

Bukti Korespondensi

Piil Pesenggiri; Local Living Law between Enforcing and Diminishing Fiqh al-munākahāt

By:

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1. Submit (13-01-2026)

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ID	File Name	Date	Article Text
62929	wahyu212, LIVING FIQH MUNĀKAHĀT AND LOCAL WISDOM.docx	January 13, 2026	Article Text
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The screenshot shows a Gmail inbox with a search bar containing "ihkam". The email list shows a message from "Erie Hariyanto" with the subject "[al-Ihkam] Submission Acknowledgement". The email content is as follows:

Wahyu Abdul Jafar:

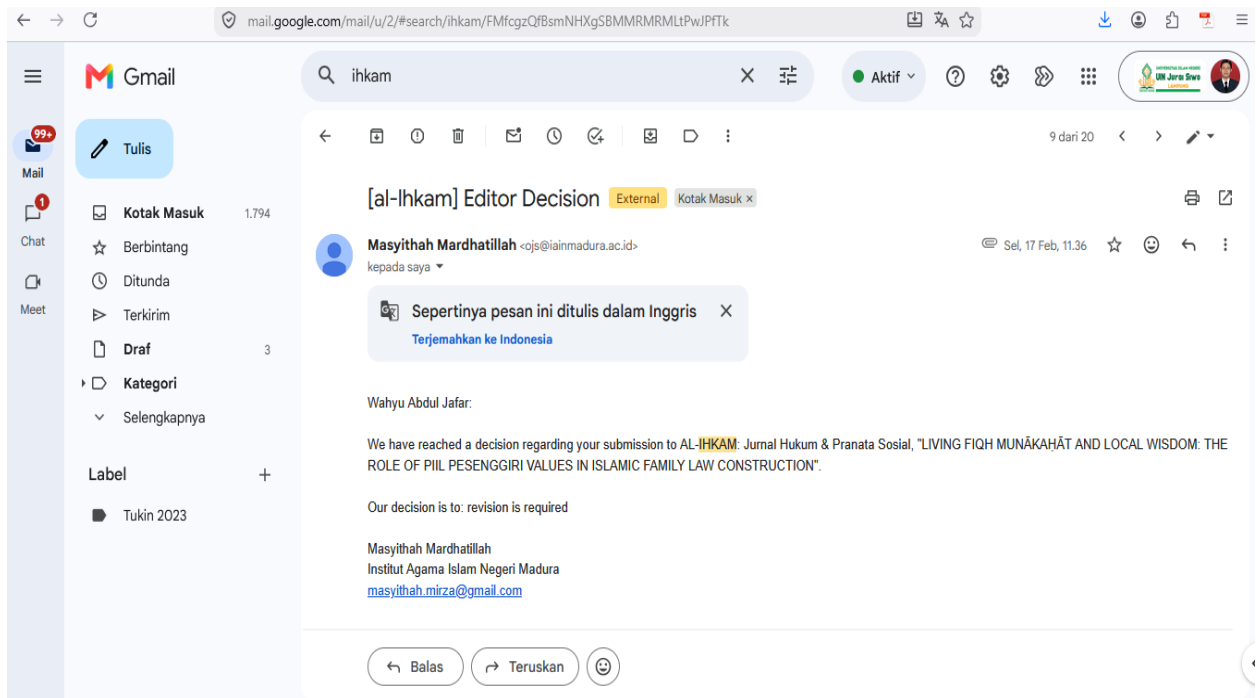
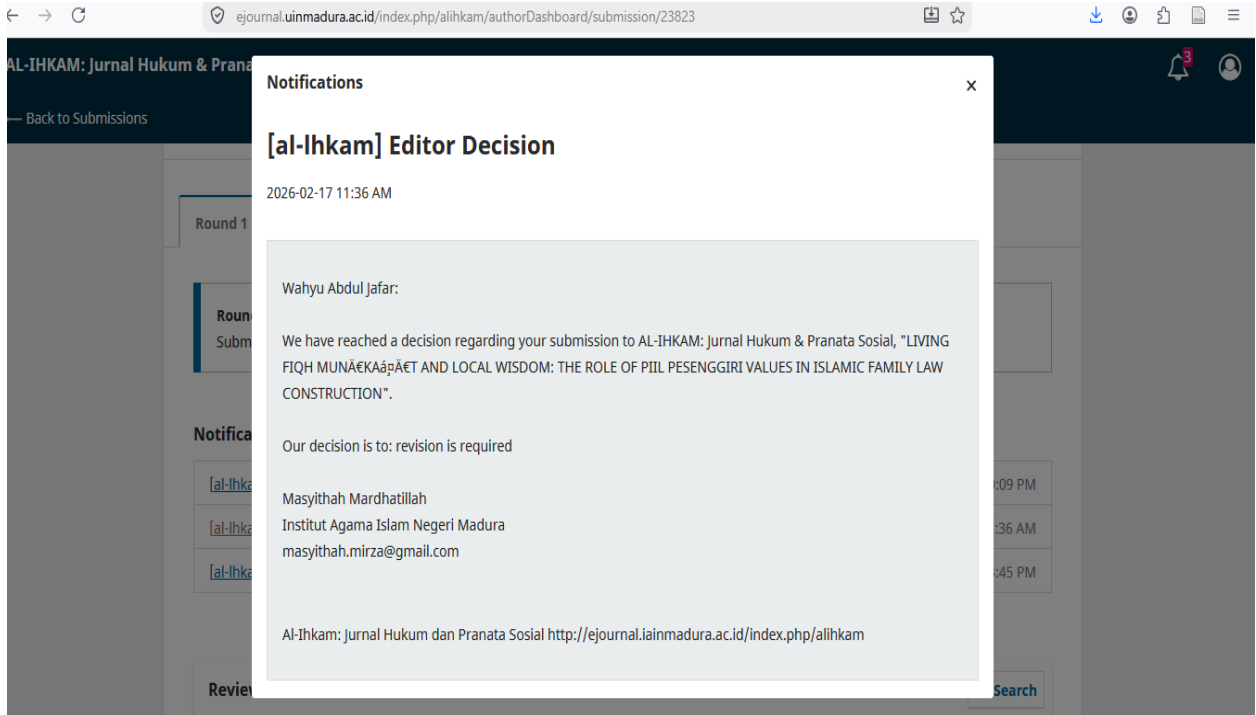
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Note	From
Dear Authors, Please find the file attached and revise based on reviewer suggestion Best regards, Editorial team	dimas 2026-05-15 02:13 PM
dimas, 23823-Article Text-65793-1-15-20260501.docx	
Dear Editor, This is the new article that has revised.. Best Regards, Wahyu	wahyu212 2026-05-18 08:29 PM
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4. Accepted (15-06-2026)

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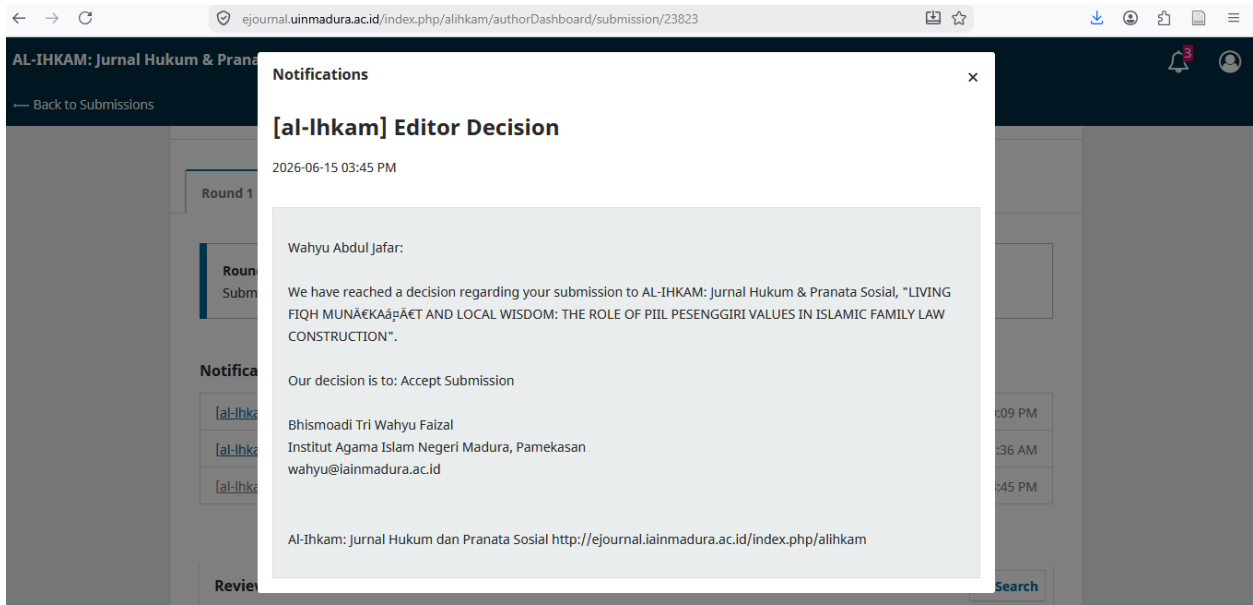
Wahyu Abdul Jafar:

We have reached a decision regarding your submission to AL-IHKAM: Jurnal Hukum & Pranata Sosial, "LIVING FIQH MUNĀKAHĀT AND LOCAL WISDOM: THE ROLE OF PIIL PESENGIRI VALUES IN ISLAMIC FAMILY LAW CONSTRUCTION".

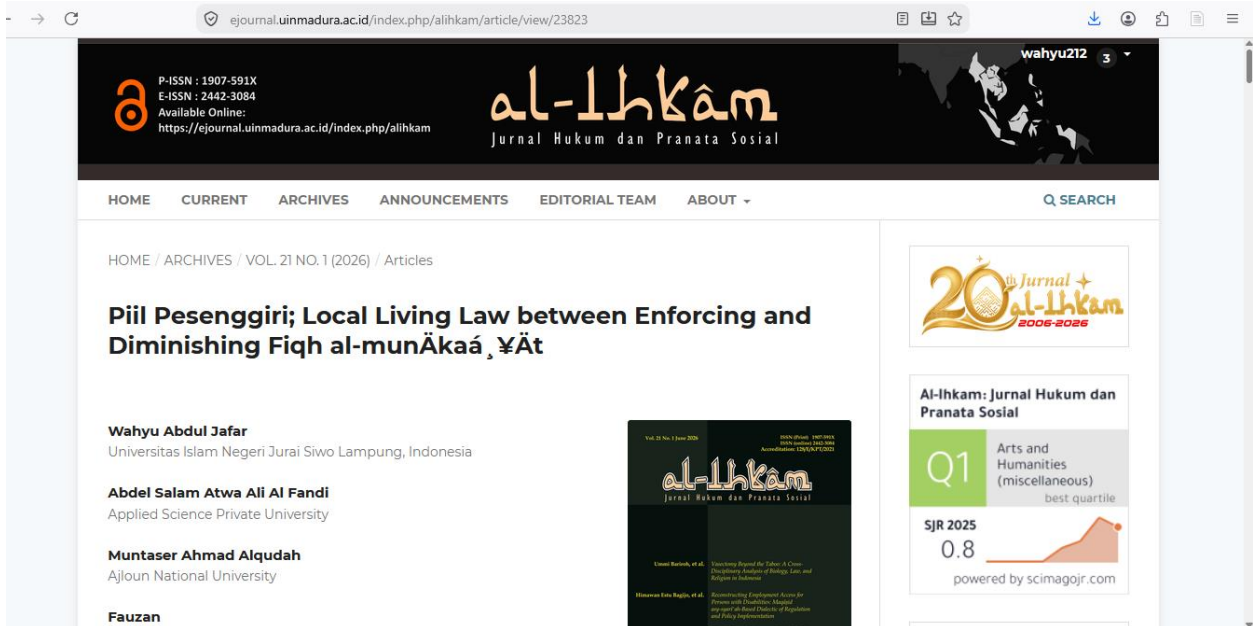
Our decision is to: Accept Submission

Bhismoadi Tri Wahyu Faizal
Institut Agama Islam Negeri Madura, Pamekasan
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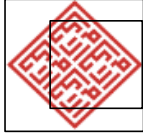


5. Publish (30-06-2026)



6. Lampiran-Lampiran

- Naskah Awal Submit
- Catatan Review
- LoA
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LIVING *FIQH MUNAKAHĀT* AND LOCAL WISDOM: THE ROLE OF *PIIL PESENGGIRI* VALUES IN ISLAMIC FAMILY LAW CONSTRUCTION

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Abstract:

(This study aims to analyse the role of *Piil Pesenggiri* as a form of local wisdom within the Lampung community in shaping and constructing the practice of *fiqh munakahāt* in Islamic family law as a living legal system (*living Islamic family law*). To date, studies on *fiqh munakahāt* in Indonesia have predominantly relied on normative-textual approaches rooted in classical jurisprudence and state regulations, often overlooking the dynamic operation of customary values within everyday social practices. In fact, in the Lampung context, *Piil Pesenggiri* functions as an ethical and symbolic framework that significantly influences marital relations, marriage mechanisms, and the resolution of domestic conflicts. This research employs a socio-legal approach using qualitative methods. Data were collected through fieldwork, in-depth interviews with customary leaders, religious figures, and married couples, as well as document analysis of customary texts and normative sources of *fiqh munakahāt*. The data were analysed thematically by applying the concept of *living law* to examine the processes of internalisation and negotiation between customary values and Islamic legal norms in family law practices. The findings reveal that *Piil Pesenggiri* does not operate as an autonomous customary norm separate from or opposed to *fiqh munakahāt*. Instead, it is dialogically internalised within Islamic family law practices. Values of honour (self-respect), moral responsibility, and social harmony serve as key sources of legitimacy in family decision-making,

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including matters related to marriage, spousal relations, and the resolution of domestic disputes. These findings affirm that the practice of *fiqh munākahāt* in Lampung is shaped through a process of contextual negotiation between religious norms and living customary values. Academically, this study contributes to the development of *fiqh munākahāt* scholarship by expanding the framework of *living Islamic family law* grounded in local wisdom. It also offers a contextual perspective for the renewal of Islamic family law that is more inclusive, adaptive, and firmly rooted in the socio-cultural realities of Indonesian society.

Keywords: *Fiqh Munākahāt*; Lampung Customary Law; Living Islamic Family Law; Local Wisdom; *Piil Pesenggiri*.

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Introduction

Islamic family law (*fiqh munākahāt*) occupies a central position in the lives of Muslims, as it regulates the most fundamental aspects of social relations, namely marriage, spousal relations, and mechanisms for resolving domestic conflicts.¹ In the Indonesian context, the practice of *fiqh munākahāt* is not only shaped by classical *fiqh* norms and state regulations, such as the Marriage Law and the Compilation of Islamic Law (KHI)² but also closely interacts with the social and cultural values that shape society.³ It is this interaction that gives rise to the practice of Islamic family law, which is dynamic, contextual, and often cannot be fully explained by a

¹ Syafrijal Syafrijal et al., 'The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change', *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19–27.

² Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, 'Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 114–28, <https://doi.org/10.5281/zenodo.17340470>.

