



The Customary Marriage of Samin Penghayat in Tulang Bawang Regency, Lampung, Indonesia

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Article History	Abstract
Received February 10, 2024	<i>The marriage of the Samin people in Lampung Province is conducted in a customary manner. The Samin people experience many obstacles in the process of registering their marriage officially through state institutions. The purpose of this article is to describe the Samin traditional marriage and then analyze the reasons why the Samin community conducts traditional marriages. This article uses a qualitative method, the object of research was conducted on the Samin community in Tulang Bawang Regency Lampung. Primary data sources were obtained directly from Samin traditional leaders and the community who performed traditional marriages. Secondary data sources were obtained through Samin guidebooks and journals related to Samin studies. Data collection techniques used are observation, interviews and documentation. The results showed that the marriage process of the Samin community in Tulang Bawang Regency was carried out through several stages including: (1) nyumuk, (2) ngendek, (3) nyuwito, (4) paseksen, (tingkep). Samin traditional marriage does not yet have authentic legality. The legal status of the marriage is only valid in the eyes of the customary law of the adherents but not in the eyes of Indonesian marriage law. The reasons why Samin people do not officially register their marriages are 1). The Samin organization has not been registered with the Directorate of Trust of the Ministry of Culture as a marriage registration officer 2). Samin leaders have not been registered with the Ministry because they do not have a Registered Certificate (SKT). 3) Their ancestors did not teach that marriage should be registered.</i>
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INTRODUCTION

The regulation of marriage law in Indonesia states that a valid marriage is a marriage registered with an authorized institution. This is based on Article 1 Paragraph (2) of the Law. 1 of 1974 concerning Marriage (UUP) which states: *"Every marriage is recorded according to the applicable laws and regulations"* (Faizal 2018). Meanwhile, the provisions concerning the implementing agency for registration of marriages are contained in Government Regulation no. 9 of 1975. In Article 2 Paragraphs (1) and (2) of the Government Regulation it is stated that marriage registration for Indonesian citizens who are Muslim, is carried out by Marriage Registrar Officers as referred to in Law Number 32 of 1954 concerning Marriage Registration, Divorce and Refer (Djazimah and Hayat 2019). Meanwhile, for people with religions other than Islam, marriage registration is carried out by the Marriage Registrar at the Civil Registry Office.

The Samin community in Tulang Bawang Lampung, the marriage process has until now been carried out outside of the above institutions. The implementation of marriage only in the customary Samin belief has been carried out for this reason. One of the obstacles is the existence of Law no. 1/PNPS/1965 concerning Prevention of Religious Abuse and/or Blasphemy which states that the religions embraced by Indonesians are Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism (*Confucius*) (Sihombing 2020). The content of this law produces the the concepts of "official religion" and "unofficial religion" (Syafi'ie 2016) and Samin is considered as part of an unofficial religion so that it encounters obstacles when trying to register marriages. All kinds of customary marriages must be registered by government agencies so that they are legally recognized as legal forms of marriage. The state stipulates that marriages must be registered by an authorized institution as an effort to realize

legal certainty. Until now, the marriage process for the devotee Samin community has been carried out only according to the customary beliefs of the adherents, carried out marriages using the rituals and customary procedures of each adherent's belief (Asnawi, Setiawan and Iwannudin 2021).

As in this article, the author conducted research in several areas in Lampung Province, regarding marriages of believers who were not registered. In Lampung Province, many communities or groups of people have traditional beliefs, including *Sapta Darma* faith in East Lampung Regency, *Samin* faith adherent in Tulang Bawang Regency, *Amanat Keagungan Ilahi (AKI)* in East Lampung Regency, and *Kodrat Alam* in Central Lampung Regency. However, in this article, the author only examines one sect of faith, namely Samin. This community is located in Tulang Bawang Regency, Lampung (Asnawi 2023).

Quoting Wila Chandra Supriadi, (Professor at Parahyagan University, Bandung), that:

"...Couples of believers who want to get married first notify the leader of believers appointed by the Association of Believers in God Almighty. But so far, marriages have only been carried out according to local customs. "When the married couple wants to fight for their civil rights, they will face administrative law problems because their marriage was not registered" (Asnawi and Nawawi 2022).

Communities who believe in Samin faith in Tulang Bawang Lampung have customary rules inherited from their ancestors which are still believed and adhered as the norm. In customary law there are rules for the marriage process. This rule is adhered by this community. This means that the marriage of Samin community is carried out their tradition according to their beliefs. The marriage of Samin community is not registered with the authorized institutions such as the Office of Religious Affairs and the Civil Registry Office,

thus making it marginal because the legality of this customary marriage is not recognized.

This article reveals the form of marriages of adherents of the Samin faith which are not registered at the Civil Registration Office. Then, there are obstacles or reasons why people who adhere the ancestral beliefs in Lampung Province do not have their marriages registered. Because unregistered marriages cause serious problems for women who adhere to traditional beliefs. Women who adhere to traditional beliefs experience legal weaknesses, namely difficulties in providing evidence when demanding justice rights and obstacles when carrying out legal proceedings (processes before the Court), because they do not have legal marriage registration. The absence of authentic evidence of the marriage also gives rise to arbitrariness on the part of the husband towards his wife, who easily divorces her and is unwilling to share her rights fairly or proportionally, such as inheritance rights and the right to acquire joint property (Asnawi 2016).

