design, data analysis, manuscript drafting, and overall supervision of the research project. **Badrin Taman** contributed to data collection, literature review, methodological development, and manuscript revision. **Ahmed Hameed Kareem** contributed to the analytical framework, interpretation of findings, and critical review of the manuscript. **Muntaser Ahmad Alqudah** contributed to data validation, theoretical analysis, and editing of the manuscript. **Nashat Mohammad Abdel Qader Bani Hamad** contributed to manuscript refinement, academic proofreading, and final approval of the version to be published. **Im Fahimah** contributed to manuscript refinement and academic proofreading. All authors have read and approved the final manuscript and agreed to be accountable for all aspects of the work.

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