³ Andi Darna, 'Perkembangan Hukum Islam Di Indonesia: Konsep Fiqh Sosial Dan Implementasinya Dalam Hukum Keluarga', *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 1 (March 2021): 90–107, <https://doi.org/10.22373/ujhk.v4i1.8780>.

purely normative-textual approach.⁴ However, the tendency of *fiqh munākahāt* studies in Indonesia to date is still dominated by doctrinal and normative approaches⁵, both through the study of classical fiqh books and analysis of laws and regulations.⁶ This approach is important for maintaining the normative consistency of Islamic law, but it may also ignore the social realities in which it is implemented.⁷ As a result, the practice of Islamic family law is often understood as a static, uniform, and independent system, independent of local cultural context, which actually becomes a space for legal actualisation in people's daily lives.⁸

In Lampung society, the relationship between Islamic law and customary law cannot be separated from the value of *Piil Pesenggiri*, the core of the local wisdom system.⁹ *Piil Pesenggiri* is not merely a customary norm in the formal sense, but a value system that shapes the concepts of

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⁴ Deri Eka Putra et al., 'Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices.', *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, 6 November 2025, 159-72, <https://doi.org/10.22515/jurnalalhakim.v7i02.12484>.

⁵ Ayu Sari Ningsih et al., 'Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (June 2025): 392-405, <https://doi.org/10.29300/mzn.v12i1.7087>.

⁶ Muhammad Zaenal Muttaqin et al., 'Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's Maqāṣid 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>.

⁷ Moh Jeweherul Kalamiah, Ikmalul Khoir, and Ahmad Syukran Baharuddin, 'REFORMING PRE-MARITAL AGREEMENTS IN INDONESIAN MUSLIM FAMILY LAW: BETWEEN LEGAL LEGITIMACY AND CULTURAL RESISTANCE', *Hukum Islam* 25, no. 2 (December 2025), <https://doi.org/10.24014/hi.v25i2.38874>.

⁸ 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>.

⁹ Deni Eko Setiawan, Hermanu Joebagio, and SUSANTO, 'PIIL PESENGGIRI: KEARIFAN LOKAL KULTUR ISLAM LAMPUNG SEBAGAI SUMBER BELAJAR TOLERANSI', *JURNAL EKONOMI, SOSIAL & HUMANIORA* 1, no. 04 (November 2019): 27-35.

honour, self-respect, moral responsibility, and social harmony.¹⁰ This value is deeply internalised across various aspects of the lives of people in Lampung, including marriage, marital relations, and the resolution of domestic conflicts.¹¹ In many cases, *Piil Pesenggiri* serves as an ethical framework that shapes how people understand obligations, rights, and behavioural boundaries within the family. The problem is that the *role of Piil Pesenggiri* in the development of *fiqh munākahāt* still receives little serious attention in the academic study of Islamic law. The practice of Islamic family law in Lampung is often presented as a direct application of fiqh norms or state law, while the customary dimension is seen as complementary or even outside the Islamic legal system. In fact, in social practice, important decisions in the family – ranging from the marriage process, the division of marital roles, to conflict resolution mechanisms – are often more influenced by the consideration of the value of *Piil Pesenggiri* than by normative considerations of fiqh alone.

Several previous studies have indeed discussed the relationship between customary and Islamic law, but they still leave significant gaps. The first study, for example, examined the integration of customary law into Islamic family law in Indonesia, focusing on its legitimacy as long as it does not conflict with sharia principles.¹² This study makes a conceptual contribution to explaining the compatibility of customary and Islamic law. However, it tends to be general and does not delve deeply into how specific customary values work concretely in the practice of *fiqh munākahāt* at the local level. The second study highlights *Piil Pesenggiri* as the cultural identity of the people of Lampung and its role in shaping social

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¹⁰ Dita Febriana and Hardiansyah Masya, 'Konsep Piil Pesenggiri Sebagai Falsafah Hidup Budaya Lampung Terhadap Pelaksanaan Konseling Multi Budaya', *Attractive : Innovative Education Journal* 5, no. 2 (June 2023): 89–107, <https://doi.org/10.51278/aj.v5i2.700>.

¹¹ Muhtadin Muhtadin and Nesia Mu'asyara, 'Unsur Piil Pesenggiri Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', *Hikmah : Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01–11, <https://doi.org/10.61132/hikmah.v1i3.94>.

¹² Maskur Rosyid and Dhani Dwi Afrizal, 'Integrasi Hukum Adat Dalam Pembaharuan Hukum Keluarga Islam Di Indonesia', *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (April 2025): 1792–812, <https://doi.org/10.62976/ijjel.v3i2.1170>.

behaviour.¹³ This study succeeded in mapping *Piil Pesenggiri* as a value system that regulates social relations and honour structures in the indigenous people of Lampung. However, the research focuses more on the anthropological and cultural dimensions, without explicitly linking it to the construction of Islamic family law or the practice of *fiqh munākahāt* as a living law.

Meanwhile, the third study discusses the concept of *living Islamic law* in the context of family law in Indonesia, emphasising the importance of a socio-legal approach.¹⁴ Although this study opens up more contextual space for analysis, it has not explicitly elaborated on how particular local wisdom—such as *Piil Pesenggiri*—functions as a medium for internalising and negotiating fiqh norms in the practice of Islamic family law. Thus, the dimension of locality is still treated as a social setting rather than as a constitutive element in the formation of law.

From the three studies, there is a clear research gap: no study systematically analyses *Piil Pesenggiri* as a value of local wisdom that actively constructs the practice of *fiqh munākahāt* in Islamic family law. Previous studies have tended to separate the study of Islamic law from customary studies, thus failing to capture the dialogical and value-negotiation processes that occur in social practices. In fact, it is precisely in this space that Islamic family law operates as a *living law*, not just a written norm or fiqh doctrine. Based on this gap, this research offers *novelty* by placing *Piil Pesenggiri* not only as a cultural context but also as a value framework that actively shapes and legitimises the practice of *fiqh munākahāt*. This research does not depart from the dichotomous assumption of a divide between customary and sharia law, but views both as normative systems that interact and negotiate with one another in the lives of Muslim families in Lampung. Using a socio-legal approach and the concept of *living Islamic family law*, this study seeks to show how the values of *Piil Pesenggiri* are dialogically internalised in the practice of Islamic family law.

¹³ Shintya Rahmanda Putri and Zainudin Hasan, 'DINAMIKA HUKUM ADAT LAMPUNG DALAM SISTEM SOSIAL: KAJIAN EMPIRIS TERHADAP NILAI PIIL PESENGGIRI PADA MASYARAKAT ABUNG SIWO MEGO', *JURNAL MULTIDISIPLIN ILMU AKADEMIK* 2, no. 6 (November 2025): 57–63, <https://doi.org/10.61722/jmia.v2i6.6917>.

¹⁴ Syafrijal Syafrijal et al., 'The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change', *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19–27.

Thus, the primary focus of this research is formulated as a single research question: how does the value of *Piil Pesenggiri* construct and influence the practice of *fiqh munākahāt* in Islamic family law as a living law in Lampung society? This question serves as an entry point for understanding the relationship between religious norms and local wisdom more contextually and empirically. The significance of this research is twofold: theoretical and practical. Theoretically, this research contributes to the development of the study of *fiqh munākahāt* by expanding the analytical framework from a normative-textual to a socio-legal approach grounded in local wisdom. This research also enriches the discourse on living Islamic family law by presenting *Piil Pesenggiri* as a concrete example of how local values shape the formation of living Islamic law. In practice, the findings of this study are expected to serve as a reference for efforts to reform Islamic family law in Indonesia to be more inclusive, adaptive, and rooted in the community's socio-cultural reality, particularly given the plurality of local customs and cultures.

Methods

This research employs a qualitative, socio-legal approach to examine the practice of *fiqh munākahāt* as a living Islamic family law within the local wisdom of the people of Lampung. This approach was chosen because it allows for legal analysis not only as a written norm, but also as a social practice shaped through the interaction between religious values and customs. In this framework, *Piil Pesenggiri* is understood as a value system that operates normatively and symbolically to shape family relationships, and thus requires analysed through a combination of Islamic law and social science perspectives.

Data collection was carried out through field studies using in-depth interviews and non-participatory observation.¹⁵ The research informants consisted of Lampung traditional leaders, religious leaders, officials of religious institutions, and married couples who represented the practice of Islamic family law in daily life. In addition, this study also utilises documentation studies on customary texts, customary deliberation decisions, and normative sources of *fiqh munākahāt*, both from classical *fiqh* literature and Islamic family law regulations in Indonesia. The selection of informants is purposive to obtain relevant, substantively rich data.

¹⁵ Matthew B Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

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Data analysis is carried out thematically with the stages of data reduction, categorisation, and interpretive extraction.¹⁶ Field data are read dialogically within a living law framework to identify the processes of internalisation, adaptation, and value negotiation between *Piil Pesenggiri* and the norms of *fiqh munākahāt*. The validity of the data is maintained through triangulation of sources and techniques. At the same time, the interpretation of the findings aims to capture the pattern of normative relationships that shape the practice of Islamic family law grounded in local wisdom in the Lampung community.

Result and Discussion

Piil Pesenggiri as an Ethical Framework in the Practice of Fiqh Munākahāt

The results of the study show that *Piil Pesenggiri* serves as the primary ethical framework that shapes how the people of Lampung understand and practice *fiqh munākahāt* in family life. *Piil Pesenggiri* is not positioned as a stand-alone customary norm or as contrary to Islamic teachings, but rather as a value system integrated with and mutually reinforcing of sharia principles. The values of honour (*self-respect*), moral responsibility, and social harmony that it contains are important foundations for family decision-making, especially those related to marriage and marital relationships.

In the context of marriage, *Piil Pesenggiri* shaped the people of Lampung's understanding of its meaning. Marriage is not understood solely as a legally valid contract in jurisprudence, but also as a social and moral event that concerns the honour of families and indigenous communities. Therefore, the decision to marry, choose a partner, and determine the mechanism of the contract is not only based on the fulfilment of formal fiqh principles and requirements, but also on ethical considerations to maintain the dignity of oneself, family, and the social environment. Prudence in the marriage process reflects efforts to prevent *Piil Pesenggiri* from being injured by actions considered inappropriate by customs and religion.¹⁷

Field findings show that *the principle of Piil Pesenggiri* encourages

¹⁶ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

¹⁷ Mirna Suri and Renatalia Marselinda, 'Nilai-Nilai *Piil Pesenggiri* dalam Tradisi Ittagh Segheba di Negeri Besar Way Kanan, Lampung', *Jurnal Kata : Bahasa, Sastra, dan Pembelajarannya* 12, no. 1 Apr (April 2024): 13–23.

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people to uphold social ethics before marriage, respect the role of the extended family, and avoid behaviour that could cause social disgrace. A Lampung traditional leader who was interviewed explained that, in the community's view, marriages conducted without regard for customary ethics are often considered religiously valid but "less customary" socially. He stated:

*"If you get married, it is not only a matter of legality according to religion, but also a matter of maintaining Piil Pesenggiri. If the process violates ethics, the family can be embarrassed. It is not just a matter of two people; it is a matter of one lineage."*¹⁸ This statement shows that *Piil Pesenggiri* functions as a social mechanism that expands the meaning of marriage's validity. Validity is not only measured from the point of view of normative fiqh, but also from the social acceptance and legitimacy of customs. In this case, the value of *Piil Pesenggiri* serves as an instrument for internalising the norms of fiqh *munākahāt*, so that Islamic law does not remain a legal-formal rule but is lived as an ethical guideline that permeates society's collective consciousness.

Furthermore, *Piil Pesenggiri* also shapes how people in Lampung interpret the responsibilities of husbands and wives in the household. Husband-and-wife relationships are not rigidly defined by formal hierarchies as often found in classical jurisprudence, but are negotiated through the values of honour and moral responsibility. Husbands are seen as having the obligation to maintain the dignity of the family, not only through the provision of material sustenance, but also through attitudes, behaviours, and moral examples to the family and society. The wife, on the other hand, is positioned as a partner who helps maintain the household's honour through domestic and social roles performed with dignity.

One of the female informants who has been married for more than ten years said that the principle of *Piil Pesenggiri* is the primary reference in building relationships with couples. He stated, *"In our households, we are taught to look after each other in good standing. If there is a problem, it is not immediately opened outside. Because if other people find out, it is not only embarrassing for us, but also for the extended family."*¹⁹

This interview data shows that *Piil Pesenggiri* functions as a strong social control mechanism in marital relationships. Domestic conflicts are not seen as purely private matters but as problems that can affect social honour. Therefore, the value of *Piil Pesenggiri* encourages internal,

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¹⁸ Zakki, 'Personal Interview', 2025.

¹⁹ Linda, 'Personal Interview', 2025.

dialogical, and morally considerate problem solving. In this context, the principle of *mu'āsyaḥ bi al-ma'rūf* in the *fiqh* of *munākahāt* finds its praxis form through local values that are alive and collectively understood.²⁰

These findings confirm that *Piil Pesenggiri* does not replace sharia norms but rather mediates their implementation in practice. Fiqh concepts such as husband leadership (*qiwāmah*), maintenance obligations, and the ethics of marital relations are understood and practised through the lens of honorary values and social responsibility. Thus, the practice of *fiqh munākahāt* in the Lampung community shows a contextual and adaptive legal character, without losing its normative reference to Islamic teachings.

From the perspective of *living Islamic family law*, this condition shows that Islamic family law does not operate in a sterile normative space of the socio-cultural context. Instead, it is lived, negotiated, and reinterpreted through local values that give colour to legal practice. *Piil Pesenggiri* serves as a bridge between textual norms and social reality, and as a source of moral legitimacy that strengthens people's obedience to Islamic law. Thus, *Piil Pesenggiri* can be understood as an ethical foundation that allows *fiqh munākahāt* to function effectively in the life of the people of Lampung. The values of honour, responsibility, and social harmony it embodies make Islamic family law not only normatively valid but also socially meaningful. These findings strengthen the argument that local wisdom is not a residue of tradition to be set aside in the study of Islamic law, but rather a constitutive element that brings the law to life in the daily practice of Muslim society.

Construction of Husband and Wife Relationships Based on Honour and Moral Responsibility

The relationship between husband and wife in Lampung society cannot be separated from the value of *Piil Pesenggiri*, the core of local wisdom that shapes how individuals interpret honour, responsibility, and self-position in social life. In the domestic context, *Piil Pesenggiri* serves as an ethical framework that shapes an understanding of the rights and obligations of husband and wife, as well as a moral reference for carrying out the practice of *fiqh munākahāt*. The study's findings show that this value is not positioned as a customary norm separate from Islamic teachings, but rather as a medium that animates and interprets fiqh norms in daily life.

In practice, the concept of husband's leadership (*qiwāmah*) is not understood literally as superiority or unilateral power. The people of Lampung tend to interpret *qiwāmah* as a moral responsibility incumbent

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²⁰ Rustam, 'Personal Interview', 2025.

on the husband to maintain the household's honour and sustainability. Leadership is not measured by the extent to which a husband can control his wife, but by his ability to fulfil economic obligations, maintain attitudes and words, and be an example in family and social relations.²¹ This meaning aligns with the value of *Piil Pesenggiri*, which prioritises honour as the primary measure of a person's dignity in the eyes of society.

This view is reinforced by the narration of a religious leader who also acts as a traditional advisor in his community. She emphasised that *the husband's leadership is not a legitimacy to be authoritarian, but a mandate that must be accounted for morally and socially. According to her, "the husband is called a leader because he is the one who is most demanded of responsibility, not because he is the most powerful. If the husband is rude or does not provide for his family, it is not only wrong to pray, but also tarnish the Piil Pesenggiri of his family."*²² This statement explains how customary values and religious norms reinforce one another in shaping ethical standards in marital relations.

On the other hand, the role of the wife in the household is also constructed in a more dialogical and contextual way. The wife is not positioned as a passive party or entirely under the husband's control, but rather as a partner with an important role in maintaining the family's harmony and honour.²³ In many families in the research area, wives were actively involved in decision-making, both in household economics and in social affairs. This involvement is considered legitimate and respectable as long as it is carried out within the framework of *Piil Pesenggiri values*.