Based on the result of observation, there are many problems faced by women who adhere to traditional beliefs, because their rights as wives from marriages carried out in traditional ways are not obtained fairly. Apart from that, the absence of authentic proof of the parents' marriage will also make it difficult for their children to have a birth certificate. In the absence of a birth certificate, a child will experience obstacles in gaining access to education, health services and social assistance (Asnawi 2023).

The focus of the question of this article is to describe Samin traditional marriage and then analyze the reasons why the Samin community conducts traditional marriage (not legalized). The contribution of this writing can be a reference and evaluation material for the government, especially the Lampung Provincial Government to formulate a form of strategic policy or special regulation in the context of providing convenience for adherents of the *Samin* belief in Tulang Bawang Lampung in legalizing Samin traditional marriage.

LITERATURE REVIEW

This article complements the results of previous studies. Many of the existing studies have examined the marriage procedures of local beliefs. However, it has not comprehensively examined Samin in terms of problems and reasons for Samin traditional marriages to this day. There are several studies that discuss believers' beliefs, including, research conducted by Khumayrotun Nisak, Triyono, and Sukirno with the research entitled "*Legal Consequences of Unrecorded Marriages in Indigenous Communities Karuhun Urang (AKUR)...*", the results of this research explain that marriage in the Karuhun Urung (AKUR) traditional community is carried out only by traditional marriage. This type of marriage is not registered at the Civil Registry Office. There are several obstacles so that AKUR community marriages are not officially registered, including that the AKUR community organization as believers is not registered with the Ministry of Education and Culture. Because the AKUR organization does not appoint an official person to carry out the recording, it is then handled by the Civil Registry Service (Nisak and Triyono 2019).

Furthermore, research was conducted by Mia Rachmawati entitled: "*Case Analysis of Sapta Darma and Parmalim Beliefs...*", the results of this research explore the polemic of the religion column on the *KTP* (ID card). In the religion column on a religious ID card, there are only six religions that can be listed. Then, 245 adherents could not write their beliefs in the religion column on their identity card (Rachmawati 2010).

Another research was conducted by Agung Basuki Prasetyo with the research title "*Legal Effects of Unregistered Marriages on the Community...*". From this research, it was found that there were problems in registering marriages for Sedulur Sikep adherents in Pati, Central Java, just like other traditional beliefs, the Sedulur Sikep community also carried out the marriage process according to custom or traditional institutions, and it was not reported

to the Civil Registration Office. These people's marriages are still registered, but they are registered administratively with their customary institutions. The marriage process, which is only carried out in traditional institutions, has an impact on children when they encounter the law (Basuki Prasetyo 2020).

Another research by Anwar Nawawi, entitled, "*The Dynamics of Legality of the Ancestral Believers Community....*", this research explains the religious patterns of the Samin community as well as the traditional marriage procedures. Marriages that are not officially recorded because of the difficulty of the requirements and procedures that must be met by the Samin community including the existence of a Registered Certificate (SKT) (Asnawi and Nawawi 2022).

The last research by Mufid, in this book it is explained that the existence of a local community religion (Samin) has not yet obtained a portion of services by the government in the field of administration and population as obtained by other religious communities in accordance with the mandate of Law Number 23 of 2006 concerning Population Administration which provides freedom for each individual to carry out the teachings of the religion they adheres to Mufid (Mufid 2012).

The similarity between this article and the research above is in the object of research, namely society which adheres to a devout belief system. However, the *GAP analysis* that differentiates this research from previous research is in the focus of this research, namely first, what are the traditional marriage procedures of the Samin belief community in Tulang Bawang Regency, Lampung Province. Second, to reveal the reasons why the Samin community still carries out traditional marriages. The second question aims to reveal what obstacles the Samin community experiences when they want to legalize traditional marriages.

CONCEPTUAL FRAMEWORK

The community of Samin believers, is a group of people who have their own flow, the rules of religious, social and family nature of the Samin community have their own characteristics, especially in the issue of marriage (Yektiningsih 2014).

In reality, Samin believers still have not received the rights of justice and equality before the law, especially in public services. This is different from the official traditional beliefs recognized by the state (Dameria, Indrayanti, Adnyana et al. 2021). All Indonesians should have the same rights before the law, and the state should not discriminate just because of different faiths (Mu'in, Faisal, Fikri et al. 2023). All people are given equal rights and protection, especially to obtain the legality of marriage (Pelangi, Angkasa and Arifin 2023).

The right to equality before the law is a principle enshrined in the Indonesian Constitution (Khoirunnisa and Hidayati 2023). This principle implements that the state is not allowed to discriminate against a person, a certain group, just because of different beliefs and convictions. The right to belief is an absolute and universal human right (Risdianto 2017).