One of the female informants, who has been married for more than 15 years and works in the public sector, said that her dual role as a wife and worker has never been questioned as long as she maintains family ethics and harmony. He said that "the most important thing is not who makes money or who is at home, but how we maintain each other's good

²¹ 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>.

²² Hamid, 'Personal Interview', 2025.

²³ Prima Angkupi, 'Formulasi Perkawinan Adat Lampung Dalam Bentuk Peraturan Daerah Dan Relevansinya Terhadap Hak Asasi Manusia', *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 2 (December 2015): 315-37, <https://doi.org/10.14421/ajish.v49i2.144>.

name. If our household gets along, people will also respect it."²⁴ This experience shows that *Piil Pesenggiri* offers flexibility in dividing the roles of husband and wife, without sacrificing the value of honour as the primary principle.

In daily life, *Piil Pesenggiri* also serves as an effective social control mechanism, regulating the behaviour of husbands and wives. Acts such as domestic violence, neglect of support, or behaviour that degrades one's spouse are seen as serious violations, not only of religious norms but also of customs. This kind of violation carries social consequences, including reprimands from extended families, intervention by traditional or religious leaders, and social stigma that can affect a person's position in the community. This social sanction is an important instrument in maintaining stability and harmony in the household.

These findings show that the practice of *fiqh munākahāt* in the Lampung community is carried out through a combination of Islamic normative legitimacy and customary-based social control. Fiqh norms provide a legal and religious framework, while *Piil Pesenggiri* presents ethical and social dimensions that make these norms alive and meaningful. With strong social control, compliance with husband-and-wife obligations depends not only on individual awareness but also on collective awareness to maintain mutual honor.

From the perspective of *living Islamic family law*, this condition confirms that Islamic family law does not work in a normative space separate from social reality.²⁵ Fiqh norms are brought to life through local values that give practical meaning to key concepts such as *qiwāmah*, *nafkah*, and *mu'āsarah bi al-ma'rūf*. *Piil Pesenggiri*, in this case, does not change the substance of Islamic teachings but mediates how the teachings are understood and implemented to suit the socio-cultural context of the people of Lampung.

Furthermore, the construction of husband-and-wife relations based on *Piil Pesenggiri* shows a balance between rights and obligations within the household. Rights are not understood individualistically, but are always associated with moral responsibility and social impact. Similarly, obligations are carried out not as a matter of coercion, but as part

²⁴ Indah, 'Personal Interview', 2025.

²⁵ Ahmad Lonthor and La Jamaa, 'Moluccas Local Wisdom in the Role of Marriage Arbitrator for Preventing Domestic Violence', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 2 (December 2020): 201-23, <https://doi.org/10.19105/al-lhkam.v15i2.3677>.

of an effort to maintain the honour of self and family. This kind of relationship pattern creates a relatively stable and sustainable foundation for the household.

Overall, this study's findings show that Piil Pesenggiri plays a significant role in constructing marital relationships in the practice of fiqh munākaḥāt within the Lampung community. The value of honour and moral responsibility is the primary foundation for fulfilling the roles of husband and wife, as well as for serving as a bridge between religious norms and social reality. Thus, local wisdom cannot be seen as an obstacle to the application of Islamic family law, but rather as an important element that brings the law to life, making it more contextual, humanistic, and relevant to the life of the Indonesian Muslim community.

Table 1. The Construction of Husband and Wife Relations Based on Piil Pesenggiri in the Practice of Fiqh Munākaḥāt

Relationship Aspects	Norms of Fiqh Munākaḥāt	The Value of Pesenggiri Piil	Social Practices in the Lampung Community
Husband's Leadership (<i>Qiwāmah</i>)	Leadership and livelihood responsibilities	Honour and moral responsibility	Leadership is interpreted as a moral mandate, not domination or power
The Role of the Wife	Domestic obligations and harmony	Safeguarding the good name and honour of the family	The wife is positioned as a partner, involved in decision-making
Role Distribution	Rights and obligations of husband and wife	Honour-based flexibility	Domestic and public roles are negotiated contextually
Relationship Ethics	<i>Mu'āsyarah bi al-ma'rūf</i>	Mutual respect and maintenance of dignity	Relationships are built on ethics, not rigid hierarchical relationships
Behavior Control	Prohibition of violence and neglect	Shame and social sanctions	Violations are seen as hurting religion and

			customs at the same time
Legal Character	Normative-religious norms	The value of living in a community	<i>Fiqh munākahāt</i> operates as <i>living Islamic family law</i>

Source: Author's Interpretation

The table shows that the relationship between husband and wife in Lampung society is constructed through the meeting between the norms of *fiqh munākahāt* and the value of *Piil Pesenggiri* as a living local wisdom. The leadership of the husband, the role of the wife, the division of rights and obligations, and the ethics of relationships are not practised rigidly or hierarchically, but are understood as a shared moral responsibility to maintain the honour and harmony of the household. *Piil Pesenggiri* functions as a mechanism for internalising fiqh values by providing social legitimacy and moral control over the behaviour of husband and wife, so that compliance with religious norms is not only legal-formal but also rooted in society's collective consciousness. Thus, the practice of fiqh munākahāt in Lampung reflects the character of living Islamic family law as contextual, adaptive, and responsive to local socio-cultural realities.

***Piil Pesenggiri* in Conflict and Family Dispute Resolution**

This study's important findings show that *Piil Pesenggiri* plays a central role in resolving family conflicts and disputes in Lampung society. In contrast to formal legal approaches, which tend to be procedural and decision-oriented, the resolution of domestic conflicts in Lampung generally begins with non-litigation mechanisms, such as family deliberations, mediation by traditional leaders, and the role of local religious leaders. In this context, *Piil Pesenggiri* serves as a moral and social foundation that guides the conflict-resolution process to maintain the honour of individuals, families, and communities.

The people of Lampung view domestic conflict not just as a private problem between husband and wife, but also as a social event with the potential to affect collective harmony.²⁶ Therefore, conflict resolution is not concerned with who is legally right or wrong, but rather with how conflicts

²⁶ Farizi Salman Al et al., 'TRADISI PERKAWINAN ADAT LAMPUNG SAIBATIN BUJUJOGH: STUDI KASUS DI DESA GEDUNG DALOM, KECAMATAN WAYLIMA, KABUPATEN PESAWARAN', *Saka Bahasa: Jurnal Sastra, Bahasa, Pendidikan, Dan Budaya* 2, no. 1 (October 2025): 28–37, <https://doi.org/10.23960/sakabahasa.v2i1.1156>.

can be mitigated without harming the dignity of the parties.²⁷ *Piil Pesenggiri*, which emphasises self-respect, shame, and honour, encourages the parties to restrain their egos, prioritise dialogue, and seek a path of peace before conflict escalates into an open dispute.²⁸

In practice, family deliberation is a significant starting point. Parents, close relatives, and elderly figures are often involved as mediators. They not only serve as mediators, but also as guardians of customary values that remind the parties of the social consequences of conflicts that are not resolved wisely. Customary reprimands, moral advice, and the strengthening of honour values are used to build awareness that prolonged conflict will harm all parties, especially children and extended families.²⁹

The value of *Piil Pesenggiri* strongly encourages peaceful and restorative resolution of conflicts. This pattern closely aligns with the principle of *ṣulḥ* in Islamic law, which prioritises peace as the ultimate solution in family disputes. In many cases, peace efforts emphasise the moral responsibility of husbands and wives to improve themselves, rather than simply demanding each other's rights. Wrongdoing is not always framed as a violation of the law, but as a failure to maintain mutual honour that must be restored through mutual forgiveness and a commitment to change.

Divorce, although recognised as a legal right in the jurisprudence of *munākaḥāt*, is seen as a last resort in the view of Lampung customs. Divorce is not only a matter of breaking the marriage bond, but also a social event that can leave a mark of stigma and affect the social position of the

²⁷ Gandhi Liyorba Indra and Fathul Mu'in, 'Family Conflict Resolution Based on Lampung Customary Local Wisdom and Its Implications for Household Harmony', *Fikri : Jurnal Kajian Agama, Sosial Dan Budaya* 10, no. 1 (March 2025): 1-14, <https://doi.org/10.25217/jf.v10i1.5432>.

²⁸ Alfath Aldi Mahyuza and Zainudin Hasan, 'Cermin Falsafah Hidup Orang Lampung Dalam Tradisi Perkawinan Adat', *JURNAL MULTIDISIPLIN ILMU AKADEMIK* 2, no. 6 (November 2025): 364-71, <https://doi.org/10.61722/jmia.v2i6.7024>.

²⁹ Susanti Pusparini and Sinta Paramita, 'Tradisi Sebimbangan Sebagai Penyelesaian Konflik Dalam Keluarga Di Masyarakat Lampung (Studi Pada Masyarakat Lampung Di Kel. Kuripan, Kec. Teluk Betung Barat, Kota Bandar Lampung)', *Koneksi* 2, no. 1 (October 2018): 185-91, <https://doi.org/10.24912/kn.v2i1.2449>.

family.³⁰ Therefore, *Piil Pesenggiri* encourages maximum efforts to maintain the household as long as there is still room for improvement. This view is not intended to negate women's rights or force the sustainability of a detrimental marriage, but rather to ensure that divorce decisions are made consciously, responsibly, and through a dignified process.

Even when divorce is inevitable, customary mechanisms still play an important role. Indigenous leaders and religious leaders are often involved in overseeing the divorce process so that it takes place ethically and does not cause excessive social injury.³¹ The study found that women, in particular, received attention in customary mechanisms to ensure that they were not unilaterally blamed or subjected to prolonged social stigma. In this context, *Piil Pesenggiri* serves as a social protection instrument that balances power relations in the conflict resolution process.

In addition, *Piil Pesenggiri*'s conflict-resolution approach also emphasises the importance of post-conflict responsibility. In the case of divorce, for example, alimony responsibilities, childcare, and inter-family relationships remain significant concerns. Customs encourage conflict, not to break off the friendship completely, but to rearrange social relations in a more mature and dignified frame. This shows that conflict resolution does not stop at reaching an agreement, but also at the sustainability of social relations after the conflict is over.

These findings show that the practice of resolving family conflicts in Lampung does not rely entirely on written legal norms, but on social ethics that are alive and internalised by the community. *Piil Pesenggiri* provides a value framework that enables Islamic law to be applied contextually without losing its normative substance. Fiqh principles such as justice, welfare, and prevention of harm are translated into a language of honour, shame, and social responsibility that is easily understood and accepted by society.

From the perspective of living *Islamic family law*, these findings confirm that Islamic family law works dynamically in interaction with

³⁰ 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): 125–45, <https://doi.org/10.15642/alhukama.2016.6.1.125-145>.

³¹ 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): 104–21, <https://doi.org/10.25217/jf.v9i1.4710>.

local values. Fiqh norms are not applied mechanically but are processed through local wisdom, providing practical meaning in daily life. *Piil Pesenggiri*, in this case, serves as a bridge connecting the legal text to social reality, so that Islamic family law does not feel foreign or repressive but is present as a relevant and meaningful guideline for life.

Thus, the resolution of family conflicts in Lampung reflects the character of the law that is adaptive and responsive to the cultural context. *Piil Pesenggiri* not only maintains social stability but also enriches the practice of Islamic family law with ethical and humanitarian dimensions. This kind of conflict-resolution model shows that integration between customary and sharia is not a form of compromise that weakens the law, but a cultural strategy that strengthens the law's operational power in society. These findings also open space for reflection on the development of Islamic family law that is more sensitive to local context and the diverse social needs of Indonesian society.

Negotiation of Customary and Sharia Values in the Practice of Islamic Family Law

Overall, the results of this study show that the relationship between *Piil Pesenggiri* and *fiqh munākahāt* in Lampung society is not mutually affirming, but is intertwined in a dialogical and negotiable relationship. Customary values are not positioned as a counterpart to sharia, let alone as a substitute for Islamic norms, but instead serve as a cultural medium that allows Islamic teachings to be understood, internalised, and practised in a more grounded manner. In daily life, the people of Lampung do not strictly separate "customs" and "religion", but view the two as a unit of values that reinforce each other in regulating family life.³²

This negotiation between customary and sharia law is evident in how the community interprets and implements the *fiqh munākahāt* norms. The provisions of *fiqh* are not applied literally and rigidly as stated in the classical books, but are practised through the lens of *Piil Pesenggiri* values that emphasise honour, moral responsibility, and social harmony.³³ In this

³² Muhtadin Muhtadin and Nesia Mu'asyara, 'Unsur *Piil Pesenggiri* Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', *Hikmah : Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01–11, <https://doi.org/10.61132/hikmah.v1i3.94>.

³³ Muhammad Madehin Nashih, 'Sociological Analysis of Islamic Law on the Relationship between Adat Law, Ethics, and Human Rights in the

context, fiqh does not lose its normative substance, but undergoes a process of contextualisation to be in harmony with the social and cultural reality of the people of Lampung.

The negotiation is also reflected in the community's selective attitude in choosing fiqh references. People tend to adopt fiqh views that are considered most in accordance with their customary values and social needs, without feeling that they have to be exclusively bound to one particular sect. This choice is not always realised as a theoretical action but rather as a social practice inherited and learned from generation to generation.³⁴ Thus, *fiqh munākahāt* exists not as an abstract doctrine, but as a flexible and contextual guideline of life. Within the framework of *living Islamic family law*, these findings confirm that a dynamic interaction among normative texts, social practices, and local values shapes Islamic family law in Lampung. The fiqh texts provide a legal framework and religious legitimacy, while *Piil Pesenggiri* gives social and moral meaning to their implementation. These interactions result in family law practices that are not only normatively valid but also socially accepted and respected. Law, in this sense, does not stop as a written rule, but rather lives and works in the daily life of society.³⁵

Piil Pesenggiri plays an important role as a source of social legitimacy for the practice of *fiqh munākahāt*. The value of honour and shame it embodies encourages adherence to Islamic marriage norms without relying on formal legal sanctions. Obedience to the husband's obligations, respect for his wife, and efforts to maintain the integrity of the family are not based solely on legal awareness, but also on the encouragement to maintain the dignity of self and family before the community. In this case, *Piil Pesenggiri* serves as an effective moral control

Context of Modern Indonesia', *Law and Judicial Review* 1, no. 2 (October 2025): 90–108, [https://doi.org/10.70764/gdpu-ljr.2025.1\(2\)-08](https://doi.org/10.70764/gdpu-ljr.2025.1(2)-08).

³⁴ Bagus Putra Setiawan et al., 'Penerapan Nilai Piil Pesenggiri Bagi Generasi Muda Di Era Globalisasi Ditinjau Dari Perspektif Sosiologi Hukum', *SOSMANIORA: Jurnal Ilmu Sosial Dan Humaniora* 4, no. 1 (March 2025): 89–98, <https://doi.org/10.55123/sosmaniora.v4i1.4938>.