Although regulations on marriage procedures for local belief communities have been provided by the government, the fact remains that the equality rights of the Samin community in the frame of legal equality rights have not been fulfilled fairly, especially in the context of procedures to legalize marriage registration. The Samin community still experiences difficulties in the process of state marriage requirements, because the existing regulations require a decree for Samin traditional leaders and a registered certificate (SKT) for the Samin community, which is quite burdensome for the Samin community.

The right to equality before the law is referred to as the principle of equality before the law (Asnawi and Ismail 2020). This principle contains the fulfillment of human

rights that does not distinguish anyone (Qomariah 2019). The right to equality before the law is referred to as the principle of equality before the law. This principle contains the fulfillment of human rights that does not distinguish anyone (Lakoni, Ardiansyah and Juwita 2023). The fulfillment of equality before the Law is clearly stated in the international declaration on human rights. In addition, the Constitution and Human Rights Law in Indonesia also clearly regulates equality before the Law (Farahi and Ramadhita 2017).

The importance of equality before the law is not only regulated in the law, far beyond the law equality before the law has been contained in the International Covenant on Civil and Political Rights), which is regulated in Article 27 paragraph 1, namely the right to equality before the law (Zaharuddin and Sharmani 2023).

Facts in the community show that there is a serious phenomenon in the legal system of marriage registration. So far, the people who adhere to the beliefs of Samin believers only carry out marriages according to traditional beliefs. In a sense, so far, the process of recording marriages for religious believers has not been carried out legally at the Civil Registry Office. Seeing this regulation, the principle of upholding equality before the law has not been fulfilled and enjoyed by the Samin believer's community group in Lampung Province.

Fulfillment of equality before the law for Samin believers is very urgent (Sulaiman 2018). Given that until now the marriage of Samin believers is still carried out traditionally by believers only, and this has a serious impact which has implications for the rights of the parties, especially women when experiencing household problems, in the absence of authentic evidence as proof that the marriage was actually carried out by the parties. This will make it difficult for the husband and wife to apply to the court (Asrori, Mukhtar, Wijayati et al. 2023). This is due to marriage registration is not done at the Civil Registry.

RESEARCH METHOD

This article applies a qualitative method, which aims to reveal the phenomenon of the patterns and procedures of traditional marriages carried out by the indigenous people of the Samin faith in Tulang Bawang Regency, Lampung Province. The condition of the Samin community in Tulang Bawang is located in the interior. They live in groups and are separated from other communities. Marriages are carried out only in the customary Samin belief, so the application of qualitative methods will reveal why the Samin indigenous people still maintain customary marriages which so far still cannot be legalized. Field visits for data collection were conducted between November 2023-February 2024, accompanied by Samin traditional leaders and several community leaders in the research location.

Based on qualitative research mapping, this research uses a legal sociology (socio legal) approach. Referring to the theory of legal sociology, that customary law or unwritten law practiced in indigenous peoples is a law whose source is born from society (Zainuddin, 2015). The law that was born from this community is believed and practiced as a norm of community customs (Tjahjani, 2020). In the perspective of legal sociology, the Samin customary marriage tradition still exists. It is believed to be an ancestral cultural heritage so that it forms a customary legal system that is still maintained. Legal sociology is used to explore the unwritten laws that exist in the Samin indigenous community.

Primary data sources in this study were obtained directly from written rules that guide the Samin indigenous people in carrying out traditional marriage processions. Tecondary data were obtained from book references and scientific journal articles related to Samin traditional marriage. Data collection techniques used are through passive participation observation, interviews and document studies. Observations were carried out to see the patterns and procedures for the preparation of Samin marriages carried out by

custom. Interviews from informants came from traditional leaders of the Samin community, several Samin people who performed traditional marriages, religious leaders and community leaders in Tulang Bawang Regency. Data analysis techniques use an inductive framework, a framework obtained from specific events that occur and then analyzed to general norms. The inductive framework, obtained from a special event, namely the phenomenon of Samin community marriages conducted by custom, is then analyzed by the rules of marriage law in Indonesia.

RESULT AND DISCUSSION

The Existence of Samin Faith Adherents in Tulang Bawang Regency

The Samin faith adherent that the researchers conducted were in Tulang Bawang Regency, Gedung Aji Lama District, Panca Tunggal Jaya Village SP V. Samin Spiritual Beliefs are a community of people originating from Blora Regency, Central Java. The people of this belief live on oil palm plantations, far from the hustle and bustle of the city and their lives are very simple, their daily work is as farmers on oil palm plantations. These people live in groups, as if forming a community.

In the Samin community village, the "Samin Spiritual *Padepokan* Hall" was established in 2007. The *Padepokan* Hall is under the supervision of the Department of Tourism and Culture. The hall can be used by all communities, especially the Samin community, to hold special meetings for their groups. The meeting is held once a month on Tuesday *Kliwon* and in most of these meetings they study the history of *Mbah Grek* whose ritual is carried out from 10.00 at night to 04.00 in the morning specifically for men only. The banquet for the *Samedi* activity was funded personally by *Mbah Waini* as the wife of *Mbah Lasio* (Rosyid 2018). In other Samin community groups, they are not allowed to owe or borrow money, but what is allowed is to use it and they are not required to replace them.

Samin adherents were not well educated, and his adherents were village people who were not well educated and also did not have the experience to organize themselves effectively (Rosyid 2021).

Citing Suhanah's book entitled *Dinamika Sistem Kepercayaan Sedulur Sikep (Samin)*, it was explained that followers of local beliefs like Samin often cannot define themselves. Because of this, their existence is often defined by other people using their own religious perspective. In this connection, religion is often defined by providing the following elements: belief in the Almighty God, having a clear legal system for its adherents, having a holy book, and a prophet. This is where the local faith community becomes confused with itself (Laksana 2013).

This makes the position of the local belief community difficult. They do not receive services from the state. Because what was then served as the religion embraced by most of the Indonesian population was only Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism (Confucianism). Even though the existence of this last religion has been a long-standing problem, it is still "doubtful" about the weight of its divine nature (Nisak and Triyono 2019).

Article 29 of the 1945 Constitution reads: (1) The State is based on the belief in One Almighty God. (2) The state guarantees the freedom of every citizen to choose his own religion and to worship according to his religion and beliefs (Mahmudah, Sadari, Karimah et al. 2022). The word "belief" in article 29 paragraph 2 has had multiple interpretations whose impact is not simple. For schools of mysticism (beliefs) such as: *Sapto Dharma*, *Sumarah*, *Subud*, *Pangestu* and also including Samin which are the main schools of belief that existed long before independence was proclaimed, article 29 which contains the word "belief" is considered to be the state's recognition of these schools of mysticism on a par with religions embraced by the majority of

the Indonesian population (Rozali, Hikmah and Yuliatin 2023). On the other hand, for orthodox Islamic groups, such spiritual schools must be "fostered" and returned to their parent religion (Sihombing 2020).

The Samin belief community has a holy book stored in 5 books called Serat Jamus Kalimasada which include Punjer Kawitan Fiber, Pikukuh Kasajaten Fiber, Uri-Uri Pambudi Fiber, Teak Palm Fiber and Lampahing Urip Fiber. However, based on the results of the author's interviews with the two Samin figures in the remote community of Gedung Aji Lama, he said that, until now, Samin's beliefs do not have a holy book and I will only compile it (Asnawi and Nawawi 2022).

It is said that they do not have a holy book because the Samin community is generally illiterate, meaning they are not good at reading and writing and most of them do not go to school, knowledge can only be passed down from generation to generation and can only be obtained from home. Apart from that, it is also said that the Samin people are still a very simple society, therefore they never document their circumstances and things, either in the form of relics or writing. In fact, Samin's teachings have been accepted by their generation to this day only through passing down from generation to generation or by word of mouth without any proof of its authenticity or without any strong evidence (Hasibuan 2019).

Samin followers in Tulang Bawang Regency, the process or method of praying in the Samedi way is for 2 or 3 minutes and the way Samin people pray is facing east, in the Samedi way, 4 times a day, namely in the morning at 06.00, meaning the sun is rising, at 12.00 noon meaning the sun is right above, at 18.00 means sunset and 24.00 means change of day. With the intention "*ingsun wang wung durung dumadi konone tapig gusti*" (Asnawi 2023). Samin's life and development was initially due to the movement of Ki Samin and those close to him in developing Samin's teachings not in one area but the movement of preaching his teachings spread to several areas.

The Samin community is spread across several areas. Each region and other regions are not optimal in interacting because they do not have a unifying forum (Figure 1). The positive value of the Samin people is that they firmly adhere to the teachings of Ki Samin, namely not *drengki* (making slander), *srei* (greedy), *panasten* (easily offended), *dawen* (accusing without evidence), *kemeren* (envy), *nyiyu marang sepodo* (doing insults), and *bejok rickety iku sedulure yen gelem dindaku dulur* (acknowledging anyone as a brother). At the same time, he abstains from *bedok* (accusing), *colong* (stealing), *pethil* (taking things that are still integrated with nature, such as rice in the rice fields), *jumpu* (taking things that are not integrated with nature, such as rice), and *nemu* (finding). Samin residents are humans who are equipped by God (*Yai*) with

Figure 1
Padepokan Local Beliefs Samin



reason and passion, so they could become people who obey or disobey Samin principles. All of this is up to everyone as the jury. This means that there are Samin residents who obey Samin's teachings, there are also those who do not obey Samin's teachings (Rosyid 2021).

Even though the status of recognition or degree of belief of the community of adherents' beliefs has not yet been recognized as an official religion, because its status is only a local religion, the existence of communities of adherents' beliefs in this archipelago has roots in a long and long history of growth dating back hundreds of years (Hasibuan 2019). This school was born because of the process of cultural development, the reflections and philosophy of our ancestors, which then became embedded in the customs of society from generation to generation until now. In fact, these believers' beliefs have existed since long time before the arrival of official religion in Indonesia, long before the arrival of current religions such as Islam, Buddhism, Christianity, Confucianism, Hinduism (Susetyo 2017).