³⁵ Sari Aprina, Isnaeni Ahmad, and Hendro Beko, 'LIVING QUR'AN: NILAI FILOSOFIS PIIL PESENGGIRI PADA TRADISI MASYARAKAT LAMPUNG DI KECAMATAN ANAK TUHA', *QOLAMUNA: Jurnal Studi Islam*, 3 July 2025, <https://repository.radenintan.ac.id/38883/>.

mechanism.³⁶

Furthermore, the negotiation between custom and sharia is evident in how people interpret key concepts in *fiqh munākahāt*, such as *qiwāmah*, *nafkah*, and *mu'āsarah bi al-ma'rūf*. Husband's leadership is not understood as unilateral domination but rather as a moral responsibility to maintain the family's honour. Alimony is not only a material obligation but also a moral responsibility and a symbol of the husband's commitment to his family. Meanwhile, the relationship between husband and wife is practised as a partnership oriented towards harmony and mutual respect.³⁷

The findings of this study also show that the negotiation of customary and sharia values occurs dynamically, in response to social changes. Changes in gender roles, increased women's participation in the public sphere, and economic transformation within families also affect how *Piil Pesenggiri* values and *fiqh* norms are practised. However, these changes do not necessarily negate traditional values; instead, they encourage reinterpretation to remain relevant to contemporary conditions. Thus, *Piil Pesenggiri* functions as an adaptive value framework rather than a static tradition.³⁸

In the context of resolving family conflicts, customary and sharia negotiations are becoming increasingly visible. The *fiqh* principles of peace (*ṣulḥ*), justice, and benevolence are practised through customary mechanisms that emphasise deliberation and the restoration of honour.³⁹ This process shows that Islamic family law does not continuously operate through formal channels but often through social spaces shaped by local values. *Adat*, in this case, does not obscure Islamic law, but instead

³⁶ M. Nafi Nur Farid, Bintarsih Sekarningrum, and Aditya Candra Lesmana, 'Internalisasi Falsafah Nengah Nyappur Pada Nilai *Piil Pesenggiri* Sebagai Upaya Menjaga Kerukunan Antar Suku Di Kabupaten Pesawaran', *Sosioglobal: Jurnal Pemikiran dan Penelitian Sosiologi* 9, no. 2 (June 2025): 211–28, <https://doi.org/10.24198/jsg.v9i2.60749>.

³⁷ Muhammad Alif Al Haris, 'Sesan Makna Dan Tradisi Sesorahan Dalam Perkawinan *Adat Lampung*', *Journal of Social and Communication (JSC) Terekam Jejak* 1, no. 2 (November 2025): 19–30.

³⁸ Rustam, 'Personal Interview'.

³⁹ Danda Meri Aprisa, 'IMPLEMENTASI NENGAH NYAPPUR DALAM TRADISI CANGGET AGUNG MASYARAKAT LAMPUNG', *Oriental: Jurnal Kajian Mutu Pendidikan* 1, no. 1 (March 2025): 27–31, <https://doi.org/10.23960/oriental.v1i1.1213>.

expands its workspace.⁴⁰

This discussion also answers the research question that the value of *Piil Pesenggiri* actually constructs the practice of *fiqh munākahāt* in Lampung through three main domains. First, in the formation of marriage ethics, *Piil Pesenggiri* provides a moral framework that emphasises honour, responsibility, and long-term commitment. These ethics are the basis for married couples in building a stable and dignified household.

Second, in the arrangement of husband-and-wife relationships, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in hierarchical, unequal relationships. Customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family. Third, in resolving family conflicts, *Piil Pesenggiri* functions as a bridge between fiqh norms and social reality. Conflicts are not brought directly into the realm of formal law; they are first resolved through customary mechanisms that emphasise peace and the restoration of relations. This approach shows that Islamic family law in Lampung functions as a living, responsive, and community-rooted system.

This finding shows that local wisdom, such as *Piil Pesenggiri*, is not a residue of tradition that must be set aside in the development of Islamic law. Rather, it is an important resource in building Islamic family law that is contextual, inclusive, and relevant to the needs of society. The integration between customs and sharia is not a form of compromise that weakens religious norms, but a cultural strategy that enhances the practical efficacy of Islamic law.⁴¹

The practice of Islamic family law in Lampung can be understood as a continuous process of negotiation among texts, values, and social realities. *Piil Pesenggiri* not only maintains the cultural identity of the people of Lampung, but also contributes to the formation of a more

⁴⁰ 'Examining *Piil Pesenggiri* Philosophy of Life Concept in the Context of Religious Moderation', *Analisis: Jurnal Studi Keislaman* 22, no. 1 (June 2022): 133–52, <https://doi.org/10.24042/ajsk.v22i1.12445>.

⁴¹ Novri Rahman and Muarafa Nur Afif, 'Revitalisasi Nilai-Nilai *Piil Pesenggiri* Sebagai Kearifan Lokal Dalam Ketahanan Budaya Lampung', *Advances In Education Journal* 2, no. 2 (October 2025): 910–16.

humanistic and just practice of *fiqh munākahāt*.⁴² These findings open up greater space for reflection on the development of Islamic family law in Indonesia, especially in responding to the cultural diversity and social dynamics of contemporary Muslim society.

Table 2. Negotiation of the Value of *Piil Pesenggiri* and *Fiqh Munākahāt* in the Practice of Islamic Family Law in Lampung

Practice Areas	Norms of Fiqh Munākahāt	The Value of <i>Pesenggiri Piil</i>	Form of Negotiation
Marriage Etiquette	The Validity of Akad, Wali, and Dowry	Family and community honour	Marriage is understood as a religious and social event that maintains the dignity of the family.
Husband and Wife Relations	Qiwāmah, nafkah, mu'āsyarah bi al-ma'rūf	Moral responsibility and harmony	Husband's leadership is interpreted as an ethical responsibility, a partnership relationship.
Conflict Resolution	Ṣulḥ, divorce as a last resort	Maintain self-esteem and a good name	Conflicts are resolved through customary deliberation before formal legal mechanisms.
Legal Compliance	Religious obligations	Shame and social control	Custom-based social sanctions strengthen legal compliance
Legal Character	Normative-textual norms	The value of life in society	Islamic family law operates as living Islamic family law

Source: Author's Interpretation
The table briefly describes the negotiation process between the

⁴² Muhtadin and Mu'asyara, 'Unsur Piil Pesenggiri Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', September 2024.

norms of *fiqh munākahāt* and the value of *Piil Pesenggiri* in the practice of Islamic family law in Lampung society. Each realm of practice shows that the provisions of *fiqh* are not applied solely on a textual basis, but are interpreted and implemented within a framework of customary values that emphasise honour, moral responsibility, and social harmony. In marriage ethics, marital relations, and family conflict resolution, *Piil Pesenggiri* serves as a vehicle for internalisation that strengthens the social legitimacy of sharia norms. Through this mechanism, compliance with Islamic family law is not only legal-formal, but also controlled by living social norms, thus forming the character of Islamic family law as a *living Islamic family law* that is adaptive, contextual, and rooted in the cultural reality of the people of Lampung.

Conclusion

This research shows that the value of *Piil Pesenggiri* plays an important role in shaping the practice of *fiqh munākahāt* as Islamic family law within the Lampung community. *Piil Pesenggiri* is not understood as a customary norm that stands alone or is contrary to Islamic teachings, but rather as a framework of values integrated with sharia norms in family life. The values of honour, moral responsibility, and social harmony it embodies serve as the ethical basis for the implementation of marriage, the regulation of husband-and-wife relationships, and the resolution of domestic conflicts. Through dialogue and negotiation, the practice of *fiqh munākahāt* in Lampung is not only carried out as a normative provision but also lived as a meaningful moral guideline in the community's social life. In the future, the findings of this study open the door to a broader, in-depth follow-up study. Subsequent research can adopt a comparative approach by examining local wisdom in other regions to identify patterns of similarity and difference in the practice of *living Islamic family law* in Indonesia. In addition, a more explicit study is needed on the implications of local values for the reform of Islamic family law, both in policy and formal regulation, so that Islamic family law is more responsive to the socio-cultural realities of society. An interdisciplinary approach that integrates Islamic law, legal anthropology, and social studies is expected to enrich understanding of the dynamics of Islamic family law amid Indonesia's cultural diversity.

Commented [A17]: Bisa disesuaikan dengan temuan penelitian, abstrak dan fokus penelitian

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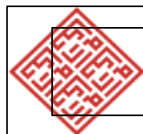
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Living *Fiqh Munakahāt* and Local Wisdom: The Role of *Piil Pesenggiri* Values in The Construction Of Islamic Family Law

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Abstract:

This study aims to analyse the role of *Piil Pesenggiri* as a form of local wisdom within the Lampung community in shaping and constructing the practice of *fiqh munakahāt* in Islamic family law as a living legal system (*living Islamic family law*). This research employs a socio-legal approach using qualitative methods. Data were collected through fieldwork, in-depth interviews with customary leaders, religious figures, and married couples, as well as document analysis of customary texts and normative sources of *fiqh munakahāt*. The data were analysed thematically by applying the concept of *living law* to examine the processes of internalisation and negotiation between customary values and Islamic legal norms in family law practices. The findings reveal that *Piil Pesenggiri* does not operate as an autonomous customary norm separate from or opposed to *fiqh munakahāt*. Instead, it is dialogically internalised within Islamic family law practices. Values of honour (self-respect), moral responsibility, and social harmony serve as key sources of legitimacy in family decision-making, including matters related to marriage, spousal relations, and the resolution of domestic disputes. These findings affirm that the practice of *fiqh munakahāt* in Lampung is shaped through a process of contextual negotiation between religious norms and living customary values. This study contributes to the development of *fiqh munakahāt* scholarship by expanding the framework of living Islamic family law grounded in local wisdom

Keywords: Family Law; *Fiqh Munakahāt*; Local Wisdom; *Piil Pesenggiri*.

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Introduction

Islamic family law (*fiqh munākahāt*) occupies a central position in the lives of Muslims, as it regulates the most fundamental aspects of social relations, namely marriage, spousal relations, and mechanisms for resolving domestic conflicts.¹ In the Indonesian context, the practice of *fiqh munākahāt* is not only shaped by classical fiqh norms and state regulations, such as the Marriage Law and the Compilation of Islamic Law (KHI)² but also closely interacts with the social and cultural values that shape society.³ It is this interaction that gives rise to the practice of Islamic family law, which is dynamic, contextual, and often cannot be fully explained by a purely normative-textual approach.⁴ However, the tendency of *fiqh munākahāt* studies in Indonesia to date is still dominated by doctrinal and normative approaches⁵, both through the study of classical fiqh books and analysis of laws and regulations.⁶ This

¹ Syafrijal Syafrijal et al., 'The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change', *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19-27.

² Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, 'Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 114-28, <https://doi.org/10.5281/zenodo.17340470>.

³ Andi Darna, 'Perkembangan Hukum Islam Di Indonesia: Konsep Fiqh Sosial Dan Implementasinya Dalam Hukum Keluarga', *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 1 (March 2021): 90-107, <https://doi.org/10.22373/ujhk.v4i1.8780>.

⁴ Deri Eka Putra et al., 'Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices.', *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, 6 November 2025, 159-72, <https://doi.org/10.22515/jurnalalhakim.v7i02.12484>.

⁵ Ayu Sari Ningsih et al., 'Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (June 2025): 392-405, <https://doi.org/10.29300/mzn.v12i1.7087>.

⁶ Muhammad Zaenal Muttaqin et al., 'Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's Maqāṣid 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>.

approach is important for maintaining the normative consistency of Islamic law, but it may also ignore the social realities in which it is implemented.⁷ As a result, the practice of Islamic family law is often understood as a static, uniform, and independent system, independent of local cultural context, which actually becomes a space for legal actualisation in people's daily lives.⁸

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In Lampung society, the relationship between Islamic law and customary law cannot be separated from the value of *Piil Pesenggiri*, the core of the local wisdom system.⁹ *Piil Pesenggiri* is not merely a customary norm in the formal sense, but a value system that shapes the concepts of honour, self-respect, moral responsibility, and social harmony.¹⁰ This value is deeply internalised across various aspects of the lives of people in Lampung, including marriage, marital relations, and the resolution of domestic conflicts.¹¹ In many cases, *Piil Pesenggiri* serves as an ethical framework that shapes how people understand obligations, rights, and behavioural boundaries within the family. The problem is that the role of *Piil Pesenggiri* in the development of *fiqh munākahāt* still receives little serious attention in the academic study of

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⁷ Moh Jeweherul Kalamiah, Ikmalul Khoir, and Ahmad Syukran Baharuddin, 'REFORMING PRE-MARITAL AGREEMENTS IN INDONESIAN MUSLIM FAMILY LAW: BETWEEN LEGAL LEGITIMACY AND CULTURAL RESISTANCE', *Hukum Islam* 25, no. 2 (December 2025), <https://doi.org/10.24014/hi.v25i2.38874>.

⁸ 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>.

⁹ Deni Eko Setiawan, Hermanu Joebagio, and SUSANTO, 'PIIL PESENGGIRI: KEARIFAN LOKAL KULTUR ISLAM LAMPUNG SEBAGAI SUMBER BELAJAR TOLERANSI', *JURNAL EKONOMI, SOSIAL & HUMANIORA* 1, no. 04 (November 2019): 27–35.

¹⁰ Dita Febriana and Hardiansyah Masya, 'Konsep Piil Pesenggiri Sebagai Falsafah Hidup Budaya Lampung Terhadap Pelaksanaan Konseling Multi Budaya', *Attractive : Innovative Education Journal* 5, no. 2 (June 2023): 89–107, <https://doi.org/10.51278/aj.v5i2.700>.

¹¹ Muhtadin Muhtadin and Nesia Mu'asyara, 'Unsur Piil Pesenggiri Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', *Hikmah : Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01–11, <https://doi.org/10.61132/hikmah.v1i3.94>.

Islamic law. The practice of Islamic family law in Lampung is often presented as a direct application of fiqh norms or state law, while the customary dimension is seen as complementary or even outside the Islamic legal system. In fact, in social practice, important decisions in the family – ranging from the marriage process, the division of marital roles, to conflict resolution mechanisms – are often more influenced by the consideration of the value of *Piil Pesenggiri* than by normative considerations of fiqh alone.

Several previous studies have indeed discussed the relationship between customary and Islamic law, but they still leave significant gaps. The first study, for example, examined the integration of customary law into Islamic family law in Indonesia, focusing on its legitimacy as long as it does not conflict with sharia principles.¹² This study makes a conceptual contribution to explaining the compatibility of customary and Islamic law. However, it tends to be general and does not delve deeply into how specific customary values work concretely in the practice of *fiqh munakahāt* at the local level. The second study highlights *Piil Pesenggiri* as the cultural identity of the people of Lampung and its role in shaping social behaviour.¹³ This study succeeded in mapping *Piil Pesenggiri* as a value system that regulates social relations and honour structures in the indigenous people of Lampung. However, the research focuses more on the anthropological and cultural dimensions, without explicitly linking it to the construction of Islamic family law or the practice of *fiqh munakahāt* as a living law.

Meanwhile, the third study discusses the concept of *living Islamic law* in the context of family law in Indonesia, emphasising the

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¹² Maskur Rosyid and Dhani Dwi Afrizal, 'Integrasi Hukum Adat Dalam Pembaharuan Hukum Keluarga Islam Di Indonesia', *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (April 2025): 1792–812, <https://doi.org/10.62976/ijjel.v3i2.1170>.

¹³ Shintya Rahmanda Putri and Zainudin Hasan, 'DINAMIKA HUKUM ADAT LAMPUNG DALAM SISTEM SOSIAL: KAJIAN EMPIRIS TERHADAP NILAI PIIL PESENGGIRI PADA MASYARAKAT ABUNG SIWO MEGO', *JURNAL MULTIDISIPLIN ILMU AKADEMIK* 2, no. 6 (November 2025): 57–63, <https://doi.org/10.61722/jmia.v2i6.6917>.

importance of a socio-legal approach.¹⁴ Although this study opens up more contextual space for analysis, it has not explicitly elaborated on how particular local wisdom—such as *Piil Pesenggiri*—functions as a medium for internalising and negotiating fiqh norms in the practice of Islamic family law. Thus, the dimension of locality is still treated as a social setting rather than as a constitutive element in the formation of law.