Samin Traditional Marriage Concept in the Tulang Bawang Regency

Samin customary marriage is endogamy, that is the couple must be from the community, even in the Samin community usually still within their relatives; monogamy does not adhere to polygamy. The Samin community who lives in the palm oil hinterland of the Gedong Aji Lama, Tulang Bawang Regency, has marriage process stages such as: (1) the arrival of the groom's family to the bride's family to ask about the status of their daughter (*nyumuk*), (2) the arrival of the groom's family to the bride's family to propose marriage (*ngendek*), (3) the arrival of the groom's family to the bride's family to inform that the groom will serve bride's family (*nyuwito*), (4) the arrival of the groom's family to the bride's family to declare that he (the groom) has carried out his obligations as a husband to fulfill his wife's psychological needs (*paseksen*), and (5) performing prayer for the

pregnancy of his wife (*tingkep*) (Rosyid 2018). Based on the results of an interview with one of the Samin Tulang Bawang traditional leaders named Suryo, the marriage process is carried out in several stages:

“...*Nyumuk*; the arrival of the (prospective) *kemanten* putra's family to the (prospective) *kemanten* putri's family to inquire about the whereabouts of the prospective son-in-law, whether he already has a prospective husband or not (*legan*). If she does not have a husband yet, she is expected to become her son-in-law. *Ngendek*; the statement of the prospective son-in-law from the family of the son-in-law to the fathers and mothers of the daughter-in-law, following up on the *nyumuk* forum. The *ngendek* begins with a statement from the prospective son-in-law to his parents-in-law (at the house of the bride-to-be) that he wishes to marry their daughter. Meanwhile, the mother of the son-in-law (usually) gives a dowry to the prospective daughter-in-law as a sign that she has been betrothed (*diendek diwatesi*). *Nyuwito-ngawulo*; is a form of devotion from the prospective groom to the family of the prospective bride. On the day the marriage takes place, it is based on the son's *kemanten* intention to continue the lineage (true wiji, titine, son of Adam). After *pasuwitan*, usually the son's *kemanten* lives with the daughter's *kemanten*'s family in one house (*ngawulo*) or the daughter's *kemanten* lives with the son's *kemanten* family. *Paseksen*; forum for expressing the feelings of the son's *kemanten* in front of the in-laws which was attended by the daughter's *kemanten*, family, and invited guests from Samin and non-Samin residents at the daughter's *kemanten* house. *Brokohan or tingkep*, after the bride is seven months pregnant, *slametan* is held for the baby in the womb called *brokohan*. Samin elders (*botoh*) who represent the owner of the intention give advice (*nyondro*) to the audience (Samin and non-Samin)”.

Meanwhile, the marriage principle of Samin community is that the dreams in their minds (*angan-angan*) are considered in depth, namely the promise of *Sepisan Kanggo Selawase* (once promise/marriage forever)

even though in the reality the divorce occurs. The Samin marriage has prohibition, namely marriage with siblings, same-sex marriage (homosexual), and having more than one wife. These are considered factors for conflict within the family; thus, those are anticipated. Moreover, the Samin's ancestors did not do these three prohibitions (Rosyid 2021).

For people who adhere to the Samin religious belief system in Tulang Bawang Regency, the marriage process is still carried out by Samin believers, that is, without being registered by the Civil Registration Office. In practice, based on the results of the research carried out by the author, the implementation of Constitutional Court Decision No.97/PUU-XIV/2016 regarding the implementation of marriages of the Samin traditional community in Tulang Bawang Regency still cannot be implemented effectively. This is because it is still difficult to form understanding and awareness in the Samin community regarding the importance of compliance with state provisions, both laws and other legal regulations in the life of the community, especially regarding the rules in marriage law, must be done to enforce and guarantee legal certainty in Indonesia.

Samin devotees in Tulang Bawang Regency are not familiar with marriage registration because their ancestors did not teach them. The Samin people were not touched by the culture of writing in the marriage process because their ancestral culture did not teach marriage registration. Regarding the minimum age limit for marriage, the community of Samin adherents is not the same as regulated in the UUP (Marriage Law). The Samin people think that the age of the prospective bride and groom has no minimum limit and standards for marriage when they are ready to get married. The age strata are divided into East Adam, Brahi Adam, and Wong Sikep Kukuh Wali Adam. East Adam is the Samin generation who has not yet grown up, does not yet have 'taste' for other types. Meanwhile, Adam Brahi is the Samin generation who has grown up and has 'feelings' for the opposite sex.

Meanwhile, Adam's strong guardian, Sikep, is a Samin man who has a family. Samin adherents adhere to the principle of not presenting KUA or Civil Registry Office officers because they follow the traditions of their ancestors. Regarding divorce, according to the Samin community, divorce can occur if the bride and groom separate naturally due to various reasons, so that the (ex) husband hands over his (ex) wife to his (ex) in-laws (Asnawi 2023).

There are similarities in the marriage of Samin believers with the concept of Islamic marriage. The similarity is that prospective brides and grooms between men and women have parents, the mother is obliged to reconcile the child and the father is obliged to agree to the child carrying out the marriage, so that those who are obliged and have the right to marry the child are the parents themselves. If mother/father of *kemanten* dies then the person who hands over the *kemanten* is Pakde (the older brother of the biological parent of the *kemanten*), and if Pakde is not there, the representative is Paklek (the younger sibling of the father of the son of the *kemanten*). Another similarity is in terms of the minimum age limit. There is no minimum requirement for the age of the prospective bride and groom to be married. The most important thing is that the prospective bride and groom are sensible and able to differentiate between good and bad.

Even though the Constitutional Court has decided on public rights such as the right to legal marriage services for the Samin people, the fact is that they still carry out customary marriages (not registered). This is in line with the results of an interview given by a Samin traditional figure with the initials (NS), he said:

“...Samin adherents in Tulang Bawang Regency are not familiar with marriage registration because their ancestors did not teach them. The Samin people were not touched by the culture of writing in the marriage process because their ancestral culture did not teach marriage registration”.

Therefore, From the information above, it can be found that the Samin people are not familiar with the legality of marriage registration, because their ancestors never taught them this. Apart from that, the low level of Samin education is also one of the factors of the lack of understanding of the procedures and the urgency of the legality of marriage.

From the elaboration above, even though communities adhering to the adherents of the adherents of the adherents' faith carry out marriage processes that are in accordance with traditions or customary laws inherited from their ancestors, these marriages are still in the category of private marriages, in the sense that the marriages of the adherents are not officially registered by government institutions. Because it is not recorded by government institutions, the customary law marriage of the adherent community is considered a traditional marriage event whose legality is not recognized (does not have authentic evidence), because it is not registered with a state institution.

Samin Community Traditional Marriage Status within the Framework of Marriage Law

Regarding the legal status of the validity of marriages of believers' beliefs, if viewed from marriage law, then materially the terms and conditions of marriage for the people of the communities of believers' beliefs have fulfilled the provisions of customary law of believers' beliefs, meaning that legally the marriage only fulfills the material requirements, namely Article 2 Paragraph (1). However, formally, the traditional marriage system of the adherents' faith community cannot yet be said to be valid according to state law because of the formal requirements, a marriage is only considered valid if the marriage has been registered with the authorized institution (KUA or Civil Registration Office) , (Hayat 2018), as explained in Article 2 Paragraph (2), namely: *"Every marriage is recorded according to applicable laws and regulations"*. However, for the sake of benefit and for legal certainty to be recognized by the Indonesian state, the

validity of a marriage must first fulfill material and formal requirements at the same time (Mustika 2011).

According to experts, Article 2 paragraph (2) is a formal requirement for determining the validity of a marriage, meaning that the construction of the legality of marriage as regulated in the UUP explains that a legally valid marriage is a marriage that is entered into and registered by an authorized government agency (Faizal 2018). Article 2 of the UUP above states that the validity of a marriage must fulfill the requirements, namely: (1) the procedure for the marriage to be carried out according to the laws of each respective religion and belief, and (2) the marriage in question must be recorded in the marriage registration by following the requirements and procedures stipulated in the applicable laws and regulations. Registration of a marriage will only be carried out if the marriage in question has been carried out according to the religion or traditional beliefs of the prospective bride and groom. This requirement is intended so that the marriage has valid legal consequences for the husband and wife and their children, so that the marriage can be guaranteed and protected by the state. These two requirements for marriage must be fulfilled for the marriage to be recognized as a legal act that has legal consequences that are guaranteed and protected by the state.

If a marriage is carried out solely in compliance with the provisions of Article 2 paragraph (1) of the UUP (Marriage Law), the marriage is recognized as a valid marriage according to the teachings of religion or belief but is not recognized as a legal act that has legal consequences by the state. This kind of marriage is not recognized and is not legally protected. Registration of marriages in the form of a marriage certificate (authentic certificate) is very urgent because it can guarantee protection and legal certainty for marriages and guarantee order in social life (Julir 2018). So, the two elements in this paragraph, namely Article 2 paragraphs (1 and 2) need to be read cumulatively.

Figure 2
Researcher with Samin Leader



Apart from that, provisions for agencies implementing marriage registration are contained in Government Regulation no. 9 of 1975, that marriage registration for Indonesian citizens who are Muslim, is carried out by Registrar Employees as intended in Law Number 32 of 1954 concerning Registration of Marriages, Divorce and Reconciliation (Djazimah and Hayat 2019). For non-muslim marriages, marriage registration is carried out by Marriage Registrar Employees at the Civil Registry Office (Helim 2012).

Referring to the provisions of the Government Regulation (PP) Number 40 of 2019 concerning the Implementation of the Law. No. 23 of 2006 concerning Population Administration, marriages carried out by members of religious communities should be immediately reported to the Population and Civil Registry Service no later than 60 days after the traditional marriage is carried out. The report should also include a certificate of traditional marriage signed by a religious leader (Sukirno 2019).

However, religious leaders who can marry are only religious leaders who already have a decree and are registered with the ministry in accordance with Article 39 PP No. 40 of 2019, it is explained that *"Faith believers are appointed directly by the organization and submitted to the Ministry of Education and Culture in order to obtain a decree, so they can officiate the wedding."* In the case of this decree, the applicable law and reality have the

same meaning in the case of marriage. If the religious leader does not have a decree, he cannot marry the bride and groom, and does not have the legal power to issue a blessing letter, which is an administrative requirement for recording marriages in the Civil Registry.