From the three studies, there is a clear research gap: no study systematically analyses *Piil Pesenggiri* as a value of local wisdom that actively constructs the practice of *fiqh munākahāt* in Islamic family law. Previous studies have tended to separate the study of Islamic law from customary studies, thus failing to capture the dialogical and value-negotiation processes that occur in social practices. In fact, it is precisely in this space that Islamic family law operates as *a living law*, not just a written norm or fiqh doctrine. Based on this gap, this research offers *novelty* by placing *Piil Pesenggiri* not only as a cultural context but also as a value framework that actively shapes and legitimises the practice of *fiqh munākahāt*. This research does not depart from the dichotomous assumption of a divide between customary and sharia law, but views both as normative systems that interact and negotiate with one another in the lives of Muslim families in Lampung. Using a socio-legal approach and the concept *of living Islamic family law*, this study seeks to show how the values of *Piil Pesenggiri* are dialogically internalised in the practice of Islamic family law. Thus, the primary focus of this research is formulated as a single research question: *how does the value of Piil Pesenggiri construct and influence the practice of fiqh munākahāt in Islamic family law as a living law in Lampung society?* This question serves as an entry point for understanding the relationship between religious norms and local wisdom more contextually and empirically.

Methods

This research employs a qualitative, socio-legal approach to examine the practice of *fiqh munākahāt* as a living Islamic family law within the local wisdom of the people of Lampung. This approach was

¹⁴ Syafrijal Syafrijal et al., 'The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change', *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19–27.

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chosen because it allows for legal analysis not only as a written norm, but also as a social practice shaped through the interaction between religious values and customs. In this framework, *Piil Pesenggiri* is understood as a value system that operates normatively and symbolically to shape family relationships, and thus requires analysis through a combination of Islamic law and social science perspectives.

Data collection was carried out through field studies using in-depth interviews.¹⁵ The research informants consisted of Lampung traditional leaders, religious leaders, and married couples who represented the practice of Islamic family law in daily life. The selection of informants is purposive to obtain relevant, substantively rich data. In addition, this study also utilizes documentation studies on customary texts, customary deliberation decisions, and normative sources of *fiqh munākahāt*, both from classical *fiqh* literature and Islamic family law regulations in Indonesia.

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Data analysis is carried out thematically with the stages of data reduction, categorisation, and interpretive extraction.¹⁶ Field data are read dialogically within a living law framework to identify the processes of internalisation, adaptation, and value negotiation between *Piil Pesenggiri* and the norms of *fiqh munākahāt*. The validity of the data is maintained through triangulation of sources and techniques. At the same time, the interpretation of the findings aims to capture the pattern of normative relationships that shape the practice of Islamic family law grounded in local wisdom in the Lampung community.

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Result and Discussion

Piil Pesenggiri as an Ethical Framework in the Practice of *Fiqh Munākahāt*

The results of the study show that *Piil Pesenggiri* serves as the primary ethical framework that shapes how the people of Lampung understand and practice *fiqh munākahāt* in family life. *Piil Pesenggiri* is not positioned as a stand-alone customary norm or as contrary to

¹⁵ Matthew B Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

¹⁶ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

Islamic teachings, but rather as a value system integrated with and mutually reinforcing of sharia principles. The values of honour (*self-respect*), moral responsibility, and social harmony that it contains are important foundations for family decision-making, especially those related to marriage and marital relationships.

In the context of marriage, *Piil Pesenggiri* shaped the people of Lampung's understanding of its meaning. Marriage is not understood solely as a legally valid contract in jurisprudence, but also as a social and moral event that concerns the honour of families and indigenous communities. Therefore, the decision to marry, choose a partner, and determine the mechanism of the contract is not only based on the fulfilment of formal fiqh principles and requirements, but also on ethical considerations to maintain the dignity of oneself, family, and the social environment. Prudence in the marriage process reflects efforts to prevent *Piil Pesenggiri* from being injured by actions considered inappropriate by customs and religion.¹⁷

Field findings show that the principle of *Piil Pesenggiri* encourages people to uphold social ethics before marriage, respect the role of the extended family, and avoid behaviour that could cause social disgrace. A Lampung traditional leader who was interviewed explained that, in the community's view, marriages conducted without regard for customary ethics are often considered religiously valid but "less customary" socially. He stated:

"If you get married, it is not only a matter of legality according to religion, but also a matter of maintaining *Piil Pesenggiri*. If the process violates ethics, the family can be embarrassed. It is not just a matter of two people; it is a matter of one lineage."¹⁸

This statement shows that *Piil Pesenggiri* functions as a social mechanism that expands the meaning of marriage's validity. Validity is not only measured from the point of view of normative fiqh, but also from the social acceptance and legitimacy of customs. In this case, the value of *Piil Pesenggiri* serves as an instrument for internalising the norms of fiqh munākahāt, so that Islamic law does not remain a legal-

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¹⁷ Mirna Suri and Renatalia Marselinda, 'Nilai-Nilai *Piil Pesenggiri* dalam Tradisi Ittagh Segheba di Negeri Besar Way Kanan, Lampung', *Jurnal Kata : Bahasa, Sastra, dan Pembelajarannya* 12, no. 1 Apr (April 2024): 13-23.

¹⁸ Zakki, 'Personal Interview', 2025.

formal rule but is lived as an ethical guideline that permeates society's collective consciousness.

Furthermore, *Piil Pesenggiri* also shapes how people in Lampung interpret the responsibilities of husbands and wives in the household. Husband-and-wife relationships are not rigidly defined by formal hierarchies as often found in classical jurisprudence, but are negotiated through the values of honour and moral responsibility. Husbands are seen as having the obligation to maintain the dignity of the family, not only through the provision of material sustenance, but also through attitudes, behaviours, and moral examples to the family and society. The wife, on the other hand, is positioned as a partner who helps maintain the household's honour through domestic and social roles performed with dignity.

One of the female informants who has been married for more than ten years said that the principle of *Piil Pesenggiri* is the primary reference in building relationships with couples. He stated,

"In our households, we are taught to look after each other in good standing. If there is a problem, it is not immediately opened outside. Because if other people find out, it is not only embarrassing for us, but also for the extended family."¹⁹

This interview data shows that *Piil Pesenggiri* functions as a strong social control mechanism in marital relationships. Domestic conflicts are not seen as purely private matters but as problems that can affect social honour. Therefore, the value of *Piil Pesenggiri* encourages internal, dialogical, and morally considerate problem solving. In this context, the principle of *mu'āsyaarah bi al-ma'rūf* in the *fiqh* of *munākahāt* finds its praxis form through local values that are alive and collectively understood.²⁰

These findings confirm that *Piil Pesenggiri* does not replace sharia norms but rather mediates their implementation in practice. *Fiqh* concepts such as husband leadership (*qiwāmah*), maintenance obligations, and the ethics of marital relations are understood and practised through the lens of honorary values and social responsibility. Thus, the practice of *fiqh munākahāt* in the Lampung community shows a contextual and adaptive legal character, without losing its normative

Commented [A22]: code

Commented [A23]: He for female? Mind of your translation. Make sure not to rely on AI/machine only

Commented [A24]: It becomes unclear because you don't explain the *Piil Pesenggiri* itself and your explanation uses normative tone

¹⁹ Linda, 'Personal Interview', 2025.

²⁰ Rustam, 'Personal Interview', 2025.

reference to Islamic teachings.

From the perspective of *living Islamic family law*, this condition shows that Islamic family law does not operate in a sterile normative space of the socio-cultural context. Instead, it is lived, negotiated, and reinterpreted through local values that give colour to legal practice. *Piil Pesenggiri* serves as a bridge between textual norms and social reality, and as a source of moral legitimacy that strengthens people's obedience to Islamic law. Thus, *Piil Pesenggiri* can be understood as an ethical foundation that allows *fiqh munākahāt* to function effectively in the life of the people of Lampung. The values of honour, responsibility, and social harmony it embodies make Islamic family law not only normatively valid but also socially meaningful. These findings strengthen the argument that local wisdom is not a residue of tradition to be set aside in the study of Islamic law, but rather a constitutive element that brings the law to life in the daily practice of Muslim society.

Negotiation of Customary and Sharia Values in the Practice of Islamic Family Law

Overall, the results of this study show that the relationship between *Piil Pesenggiri* and *fiqh munākahāt* in Lampung society is not mutually affirming, but is intertwined in a dialogical and negotiable relationship. Customary values are not positioned as a counterpart to sharia, let alone as a substitute for Islamic norms, but instead serve as a cultural medium that allows Islamic teachings to be understood, internalised, and practised in a more grounded manner. In daily life, the people of Lampung do not strictly separate "customs" and "religion", but view the two as a unit of values that reinforce each other in regulating family life.²¹

This negotiation between customary and sharia law is evident in how the community interprets and implements the *fiqh munākahāt* norms. The provisions of *fiqh* are not applied literally and rigidly as stated in the classical books, but are practised through the lens of *Piil Pesenggiri* values that emphasise honour, moral responsibility, and

²¹ Muhtadin Muhtadin and Nesia Mu'asyara, 'Unsur *Piil Pesenggiri* Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', *Hikmah: Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01-11, <https://doi.org/10.61132/hikmah.v1i3.94>.

Commented [A25]: You jump into conclusion and arguments without providing adequate evidences/supports. In my pov, you have to discuss it deeper by using previous research or theories

Commented [A26]: 1.Your subheadings are not balanced one another
2.Perform the data first

social harmony.²² In this context, *fiqh* does not lose its normative substance, but undergoes a process of contextualisation to be in harmony with the social and cultural reality of the people of Lampung.

The negotiation is also reflected in the community's selective attitude in choosing *fiqh* references. People tend to adopt *fiqh* views that are considered most in accordance with their customary values and social needs, without feeling that they have to be exclusively bound to one particular sect. This choice is not always realised as a theoretical action but rather as a social practice inherited and learned from generation to generation.²³ Thus, *fiqh munākahāt* exists not as an abstract doctrine, but as a flexible and contextual guideline of life. Within the framework of *living Islamic family law*, these findings confirm that a dynamic interaction among normative texts, social practices, and local values shapes Islamic family law in Lampung. The *fiqh* texts provide a legal framework and religious legitimacy, while *Piil Pesenggiri* gives social and moral meaning to their implementation. These interactions result in family law practices that are not only normatively valid but also socially accepted and respected. Law, in this sense, does not stop as a written rule, but rather lives and works in the daily life of society.²⁴

Piil Pesenggiri plays an important role as a source of social legitimacy for the practice of *fiqh munākahāt*. The value of honour and shame it embodies encourages adherence to Islamic marriage norms without relying on formal legal sanctions. Obedience to the husband's obligations, respect for his wife, and efforts to maintain the integrity of the family are not based solely on legal awareness, but also on the encouragement to maintain the dignity of self and family before the

Commented [A27]: Show any example!

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²² Muhammad Madehin Nashih, 'Sociological Analysis of Islamic Law on the Relationship between Adat Law, Ethics, and Human Rights in the Context of Modern Indonesia', *Law and Judicial Review* 1, no. 2 (October 2025): 90–108, [https://doi.org/10.70764/gdpu-ljr.2025.1\(2\)-08](https://doi.org/10.70764/gdpu-ljr.2025.1(2)-08).

²³ Bagus Putra Setiawan et al., 'Penerapan Nilai Piil Pesenggiri Bagi Generasi Muda Di Era Globalisasi Ditinjau Dari Perspektif Sosiologi Hukum', *SOSMANIORA: Jurnal Ilmu Sosial Dan Humaniora* 4, no. 1 (March 2025): 89–98, <https://doi.org/10.55123/sosmaniora.v4i1.4938>.

²⁴ Sari Aprina, Isnaeni Ahmad, and Hendro Beko, 'LIVING QUR'AN: NILAI FILOSOFIS PIIL PESENGGIRI PADA TRADISI MASYARAKAT LAMPUNG DI KECAMATAN ANAK TUHA', *QOLAMUNA: Jurnal Studi Islam*, 3 July 2025, <https://repository.radenintan.ac.id/38883/>.

community. In this case, *Piil Pesenggiri* serves as an effective moral control mechanism.²⁵

Furthermore, the negotiation between custom and sharia is evident in how people interpret key concepts in *fiqh munākahāt*, such as *qiwāmah*, *nafkah*, and *mu'āsyarah bi al-ma'rūf*. Husband's leadership is not understood as unilateral domination but rather as a moral responsibility to maintain the family's honour. Alimony is not only a material obligation but also a moral responsibility and a symbol of the husband's commitment to his family. Meanwhile, the relationship between husband and wife is practised as a partnership oriented towards harmony and mutual respect.²⁶

The findings of this study also show that the negotiation of customary and sharia values occurs dynamically, in response to social changes. Changes in gender roles, increased women's participation in the public sphere, and economic transformation within families also affect how *Piil Pesenggiri* values and fiqh norms are practised. However, these changes do not necessarily negate traditional values; instead, they encourage reinterpretation to remain relevant to contemporary conditions. Thus, *Piil Pesenggiri* functions as an adaptive value framework rather than a static tradition.²⁷

In the context of resolving family conflicts, customary and sharia negotiations are becoming increasingly visible. The fiqh principles of peace (*sulh*), justice, and benevolence are practised through customary mechanisms that emphasise deliberation and the restoration of honour.²⁸ This process shows that Islamic family law

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Commented [A31]: How are they?

²⁵ M. Nafi Nur Farid, Bintarsih Sekarningrum, and Aditya Candra Lesmana, 'Internalisasi Falsafah Nengah Nyappur Pada Nilai Piil Pesenggiri Sebagai Upaya Menjaga Kerukunan Antar Suku Di Kabupaten Pesawaran', *Sosioglobal: Jurnal Pemikiran dan Penelitian Sosiologi* 9, no. 2 (June 2025): 211–28, <https://doi.org/10.24198/jsg.v9i2.60749>.

²⁶ Muhammad Alif Al Haris, 'Sesan Makna Dan Tradisi Sesorahan Dalam Perkawinan Adat Lampung', *Journal of Social and Communication (JSC) Terekam Jejak* 1, no. 2 (November 2025): 19–30.

²⁷ Rustam, 'Personal Interview'.

²⁸ Danda Meri Aprisa, 'IMPLEMENTASI NENGAH NYAPPUR DALAM TRADISI CANGGET AGUNG MASYARAKAT LAMPUNG', *Oriental: Jurnal Kajian Mutu Pendidikan* 1, no. 1 (March 2025): 27–31, <https://doi.org/10.23960/oriental.v1i1.1213>.

does not continuously operate through formal channels but often through social spaces shaped by local values. Adat, in this case, does not obscure Islamic law, but instead expands its workspace.²⁹

This discussion also answers the research question that the value of *Piil Pesenggiri* actually constructs the practice of *fiqh munākahāt* in Lampung through three main domains. First, in the formation of marriage ethics, *Piil Pesenggiri* provides a moral framework that emphasises honour, responsibility, and long-term commitment. These ethics are the basis for married couples in building a stable and dignified household.

Second, in the arrangement of husband-and-wife relationships, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in hierarchical, unequal relationships. Customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family. Third, in resolving family conflicts, *Piil Pesenggiri* functions as a bridge between *fiqh* norms and social reality. Conflicts are not brought directly into the realm of formal law; they are first resolved through customary mechanisms that emphasise peace and the restoration of relations. This approach shows that Islamic family law in Lampung functions as a living, responsive, and community-rooted system.

This finding shows that local wisdom, such as *Piil Pesenggiri*, is not a residue of tradition that must be set aside in the development of Islamic law. Rather, it is an important resource in building Islamic family law that is contextual, inclusive, and relevant to the needs of society. The integration between customs and sharia is not a form of compromise that weakens religious norms, but a cultural strategy that enhances the practical efficacy of Islamic law.³⁰

The practice of Islamic family law in Lampung can be

²⁹ 'Examining Piil Pesenggiri Philosophy of Life Concept in the Context of Religious Moderation', *Analisis: Jurnal Studi Keislaman* 22, no. 1 (June 2022): 133–52, <https://doi.org/10.24042/ajsk.v22i1.12445>.