Portrait of marriages of adherents of the Samin religious belief in Lampung Province as illustrated above, the researcher describes the comparison of the similarities and differences between marriages between adherents of the Samin belief community and marriage laws, in the form of a diagram as follows Table 1.

Based on the Table 1, the traditional marriage system of the Samin community and the marriage system regulated in the marriage law have quite significant differences, both in terms of the principles of marriage and the conditions of marriage. In the Samin traditional community, marriages are clearly not registered, but within the framework of marriage law in Indonesia, marriages must be legalized. The traditional marriage of the Samin people which is not registered is a form of marriage which has become a custom and has been passed down from generation to generation to this day. These customs have become unwritten customary rules but are adhered to by the Samin indigenous people in Tulang Bawang Regency.

Customary law or unwritten law that is practiced in indigenous communities is law whose source originates from the community. Laws born from this community are believed

Table 1. Comparison of Similarities and Differences.

No	Marriage Concept	Samin Faith	UUP (Marriage Law)
1	Marriage	Not Recorded,	Recorded Article 2 (2)
2	Legal Status	Valid according to Samin believers' customs. Only Fulfills Material Requirements Article 2 (1)	Invalid According to State
3	Principle of Eleutherogami	Fellow Faith (KTA)	Mutual Trust Article 2 Paragraph (1)
4	Principle of Monogamy	It is forbidden to have more than one wife	Very Strict Polygamy Requirements Articles 3-5.
5	<i>Ijab Kabul</i>	One Assembly	One Assembly
6	Sighat Taklik Talak	Pronounced Husband and Wife	Spoken Husband
7	Still	Parents, <i>Pakde, Paklek</i>	Arranged in accordance with the provisions of each religion.
8	Marriage Age Limit	There is no minimum age limit because it does not use written law	19-Year-Old Boy and Girl
9	Marriage Agreement	There isn't any	Regulated by Article 29 paragraph (1-4)
10	Divorce	Handed over to the marrying parents	Decided by the Judge. PP 9/1975 Article 14-36
11	Dowry	Not mentioned	Regulated in accordance with the provisions of each religion.
12	Witness of marriage	The amount is not specified	Determined Amount. PP 9/1975 Article 10 paragraph (3).
13	Common Property	Not Strictly Regulated	Strictly Regulated. Articles 35-37.
14	Mourning Time	Unregulated	Set Out in Detail. PP 9/1975 Article 39 Paragraph (1-3)

and practiced as the community's customary norms (Tjahjani 2020). In matters of marriage, indigenous people also have their own norms that are believed and practiced by their followers. This also applies to communities of Samin believers. The marriage practices of the Samin community refer to their customs and beliefs and some are still carried out as an effort to preserve the teachings of their ancestors. People who adhere to this belief believe that the existence of the teachings of their ancestors must be maintained because they are sacred, including in matters of marriage. This traditional marriage practice is believed to be correct by its followers and does not conflict with any norms, because their marriages are carried out by fulfilling several conditions and pillars that have been determined. Therefore, the marriage they entered was of course

believed to be valid according to the laws and customs of their beliefs.

The failure to register marriage among people who adhere to traditional beliefs in Lampung Province is not without reason. The religious community generally has difficulty in accessing the legality of marriage registration at government marriage registration institutions due to several obstacles they face.

The Reasons Why Marriages of Samin Adherents Are Not Registered

The first reason is that the devotee organization has not registered a devotee leader to be appointed by the Ministry of Culture's Trust Directorate, as an officer for marriage ceremonies and has been given the authority to sign the minutes of the adherent marriage that has taken place. Faithful leaders who have not been appointed by the Ministry

of Culture's Directorate of Faith make it difficult for marriages of devotees to be registered at the Civil Registry Office. Based on the National Commission on Violence Against Women report, number 36.2 states:

"Followers and adherents of ancestral religions report that the prerequisites for registering marriages cause them to be treated differently in terms of enjoying the right to organize. They are obliged to organize because their marriage registration can only be carried out if it is declared valid by the leader of their faith who has registered the faith organization with the government. Even though ancestral religions often do not recognize the form of organization intended by the state to be registered, nor are all adherents or adherents of ancestral religions part of the registered organization. "If they cannot register their marriage, then women (and children) born from that marriage will lose their legal protection, and because child certificates will only state the mother's name, women will be stigmatized as not being good women because they have children outside of marriage."

The report above illustrates the reality of the problems faced by women believers. They are required to be members of a faith organization and be registered as members. If this is not done, married women will experience difficulties in registering their marriages. So far, marriage registration has been adjusted to the husband's religion. In the case of marriages of different faiths, for example, their (religious) identity is equated with the partner's (religious) identity. Even though they say religion and marriage are two different things. Religion is personal while marriage is a matter with other people (humanity).