³⁰ Novri Rahman and Muarafa Nur Afif, 'Revitalisasi Nilai-Nilai Piil Pesenggiri Sebagai Kearifan Lokal Dalam Ketahanan Budaya Lampung', *Advances In Education Journal* 2, no. 2 (October 2025): 910–16.

Commented [A32]: Which one is the 1st?

understood as a continuous process of negotiation among texts, values, and social realities. *Piil Pesenggiri* not only maintains the cultural identity of the people of Lampung, but also contributes to the formation of a more *humanistic and just* practice of *fiqh munākahāt*.³¹ These findings open up greater space for reflection on the development of Islamic family law in Indonesia, especially in responding to the cultural diversity and social dynamics of contemporary Muslim society.

Table 1. Negotiation of the Value of *Piil Pesenggiri* and *Fiqh Munākahāt* in the Practice of Islamic Family Law in Lampung

Practice Areas	Norms of Fiqh Munākahāt	The Value of <i>Pesenggiri Piil</i>	Form of Negotiation
Marriage Etiquette	The Validity of Akad, Wali, and Dowry	Family and community honour	Marriage is understood as a religious and social event that maintains the dignity of the family.
Husband and Wife Relations	Qiwāmah, nafkah, mu'āsyarah bi al-ma'rūf	Moral responsibility and harmony	Husband's leadership is interpreted as an ethical responsibility, a partnership relationship.
Conflict Resolution	Ṣulh, divorce as a last resort	Maintain self-esteem and a good name	Conflicts are resolved through customary deliberation before formal legal mechanisms.
Legal Compliance	Religious obligations	Shame and social control	Custom-based social sanctions strengthen legal

³¹ Muhtadin and Mu'asyara, 'Unsur *Piil Pesenggiri* Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat', September 2024.

compliance			
Legal Character	Normative-textual norms	The value of life in society	Islamic family law operates as living Islamic family law

Source: Author's Interpretation

The table briefly describes the negotiation process between the norms of *fiqh munākahāt* and the value of *Piil Pesenggiri* in the practice of Islamic family law in Lampung society. Each realm of practice shows that the provisions of *fiqh* are not applied solely on a textual basis, but are interpreted and implemented within a framework of customary values that emphasise honour, moral responsibility, and social harmony. In marriage ethics, marital relations, and family conflict resolution, *Piil Pesenggiri* serves as a vehicle for internalisation that strengthens the social legitimacy of sharia norms. Through this mechanism, compliance with Islamic family law is not only legal-formal, but also controlled by living social norms, thus forming the character of Islamic family law as *a living Islamic family law* that is adaptive, contextual, and rooted in the cultural reality of the people of Lampung.

Conclusion

This research shows that the value of *Piil Pesenggiri* plays a significant role in shaping the practice of *fiqh munākahāt* as Islamic family law within the Lampung community. *Piil Pesenggiri* is not understood as a customary norm that stands independently or contradicts Islamic teachings; rather, it functions as a value framework integrated with sharia norms in family life. The values of honour, moral responsibility, and social harmony embedded within *Piil Pesenggiri* serve as an ethical foundation for the implementation of marriage, the regulation of husband-wife relationships, and the resolution of domestic conflicts. Through processes of dialogue and negotiation, the practice of *fiqh munākahāt* in Lampung is not merely applied as a normative legal provision but is also lived as a meaningful moral guideline in the community's social life. The findings of this study also open opportunities for further research. Future studies may adopt a comparative approach by examining forms of local wisdom in other regions to identify patterns of similarity and difference in the practice of living Islamic family law in Indonesia. Moreover, further research is

Commented [A33]: Similar to above, discussion must be followed by theories and previous research

Commented [A34]: Overall, this manuscript looks like to forcing two things (*piil pesenggiri* and *fiqh munakahat*) to fit one another. No strong theoretical framework, reliable and relevant data, as well as necessary sources. The tone is so much normative that it avoids any chance of such anomaly which is indeed something good in research

needed to explore the implications of local values for the reform of Islamic family law, both in policy and formal regulation, so that Islamic family law becomes more responsive to socio-cultural realities. An interdisciplinary approach integrating Islamic law, legal anthropology, and social studies is expected to enrich the understanding of the dynamics of Islamic family law within Indonesia's diverse cultural landscape.

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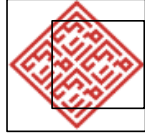
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The Role of *Piil Pesenggiri* Values in Constructing Living Islamic Family Law

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Abstract:

This study aims to analyse the role of *Piil Pesenggiri* as a form of local wisdom within the Lampung community in shaping and constructing the practice of *fiqh munākahāt* in Islamic family law as a living legal system. It employs a socio-legal approach using qualitative methods. Data were collected through fieldwork, in-depth interviews with purposively selected informants, customary leaders, religious figures, and married couples across Central Lampung, South Lampung, and Pringsewu, complemented by an analysis of customary texts

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and normative sources of *fiqh munākahāt*. The data were analysed by applying Eugen Ehrlich's living law framework, specifically examining how the internalisation of *Piil Pesenggiri* as a normative 'inner order' and its negotiation with formal *fiqh* doctrines theoretically reconstruct the daily practice of Islamic family law in Lampung. The findings reveal that *Piil Pesenggiri* does not operate as an autonomous customary norm separate from or opposed to *fiqh munākahāt*. Instead, it is dialogically internalised within Islamic family law practices. Values of honour (self-respect), moral responsibility, and social harmony serve as key sources of legitimacy in family decision-making, including matters related to marriage, spousal relations, and the resolution of domestic disputes. These findings affirm that the practice of *fiqh munākahāt* in Lampung is shaped through a process of contextual negotiation between religious norms and living customary values. This study contributes to the development of *fiqh munākahāt* scholarship by expanding the framework of living Islamic family law grounded in local wisdom.

Keywords: Family Law; *Fiqh munākahāt*; Local Wisdom; *Piil Pesenggiri*.

Introduction

Islamic family law (*fiqh munākahāt*) occupies a central position in the lives of Muslims, as it regulates the most fundamental aspects of social relations, namely marriage, spousal relations, and mechanisms for resolving domestic conflicts.¹ In the Indonesian context, the practice of *fiqh munākahāt* is not only shaped by classical *fiqh* norms and state regulations, such as the Marriage Law and the Compilation of Islamic Law (KHI),² but also closely interacts with the social and cultural values

¹ Syafrijal Syafrijal et al., "The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change," *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19–27.

² Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, "Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung," *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 114–28, <https://doi.org/10.5281/zenodo.17340470>.

that shape society.³ It is this interaction that gives rise to the practice of living Islamic family law, which is dynamic, contextual, and often cannot be fully explained by a purely normative-textual approach.⁴

However, the tendency of *fiqh munākahāt* studies in Indonesia to date is still dominated by doctrinal and normative approaches,⁵ both through the study of classical *fiqh* books and analysis of laws and regulations.⁶ While these doctrinal and normative approach are essential for maintaining the normative consistency of Islamic law, they may also overlook social realities in which the law is implemented.⁷ As a result, the practice of Islamic family law is often understood as a static, uniform, and independent system apart of local cultural context which actually becomes a space for legal actualisation in people's daily lives.⁸

In Lampung society, the relationship between Islamic law and

³ Andi Darna, "Perkembangan Hukum Islam Di Indonesia: Konsep Fiqih Sosial Dan Implementasinya Dalam Hukum Keluarga," *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 1 (March 2021): 90–107, <https://doi.org/10.22373/ujhk.v4i1.8780>.

⁴ Deri Eka Putra et al., "Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, November 6, 2025, 159–72, <https://doi.org/10.22515/jurnalalhakim.v7i02.12484>.

⁵ Ayu Sari Ningsih et al., "Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (June 2025): 392–405, <https://doi.org/10.29300/mzn.v12i1.7087>.

⁶ Muhamad Zaenal Muttaqin et al., "Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's Maqāṣid 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>.

⁷ Moh Jeweherul Kalamiah, Ikmalul Khoir, and Ahmad Syukran Baharuddin, "Reforming Pre-Marital Agreements In Indonesian Muslim Family Law: Between Legal Legitimacy And Cultural Resistance," *Hukum Islam* 25, no. 2 (December 2025), <https://doi.org/10.24014/hi.v25i2.38874>.

⁸ 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>.

customary law cannot be separated from the value of *Piil Pesenggiri*, the core of the local wisdom system.⁹ *Piil Pesenggiri* is not merely a customary norm in the formal sense, but a value system that shapes the concepts of honor, self-respect, moral responsibility, and social harmony.¹⁰ This value is deeply internalized across various aspects of people's lives in Lampung, including marriage, marital relations, and the resolution of domestic conflicts.¹¹ In many cases, *Piil Pesenggiri* serves as an ethical framework that shapes how people understand obligations, rights, and behavioral boundaries within the family. Fieldwork observations indicate that the value of *juluk-adek* (dignity) often compels families to resolve domestic conflicts internally through customary mediation rather than formal litigation, as the latter is perceived as a threat to collective family honor.

Unfortunately, the role of *Piil Pesenggiri* in the development of *fiqh munakahāt* still receives little serious attention in the academic study of Islamic law. The practice of Islamic family law in Lampung is often presented as a direct application of *fiqh* norms or state law, while the customary dimension is seen as complementary or even outside the legal system. In fact, in social practice, important decisions in the family—ranging from the marriage process and the division of marital roles to conflict-resolution mechanisms—are often more influenced by consideration of *Piil Pesenggiri* values. Empirical evidence from fieldwork illustrates this dynamic; for instance, the formal marriage proposal (*nyakak adat*) must strictly follow customary protocols involving *penyimbang adat* (a traditional figure or customary leader who holds an important position as the guardian of social order and

⁹ Deni Eko Setiawan, Hermanu Joebagio, and Susanto, "Piil Pesenggiri: Kearifan Lokal Kultur Islam Lampung Sebagai Sumber Belajar Toleransi," *JURNAL EKONOMI, SOSIAL & HUMANIORA* 1, no. 04 (November 2019): 27–35.

¹⁰ Dita Febriana and Hardiansyah Masya, "Konsep Piil Pesenggiri Sebagai Falsafah Hidup Budaya Lampung Terhadap Pelaksanaan Konseling Multi Budaya," *Attractive : Innovative Education Journal* 5, no. 2 (June 2023): 89–107, <https://doi.org/10.51278/aj.v5i2.700>.

¹¹ Muhtadin Muhtadin and Nesia Mu'asyara, "Unsur Piil Pesenggiri Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat," *Hikmah : Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01–11, <https://doi.org/10.61132/hikmah.v1i3.94>.

customary law) before any religious wedding ceremony (*walimah*) is arranged.

Traditional leaders consistently assert that marriages bypassing these protocols are regarded as '*sah agama, kurang adat*' (religiously valid, but customarily deficient), a label that carries significant social stigma across generations. Furthermore, in conflict resolution, extended families frequently invoke the *sakai sambayan* (cooperation) value to resolve domestic disputes through customary assemblies (*musyawarah adat*) to forestall formal litigation, demonstrating that customary legitimacy often precedes formal legal action.

Previous studies have examined the relationship between customary law and Islamic family law in Indonesia; however, significant gaps remain. Existing scholarship generally focuses on the conceptual legitimacy of *adat* within Islamic law, particularly through the compatibility between '*urf*' and local customs¹², but it tends to remain at the theoretical level without examining concrete social practices. Other studies discuss *Piil Pesenggiri* as the cultural identity of the Lampung people, especially through the values of *juluk adek* and *nengah nyappur*, emphasizing its role in shaping social behaviour.¹³ However, they do not systematically connect it to the construction of Islamic family law. Comparative studies on local wisdom in marriage practices, such as those conducted in the Moluccas, demonstrate that regional customs can actively shape Islamic marital institutions; nevertheless, similar studies within the Lampung context remain very limited.

Meanwhile, research on living Islamic law and socio-legal

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¹² Maskur Rosyid and Dhani Dwi Afrizal, "Integrasi Hukum Adat Dalam Pembaharuan Hukum Keluarga Islam Di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (April 2025): 1792–812, <https://doi.org/10.62976/ijjel.v3i2.1170>.

¹³ Shintya Rahmanda Putri and Zainudin Hasan, "Dinamika Hukum Adat Lampung Dalam Sistem Sosial: Kajian Empiris Terhadap Nilai Piil Pesenggiri Pada Masyarakat Abung Siwo Mego," *JURNAL MULTIDISIPLIN ILMU AKADEMIK* 2, no. 6 (November 2025): 57–63, <https://doi.org/10.61722/jmia.v2i6.6917>.

transformation has opened a contextual space for analysis.¹⁴ However, it has not specifically explained how *Piil Pesenggiri* functions as a medium for the internalization, negotiation, and reconstruction of *fiqh munākahāt* norms in everyday family law practices. Consequently, the dimension of locality is still more frequently positioned as a supporting social background rather than as a constitutive element in the formation and development of Islamic family law itself.

From the three clusters, there is a clear research gap: no study systematically analyses *Piil Pesenggiri* as a value of local wisdom that actively constructs the practice of *fiqh munākahāt* in Islamic family law. While it is acknowledged that a broad body of scholarship has examined the intersection of customary and Islamic law, a critical gap remains in understanding how these systems constitutively interact in daily practice. Previous studies of a general scope typically focus on the theoretical compatibility between 'urf and Sharia at a macro level. However, they often treat local wisdom merely as a 'social setting' rather than as a constitutive element that actively reconstructs the implementation of *fiqh munākahāt*. This research fills this gap by demonstrating that in Lampung, *Piil Pesenggiri* does not merely 'accompany' Islamic law but serves as the primary normative framework through which *fiqh* norms are dialogically internalized and negotiated. Therefore, this research puts *Piil Pesenggiri* not merely as a cultural background, but as a dynamic value framework that actively shapes, guides, and legitimizes the practice of *fiqh munākahāt* within Lampung society.

By employing a socio-legal approach and the concept of living Islamic family law, this research seeks to explore how the values of *Piil Pesenggiri* are dialogically internalized and manifested in the practice of Islamic family law. Accordingly, this study is guided by two main research questions: *First*, how are the customary values of *Piil Pesenggiri* negotiated with sharia principles in shaping the contemporary practice of Islamic family law in Lampung society? *Second*, how do the values of *Piil Pesenggiri* construct and influence the practice of *fiqh munākahāt* as a living Islamic family law in Lampung society? These questions

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¹⁴ Syafrijal Syafrijal et al., "The Transformation of Islamic Family Law in Indonesia: A Socio-Legal Study of Social Change," *Samawa: Journal of Islamic Law and Family Studies* 1, no. 1 (June 2025): 19–27.

serve as an analytical entry point for understanding the relationship between religious norms and local wisdom in a more contextual, dynamic, and empirical manner.

Methods

This research employs a qualitative, socio-legal approach to examine the practice of *fiqh munākahāt* as a living Islamic family law within the local wisdom of the people of Lampung. This approach was chosen because it allows for legal analysis not only as a written norm, but also as a social practice shaped through the interaction between religious values and customs. ~~In this framework, *Piil Pesenggiri* is understood as a value system that operates normatively and symbolically to shape family relationships and thus requires analysis from both Islamic law and social science perspectives.~~

Lampung was selected as the research site because *Piil Pesenggiri* remains strongly preserved and continues to influence marriage and family relations within Muslim communities. The coexistence of customary traditions, religious authorities, and state family law practices in Lampung provides a relevant empirical context for examining the negotiation between customary and sharia values in the living practice of Islamic family law.