Referring to the results of Herman Hendrik's research, he explains that many faith organizations in Indonesia have not registered their faith leaders with the Ministry of Culture's Directorate of Faith. The reason for the faith organizations is because there are no legal regulations from the government that

technically regulate the categories of officers who are authorized to register marriages customarily and registered with the Trust Directorate of the Ministry of Culture and Tourism. On the other hand, religious organizations also do not appoint a *chief* who has the authority to record and sign traditional marriages. Chiefs appointed on an ad hoc basis are also not registered to be determined by the Trust Directorate of the Ministry of Culture. This is because there are no regulations from the government that specifically regulate these techniques (Hendrik 2019).

The second reason is that the Samin devotee leaders have not been registered with the Ministry because one of the requirements for registering the adherents' leaders to be assigned as celebrants for traditional weddings is that the adherents' belief organization is an official organization. The adherents' belief organization is official proven by having a Registered Certificate (SKT). This is as conveyed by the Samin traditional leader (MS) from the results of the interview, that:

"It is true that the SKT requirement makes it difficult for us as Samin people, Meanwhile, to request an SKT, the conditions that must be met by the believer's organization are very burdensome for the believer's organization. Like the SKT issued by the Ministry, if a religious community organization has a membership of at least 3 (three) districts/cities, not all believers have cross-district or city organizations. The absence of the SKT, in the end, made us continue to carry out marriages only traditionally. In addition, we are people who do not really understand the regulations regarding the SKT, because of the low level of education for our people in this remote area".

From the interview results elaborated above, this is what becomes an obstacle for communities of adherents' beliefs, which causes marriages to only be carried out according to the traditions of adherents' beliefs and are not registered or cannot be registered with marriage registration institutions. The issuance of the SKT weakens the community of

adherents' faith communities, because it equates the adherents' traditional faith communities with non-indigenous faith organizations whose administrators are advanced, structured and educated. In fact, in Lampung Province there are still many very traditional communities, because the existence of these believer communities is remote and inland. Apart from that, the believer faith communities have organizations across districts or cities. Not all adherents of traditional beliefs have organizations across districts or cities.

The third reason is why Samin's marriage was not recorded by the Population and Civil Registration Service, the reason is because Samin's followers follow the Prophet Adam and Siti Hawa. This is as conveyed by the Samin traditional leader (MS) from the results of the interview, that:

"That the government or the Department of Population and Civil Registration is an institution run by humans, Samin's father and mother are also human, so that the marriage has been represented by fathers and mothers who are also "human". That there are children of Adam (humans) because they go through a process of rabbi attitude (copulation) between Adam and Eve without involving another party as a witness or recorder (book) of the marriage, this was followed by the followers of Samin (To Adam) until now".

The results of the interview show that the Samin community conducts marriages only traditionally because they refer to their ancestors whose marriages were also not registered. The ancestors in question are the Prophet Adam and Siti Hawa. Adam's existence occupied the nature (*whong-whong universe*) in the past alone, then Yai (God) sent Adam down to the world so that he would not be alone, and life was created (*not sorry*), Adam *rabbi attitude* (married) with Hawa (Mother Eve) witnessed by Yai (God), not witnessed by others. Meanwhile, adherents of the Divine Majesty's Mandate and adherents of the Nature

of Nature say they are not familiar with marriage registration, the reason being that it was not taught to them by their ancestors. The Samin people were not touched by the culture of writing in the marriage process because their ancestral culture did not teach marriage registration.

CONCLUSION

The Samin community who lives in the palm oil hinterland of the Gedong Aji Lama, Tulang Bawang Regency, has several marriage stages that is in accordance with the rules of the community, including: (1) *nyumuk*, (2) *ngendek*, (3) *nyuwito*, (4) *paseksen*, (tingkep). In the marriage process, the community adheres to the principles of eleuthrogamy (compulsory marriage among Samin believers) and absolute monogamy. Meanwhile, the principle of marriage is that the dreams in their minds are considered in depth, namely the promise of *Sepisan Kanggo Selawase* (one promise/marriage forever). In addition, Samin marriages are still carried out according to tradition. The marriages carried out do not yet have authentic legality. The legal status of the marriage is only valid in the eyes of the adherents' customary law (Article 2 Paragraph 1 of the UUP) but is not valid in the eyes of Indonesian marriage law (Article 2 Paragraph 2 of the UUP). The first reason that marriages of Samin is not registered by the state is because the community leaders are not appointed by the Ministry of Culture's Directorate of Faith, as officers for marriages and are given the authority to sign the minutes of marriage believers that have taken place. The second reason, the Samin leaders have not been registered with the Ministry because the community in Tulang Bawang does not yet have a Registered Certificate (SKT) as an official and modern believer organization, whereas to obtain SKT the conditions that must be met are quite burdensome for the Samin community. The third reason is ideological reason, the religious community believes that marriage is a personal human right, which is a

process of vertical relationship with the Most Holy God, beyond that it is a horizontal relationship between the rights of citizens and the government. Another belief is following the Prophets Adam and Siti Hawa, which is also not recorded and there are no human witnesses, the witness is *Yai* (God), humans who witness a traditional marriage of the believers have the same legal force as being recorded, the believers are not familiar with the regulations for registering marriages, because of their ancestral culture.

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