Data collection was conducted through field studies involving in-depth interviews.¹⁵ The research informants consisted of Lampung traditional leaders, religious leaders, and six married couples purposively selected from three regencies—Central Lampung, South Lampung, and Pringsewu. They were chosen because they have actively navigated family decisions, such as marriage negotiations, the division of marital roles, and domestic conflict resolution, through the combined framework of *Piil Pesenggiri* values and *fiqh munākahāt* norms. The selection of informants is purposive to obtain relevant, substantively rich data. In addition, this study utilises documentation studies of customary texts, customary deliberation decisions, and normative sources of *fiqh munākahāt*, both from classical *fiqh* literature and from Islamic family law regulations in Indonesia.

¹⁵ Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

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Data analysis is carried out thematically with the stages of data reduction, categorisation, and interpretive extraction.¹⁶ Field data are read dialogically within a living law framework to identify the processes of internalisation, adaptation, and value negotiation between *Piil Pesenggiri* and the norms of *fiqh munakahāt*. The validity of the data is maintained through triangulation of sources and techniques. At the same time, the interpretation of the findings aims to capture the pattern of normative relationships that shape the practice of Islamic family law grounded in local wisdom in the Lampung community.

Result and Discussion

Piil Pesenggiri as an Ethical Framework in the Practice of *Fiqh munakahāt*

In the context of marriage, *Piil Pesenggiri* shaped people of Lampung's understanding of its meaning. *Piil Pesenggiri* is the overarching philosophical value system comprising four inseparable sub-values: *juluk adek* (titled social identity and the self-respect attached to it), *nemui nyimah* (the obligation of openness, hospitality, and generosity), *nengah nyappur* (active participation in social and communal affairs), and *sakai sambayan* (the norm of mutual assistance and collective responsibility).¹⁷ These values do not operate as discrete or abstract rules; instead, they function as an integrated moral framework that governs expectations of conduct in both public and domestic life.

Marriage is not understood solely as a legally valid contract in jurisprudence, but also as a social and moral event that concerns the honour of families and indigenous communities. Therefore, the decision to marry, choose a partner, and determine the mechanism of contract is not only based on the fulfilment of formal *fiqh* principles and requirements, but also on ethical considerations related to *juluk adek*. In practice, engagements involve elaborate customary procedures, such

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¹⁶ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

¹⁷ Linda Sari Wulandari et al., "Commodification Of Meaning In Idioms And The *Piil Pesenggiri* Philosophy In The Lives Of The Indigenous Lampung People," *International Journal of Asia-Pacific Studies* 22, no. 1 (2026): 53-73, <https://doi.org/10.21315/ijaps2026.22.1.3>.

as formal approaches by the prospective groom's family to the bride's *penyimbang* (customary leader) that ensure compliance with Islamic *wali* requirements while simultaneously satisfying customary honour protocols. Field findings from interviews with five *penyimbang adat* consistently showed that marriages conducted without proper customary procedures—such as the absence of family deliberation, failure to seek the approval of the *penyimbang*, or the omission of certain customary stages—are perceived as “*sah agama, kurang adat*” (religiously valid, but customarily deficient). This expression demonstrates that religious validity alone is not socially sufficient within the Lampung customary setting. A marriage may satisfy all formal *fiqh* requirements, yet remain symbolically incomplete if it fails to meet communal expectations of honor. This creates a dual structure of legitimacy in which *fiqh* establishes juridical validity, while *Piil Pesenggiri* determines the degree of social acceptance.

Consequently, the implementation of Islamic family law is negotiated not only through legal compliance but also through customary recognition. For instance, three of the five customary leaders recalled cases in which a prospective son-in-law was initially rejected not because of any prohibition in Islamic law, but because the way his family approached the bride's family was considered disrespectful and inconsistent with customary protocol. In the context of Lampung society, carefulness in the marriage process reflects an effort to protect *Piil Pesenggiri* from being undermined by actions regarded as improper according to both customary and religious values.¹⁸

Field findings also show that the principle of *Piil Pesenggiri* encourages people to uphold social ethics before marriage, respect the role of the extended family, and avoid behavior that could cause social disgrace. A Lampung traditional leader explained that in community's view, marriages conducted without regard for customary ethics are often considered religiously valid but "less customary" socially. He stated:

"...If you get married, it is not only a matter of legality

¹⁸ Mirna Suri and Renatalia Marselinda, “Nilai-Nilai Piil Pesenggiri dalam Tradisi Ittagh Segheba di Negeri Besar Way Kanan, Lampung,” *Jurnal Kata : Bahasa, Sastra, dan Pembelajarannya* 12, no. 1 Apr (April 2024): 13–23.

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according to religion, but also a matter of maintaining *Piil Pesenggiri*. If the process violates ethics, the family can be embarrassed. It is not just a matter of two people; it is a matter of one lineage..."¹⁹

This finding shows that *Piil Pesenggiri* functions as a social mechanism that broadens the meaning of marital validity. In Lampung society, the legitimacy of marriage is not determined solely by normative *fiqh* requirements, but also by social recognition and customary acceptance. This reflects Eugen Ehrlich's concept of living law, in which social values and lived norms become the practical foundation for the implementation of formal law.²⁰ In this context, *Piil Pesenggiri* operates as an ethical framework that mediates the application of *fiqh munākahāt* within everyday family life.

Fieldwork data particularly reveal how the principle of *juluk adek* (titled dignity) creates a form of collective accountability in which family reputation strongly influences legal and personal decisions. In two documented cases, the pressure to preserve family honour (*piil*) discouraged wives from seeking legal protection through the Religious Court in her divorce filing. Marital failure was viewed as a source of social shame (*liom*) that could affect the dignity of the entire family lineage. As a result, customary reconciliation was prioritized over formal legal procedures. This finding highlights the ambivalent nature of *Piil Pesenggiri*. On the one hand, it strengthens family cohesion and encourages reconciliation; on the other hand, it may create social pressure that limits vulnerable spouses from accessing formal legal remedies. In such situations, customary honor does not simply accompany *fiqh munākahāt*, but also influences when and how legal action is taken. This indicates that living Islamic family law in Lampung is shaped not only by legal norms, but also by subtle mechanisms of social control, silence, and moral restraint.

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¹⁹ Zakki, "Personal Interview," 2025.

²⁰ Ahmad Auri Aji Zarianto and Nadhira Wahyu Adityarani, "Eksistensi Sosiologi Hukum Pada Masyarakat Indonesia (Literature Review Atas Teori Living Law Eugen Ehrlich)," *Juridische : Jurnal Penelitian Hukum* 2, no. 3 (June 2025): 203–19, <https://doi.org/10.65945/juridische.v2i3.89>.

At the same time, *Piil Pesenggiri* also shapes how husbands and wives understand their roles and responsibilities within the household. Marital relationships are not constructed solely through rigid legal hierarchies commonly associated with classical jurisprudence, but are negotiated through values of dignity, mutual respect, and moral responsibility. Husbands are expected to protect family honour not only by providing financial support, but also through ethical conduct and moral leadership within both the family and society. Wives, meanwhile, are positioned as partners who contribute to maintaining family dignity through their domestic, social, and moral roles. In this way, *Piil Pesenggiri* serves as a medium for internalizing the values of *fiqh munākahāt*, allowing Islamic family law to function not merely as a formal legal system, but as a lived ethical framework embedded in the collective consciousness of society.

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One of the female informants (Linda, a 34-year-old teacher married for 11 years) said that the principle of *Piil Pesenggiri* is the primary reference for building relationships with couples. She stated,

"...In our family, we are taught to protect and respect one another's dignity. When problems arise, we do not immediately expose them to outsiders. If other people find out, it brings shame not only to us, but also to the entire extended family..."²¹

Fieldwork data substantiates that interview data show that *Piil Pesenggiri* functions as a constitutive social control mechanism in marital relationships rather than a mere cultural backdrop. Evidence for this is found in the conflict-resolution patterns observed among the informants: of the six married couples interviewed, all reported that domestic tensions, specifically regarding financial management and child custody arrangements, were initially mediated through informal family deliberations (*musyawarah*) before any formal legal channels were considered. Notably, four of these six cases were successfully resolved at the communal level, demonstrating that the value of *piil* effectively forestalls litigation by treating domestic disputes as matters of collective lineage accountability. In this context, the principle of

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²¹ Linda, "Personal Interview," 2025.

mu'āsyarah bi al-ma'rūf (living together in kindness) is realized through the logic of *sakai sambayan*, in which the extended family provides a social safety net to restore household harmony. However, the study also identifies a critical dimension: the intense pressure to maintain *juluk adek* (titled dignity) initially acted as a barrier for wives in vulnerable positions, as admitting marital failure publicly was perceived as bringing collective shame (*liom*) to the entire lineage.²²

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These findings substantiate that *Piil Pesenggiri* does not merely coexist with sharia norms but actively constructs their social application. For instance, the *fiqh* concept of husband leadership (*qiwāmah*) is reconstructed from a power hierarchy into a moral duty to preserve family dignity. This is reflected in everyday practices such as husbands being expected to maintain respectful behavior toward their wives, resolve domestic conflicts through family deliberation (*musyawarah*), protect the family's public reputation, and serve as moral role models within both the household and the wider community. In this context, leadership is valued not through domination, but through responsibility, self-restraint, and the ability to uphold collective honour in accordance with both customary and religious values. This adaptation shows that the negotiation between *Piil Pesenggiri* and *fiqh* norms does not necessarily dissolve gender asymmetry. Although economic roles become more flexible, representational authority in *adat* relations remains largely attached to husbands. Thus, normative adjustment occurs through partial redistribution of domestic functions rather than through a complete restructuring of marital authority.

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Fieldwork data from younger couples demonstrates this adaptation: in households where the wife's income is higher, *qiwāmah* is reinterpreted through the lens of *piil* not as an economic monopoly, but as the husband's responsibility to represent and defend the family's honor in customary gatherings. One informant, Rustam, noted that while his wife earns more, his role as the head of the family remains vital in the *adat* sense, signifying that *piil* provides a culturally resonant language to accommodate changed economic realities within a recognizable Islamic framework.

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Furthermore, the 'living' nature of this law is evidenced by the community's selective engagement with *fiqh* references. Multiple *ulama*

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²² Rustam, "Personal Interview," 2025.

informants acknowledged that they consciously choose *fiqh* positions regarding the scope of *qiwāmah* and the wife's permission for employment that are most compatible with the pillar of *nengah nyappur* (social participation) and local social needs. This shows that *Piil Pesenggiri* serves as a bridge between textual norms and social reality, providing moral legitimacy that strengthens people's obedience to Islamic law. The high efficacy of this system is reflected in conflict-resolution patterns: of the six married couples interviewed, all prioritized informal customary deliberations over formal litigation, with four of those cases successfully resolved at the communal level. Consequently, local wisdom is not a residual tradition to be set aside, but a constitutive element that brings Islamic family law to life in the daily practice of Lampung society.

From the perspective of living Islamic family law, this condition shows that Islamic family law does not operate in a sterile normative space of the socio-cultural context. Instead, it is lived, negotiated, and reinterpreted through local values that give color to legal practice. *Piil Pesenggiri* serves as a bridge between textual norms and social reality, and as a source of moral legitimacy that strengthens people's obedience to Islamic law. Thus, *Piil Pesenggiri* can be understood as an ethical foundation that allows *fiqh munākahāt* to function effectively in the life of the people of Lampung. The values of honour, responsibility, and social harmony it embodies make Islamic family law not only normatively valid but also socially meaningful. These findings strengthen the argument that local wisdom is not a residue of tradition to be set aside in the study of Islamic law, but rather a constitutive element that brings the law to life in the daily practice of Muslim society.

Negotiation of Customary and Sharia Values in the Practice of Islamic Family Law

The relationship between *Piil Pesenggiri* and *fiqh munākahāt* in Lampung is characterized by a dialogical negotiation where both systems interact to produce a contextually grounded legal practice. This negotiation is not a replacement for Sharia but a cultural mediation that ensures religious norms are socially meaningful. Fieldwork data reveal that this negotiation operates across three distinct domains:

First, the domain of family conflict resolution. Fieldwork

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1. the domain of family conflict resolution.
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indicates a strong preference for customary mediation over formal litigation. Of the six married couples interviewed, all reported that domestic tensions, ranging from financial disputes to child custody, were initially handled through informal family deliberations (*musyawarah*) in accordance with customary protocols. As one informant stated:

“...If there is a problem in the household, we usually discuss it first with the family and customary elders. Going directly to court is considered the last option because what we seek first is peace and the good name of the family...”²³

Four of these six cases were successfully resolved at the communal level before reaching the Religious Court. In these instances, the fiqh principle of *ṣulh* (reconciliation) provides religious legitimacy, while the pillar of *sakai sambayan* (cooperation) functions as the social mechanism for restoring harmony. This demonstrates that Islamic family law in Lampung often operates through social and customary spaces before entering formal legal institutions.

Second, the negotiation becomes visible in the selective legal engagement of local religious authorities. Interview data with ulama informants confirmed that they consciously adopt fiqh positions regarding *qiwāmah* (husband leadership) and women’s participation in public life that are considered compatible with the pillar of *nengah nyappur* (social participation). One ulama explained:

“...A wife working is not forbidden as long as she maintains family dignity and there is mutual understanding within the household. Today, many women become teachers or civil servants, and this is already part of our social reality...”²⁴

In practice, local religious authorities prioritise fiqh interpretations that allow wives to work and contribute economically to the household, viewing such participation not as a violation of domestic obligations but as part of maintaining collective family

Commented [A31]: Third mention right? Can you please expand it better?

Commented [A32]: Instead of repeating the same information more and more, you might go further by mentioning, for examples, pros and cons beyond this choice, in relation with justice and victim right, for instance.

Commented [A33]: It becomes unclear when you once used this *sakai sambayan* to explain women's opportunity to work outside home then use it again in this issue

²³ Alimuddin, “Personal Interview,” 2025.

²⁴ Abdul Mujib, “Personal Interview,” 2025.

honour (*piil*). This selective engagement is not perceived as a departure from Sharia, but rather as a contextual application of the principle of '*urf*', which enables Islamic law to remain adaptive to the socio-economic realities of Lampung society.

The negotiation between custom and Sharia is also reflected in the implementation of *uang jujur* (customary wedding gift) alongside the formal *mahar*. Although normative fiqh only requires *mahar*, Lampung communities continue to practice *uang jujur* as a symbol of *juluk adek* (titled dignity) and family honour. In this context, *fiqh* provisions are not applied rigidly according to classical texts, but are interpreted through the values of *Piil Pesenggiri*, which emphasise honour, responsibility, and social harmony. As a result, marriages are expected to achieve not only religious validity but also social legitimacy within the *marga* and customary community.

Third, a more nuanced analysis reveals that this negotiation is not free from tension. The pressure to maintain *juluk adek* initially functioned as a barrier for wives seeking legal protection through formal Islamic legal channels. Public acknowledgement of marital failure was perceived as bringing collective shame (*liom*) to the entire lineage. One female informant stated:

"...Sometimes women endure household problems because exposing them publicly would embarrass the whole family. In our custom, family dignity must be protected..."²⁵

Similarly, a customary leader explained:

"...When divorce becomes public knowledge, it is not only the husband and wife who feel ashamed, but also the extended family. That is why elders usually try to reconcile them first..."²⁶

These findings demonstrate the ambivalent role of *Piil Pesenggiri*. On the one hand, it strengthens reconciliation and family cohesion; on the other hand, it may create social pressure that delays or

²⁵ susi, "Personal Interview," 2025.

²⁶ Adam Amir, "Personal Interview," 2025.

limits access to formal legal remedies. In this sense, customary honour does not merely accompany *fiqh munākahāt*, but also shapes the timing and social acceptability of legal action. Furthermore, the negotiation between *Adat* and *Sharia* becomes visible in the everyday practice of marital obligations. Interview data show that *qiwāmah* is not exercised solely as decision-making authority, but is socially measured by the husband's ability to protect family dignity, maintain respectful conduct, and mediate conflicts within the wider kinship network. As one customary elder stated:

"...A husband is respected not because he is the absolute ruler of the family, but because he can protect, guide, and maintain the dignity of his household in society..."²⁷

Likewise, *nafkah* is understood not only as material provision, but also as participation in customary gatherings, family emergencies, and collective ceremonial obligations that symbolise commitment to household honour. At the relational level, *mu'āsarah bi al-ma'rūf* is practiced through negotiated role-sharing. Several female informants reported contributing to household income and participating in family decisions while husbands retained representational authority in *adat* forums. One married informant explained:

"...Today, wives also help earn income and participate in family decisions. What matters is maintaining mutual respect and preserving the family's honour together..."²⁸

These patterns indicate that *fiqh* concepts are not applied textually, but are continuously reinterpreted through *Piil Pesenggiri* into socially recognisable forms of responsibility, reciprocity, and collective dignity.

Overall, the results of this study show that the relationship between *Piil Pesenggiri* and *fiqh munākahāt* in Lampung society is not mutually affirming, but is intertwined in a dialogical and negotiable relationship. Customary values are not positioned as a counterpart to

Commented [A34]: Come on, dont repeat very same words like this as before. Mind of your ideas and flows. Every word is count

Commented [A35]: of those six couples?

²⁷ Edo, "Personal Interview," 2025.

²⁸ kyla, "Personal Interview," 2025.

Sharia, let alone as a substitute for Islamic norms, but instead serve as a cultural medium that allows Islamic teachings to be understood, internalised, and practised in a more grounded manner. In daily life, the people of Lampung do not strictly separate "customs" and "religion", but view the two as a unit of values that reinforce each other in regulating family life.²⁹

The negotiation is reflected in the community's selective attitude in choosing *fiqh* references that align with their social needs. For example, multiple ulama informants acknowledged that they consciously choose *fiqh* positions regarding the scope of *qiwāmah* (husband leadership) and the wife's permission for employment that are most compatible with the pillar of *nengah nyappur* (social participation). In practice, these religious authorities prioritise *fiqh* interpretations that allow wives to work as teachers or professionals, viewing such roles not as a violation of domestic duty but as a contribution to the family's collective *piil* (honour). Another concrete example is the implementation of *uang jujur* (customary wedding gift) alongside the formal *mahar*. While normative *fiqh* only requires the *mahar*, the community selectively adopts *fiqh* views that treat these additional customary gifts as valid expressions of *juluk adek* (titled dignity), thereby ensuring that the marriage gains both religious validity and social legitimacy within the *marga* (clan). The provisions of *fiqh* are not applied literally and rigidly as stated in the classical books but are practised through the lens of *Piil Pesenggiri* values that emphasise honour, moral responsibility, and social harmony.³⁰ In this context, *fiqh* does not lose its normative substance, but undergoes a process of contextualisation to be in harmony with the social and cultural reality of the people of Lampung.

The negotiation is also reflected in the community's selective attitude in choosing *fiqh* references. Rather than consciously adhering

Commented [A36]: Another mention. You have mentioned this before

²⁹ Muhtadin Muhtadin and Nesia Mu'asyara, "Unsur Piil Pesenggiri Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat," *Hikmah : Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (September 2024): 01-11, <https://doi.org/10.61132/hikmah.v1i3.94>.

³⁰ Muhammad Madehin Nashih, "Sociological Analysis of Islamic Law on the Relationship between Adat Law, Ethics, and Human Rights in the Context of Modern Indonesia," *Law and Judicial Review* 1, no. 2 (October 2025): 90-108, [https://doi.org/10.70764/gdpu-ljr.2025.1\(2\)-08](https://doi.org/10.70764/gdpu-ljr.2025.1(2)-08).

to a single formal *madhhab*, Lampung Muslim families tend to practice *fiqh* interpretations that have been socially mediated by local religious authorities and are perceived as compatible with *Piil Pesenggiri* values and everyday communal needs. In this sense, engagement with *fiqh* is not primarily doctrinal but practical, and culturally filtered through inherited patterns of customary legitimacy. This choice is not always realized as a theoretical action but rather as a social practice inherited and learned from generation to generation.³¹ Thus, *fiqh munakahāt* exists not as an abstract doctrine, but as a flexible and contextual guideline of life.

Within the framework of *living Islamic family law*, which refers to Islamic family law as it is socially practiced, interpreted, and negotiated in everyday life rather than merely understood as a formal doctrinal text, these findings confirm that a dynamic interaction among normative texts, social practices, and local values shapes Islamic family law in Lampung. In this perspective, Islamic family law is viewed not only as a set of *fiqh* regulations or state legal provisions, but also as a living social reality continuously mediated through cultural traditions, communal ethics, and local understandings of justice and family relations. The *fiqh* texts provide a legal framework and religious legitimacy, while *Piil Pesenggiri* gives social and moral meaning to their implementation. These interactions result in family law practices that are not only normatively valid but also socially accepted and respected. Law, in this sense, does not stop as a written rule, but rather lives and works in the daily life of society.³²

Piil Pesenggiri operates as a concrete source of social legitimacy because compliance with marital obligations is continuously evaluated within the communal framework of family *honour*. Field interviews show that husbands who neglect financial support or publicly display harsh treatment toward their wives are not judged merely as violating

³¹ Bagus Putra Setiawan et al., "Penerapan Nilai *Piil Pesenggiri* Bagi Generasi Muda Di Era Globalisasi Ditinjau Dari Perspektif Sosiologi Hukum," *SOSMANIORA: Jurnal Ilmu Sosial Dan Humaniora* 4, no. 1 (March 2025): 89–98, <https://doi.org/10.55123/sosmaniora.v4i1.4938>.

³² Sari Aprina, Isnaeni Ahmad, and Hendro Beko, "Living Qur'an: Nilai Filosofis *Piil Pesenggiri* Pada Tradisi Masyarakat Lampung Di Kecamatan Anak Tuha," *QOLAMUNA: Jurnal Studi Islam*, July 3, 2025, <https://repository.radenintan.ac.id/38883/>.

Islamic obligations, but as bringing shame (*liom*) upon the wider lineage. As one customary elder explained:

"...If a husband fails to provide for his wife or treats her harshly in public, people do not only blame him personally. The whole family feels ashamed because he is seen as unable to protect the dignity of his household...."³³

Similarly, a community figure stated:

"...In our society, a man is respected not only because he earns money, but because he can maintain good behaviour toward his wife and family. If he humiliates his wife in public, it becomes a disgrace for the extended family..."³⁴

Likewise, wives are socially encouraged to preserve household harmony because domestic failure is perceived as diminishing collective dignity. Under these reputational pressures, adherence to fiqh munākahāt is maintained not only by formal legal awareness but also by the persistent fear of communal embarrassment, family intervention, and customary disapproval. In this sense, *Piil Pesenggiri* functions as a tangible moral control mechanism embedded in everyday social surveillance.³⁵

Furthermore, the negotiation between custom and Sharia becomes visible in the concrete way marital obligations are practiced rather than merely in doctrinal statements. Interview data show that *qiwāmah* is not exercised solely as decision-making authority, but is socially measured by the husband's ability to protect the family's public dignity, mediate disputes among relatives, and maintain respectful conduct in communal settings. Likewise, *nafkah* is

Commented [A37]: as well as constrain in providing the justice for the sake of family's good reputation?

³³ Hamid, "Personal Interview," 2025.

³⁴ Buyung, "Personal Interview," 2025.

³⁵ M. Nafi Nur Farid, Bintarsih Sekarningrum, and Aditya Candra Lesmana, "Internalisasi Falsafah Nengah Nyappur Pada Nilai Piil Pesenggiri Sebagai Upaya Menjaga Kerukunan Antar Suku Di Kabupaten Pesawaran," *Sosioglobal : Jurnal Pemikiran dan Penelitian Sosiologi* 9, no. 2 (June 2025): 211–28, <https://doi.org/10.24198/jsg.v9i2.60749>.

understood not only in terms of routine material provision, but also through the husband's visible willingness to contribute during customary gatherings, family emergencies, and collective ceremonial obligations, all of which signify commitment to the household's *piil*. At the relational level, *mu'āsyarah bi al-ma'rūf* is practiced through negotiated role-sharing: several female informants reported participating in income generation and family decisions, while husbands retained representational authority in *adat* forums. These patterns indicate that *fiqh* concepts are not applied textually but are reworked. *Piil Pesenggiri* is translated into everyday social practices that emphasise responsibility, mutual care, and the preservation of family honour. In practice, it shapes how marital roles are understood and performed within the household and the wider community. Responsibility is not only defined in legal or formal terms, but is expressed through the expectation that both husband and wife actively contribute to maintaining the well-being and dignity of the family.³⁶

Commented [A38]: Repetation more and more

The findings of this study also show that the negotiation of customary and Sharia values occurs dynamically, in response to social changes. Changes in gender roles, women's increasing participation in income generation, and shifting household economies have altered the practical application of both *Piil Pesenggiri* values and *fiqh* norms. In many families, wives now contribute to household finances and participate in domestic decision-making, while husbands retain responsibility for preserving family honour and representing the household in customary relations. As a result, *qiwāmah* is practiced less as exclusive economic control and more as moral accountability, whereas household harmony is maintained through shared negotiation rather than rigid role separation. However, these changes do not necessarily negate traditional values; instead, they encourage reinterpretation to remain relevant to contemporary conditions. Thus, *Piil Pesenggiri* functions as an adaptive value framework rather than a static tradition.³⁷

In resolving family conflicts, customary and Sharia-based

³⁶ Muhammad Alif Al Haris, "Sesan Makna Dan Tradisi Seseherahan Dalam Perkawinan Adat Lampung," *Journal of Social and Communication (JSC) Terekam Jejak* 1, no. 2 (November 2025): 19–30.

³⁷ Rustam, "Personal Interview."

negotiations are becoming increasingly visible. The fiqh principles of peace (*sulh*), justice, and benevolence are practised through customary mechanisms that emphasise deliberation and the restoration of honour.³⁸ This process shows that Islamic family law does not continuously operate through formal channels but often through social spaces shaped by local values. Adat, in this case, does not obscure Islamic law, but instead expands its workspace.³⁹

This discussion also answers the research question that the value of *Piil Pesenggiri* actually constructs the practice of *fiqh munākāḥāt* in Lampung through three main domains.

First, in the formation of marriage ethics, *Piil Pesenggiri* provides a moral framework that emphasises honour, responsibility, and long-term commitment. These ethics are the basis for married couples in building a stable and dignified household. Within marital relations, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in hierarchical, unequal relationships. Customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family.

Second, in the arrangement of husband-and-wife relationships, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in hierarchical, unequal relationships. Customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family.

Third, in resolving family conflicts, *Piil Pesenggiri* functions as a bridge between fiqh norms and social reality. Conflicts are not brought directly into the realm of formal law; they are first resolved through

³⁸ Danda Meri Aprisa, "Implementasi Nengah Nyappur Dalam Tradisi Cangget Agung Masyarakat Lampung," *Oriental: Jurnal Kajian Mutu Pendidikan* 1, no. 1 (March 2025): 27–31, <https://doi.org/10.23960/oriental.v1i1.1213>.

³⁹ "Examining Piil Pesenggiri Philosophy of Life Concept in the Context of Religious Moderation," *Analisis: Jurnal Studi Keislaman* 22, no. 1 (June 2022): 133–52, <https://doi.org/10.24042/ajsk.v22i1.12445>.

customary mechanisms that emphasise peace and the restoration of relations. This approach shows that Islamic family law in Lampung functions as a living, responsive, and community-rooted system.

This finding shows that local wisdom, namely *Piil Pesenggiri*, is not a mere residue of tradition to be set aside in the development of Islamic law. Rather, it is an important resource for building a contextual, inclusive, and relevant Islamic family law. The integration between customs and Sharia is not a form of compromise that weakens religious norms, but a cultural strategy that enhances the practical efficacy of Islamic law.⁴⁰

The practice of Islamic family law in Lampung can be understood as a continuous process of negotiation among texts, values, and social realities. *Piil Pesenggiri* not only maintains the cultural identity of the people of Lampung, but also contributes to the formation of a more *humanistic and just* practice of *fiqh munākahāt*.⁴¹ These findings open up greater space for reflection on the development of Islamic family law in Indonesia, especially in responding to the cultural diversity and social dynamics of contemporary Muslim society.

Table 1. Negotiation of the Value of *Piil Pesenggiri* and *Fiqh munākahāt* in the Practice of Islamic Family Law in Lampung

Practice Areas	Norms of <i>Fiqh munākahāt</i>	The Value of <i>Pesenggiri Piil</i>	Form of Negotiation
Marriage Etiquette	The Validity of Akad, Wali, and Dowry	Family and community honour	Marriage is understood as a religious and social event that maintains the dignity of the family.
Husband and Wife Relations	Qiwāmah, nafkah, mu'asyarah bi al-ma'rūf	Moral responsibility and harmony	Husband's leadership is interpreted as an ethical responsibility, a partnership relationship.

⁴⁰ Novri Rahman and Muarafa Nur Afif, "Revitalisasi Nilai-Nilai *Piil Pesenggiri* Sebagai Kearifan Lokal Dalam Ketahanan Budaya Lampung," *Advances In Education Journal* 2, no. 2 (October 2025): 910–16.

⁴¹ Muhtadin and Mu'asyara, "Unsur *Piil Pesenggiri* Dalam Tradisi Ngelemang Pada Masyarakat Adat Lampung Barat," September 2024.

Practice Areas	Norms of <i>Fiqh munākahāt</i>	The Value of <i>Pesenggiri Piil</i>	Form of Negotiation
Conflict Resolution	Ṣulḥ, divorce as a last resort	Maintain self-esteem and a good name	Conflicts are resolved through customary deliberation before formal legal mechanisms.
Legal Compliance	Religious obligations	Shame and social control	Custom-based social sanctions strengthen legal compliance
Legal Character	Normative-textual norms	The value of life in society	Islamic family law operates as living Islamic family law

Source: Author's Interpretation

The table briefly describes the negotiation process between the norms of *fiqh munākahāt* and the value of *Piil Pesenggiri* in the practice of Islamic family law in Lampung society. It shows that Islamic legal provisions are not applied solely in a textual manner but are continuously interpreted and implemented within a customary framework that emphasises honour, moral responsibility, and social harmony. In marriage ethics, marital relations, and family conflict resolution, *Piil Pesenggiri* functions as a mechanism for internalising religious norms and strengthening the social legitimacy of Sharia.

However, field data also reveal that this process is not entirely ideal or without tension. In several cases, the strong emphasis on maintaining family honour (*piil*) produces unintended constraints in the implementation of Islamic legal rights. For example, the obligation to preserve collective dignity sometimes discourages individuals—particularly women in vulnerable marital situations—from pursuing formal legal remedies through Religious Courts, as public exposure of domestic conflict is perceived as bringing shame to the extended family. In other instances, social pressure to prioritise reconciliation may delay the enforcement of legal protections, even when rights have been clearly violated. These findings indicate that *Piil Pesenggiri* does not only function as a harmonising force, but also operates as a form of social regulation that can both support and limit access to formal justice.

Thus, compliance with Islamic family law in Lampung is not solely shaped by legal-formal awareness, but also by social

expectations embedded in customary honour systems. This dual function of *Piil Pesenggiri* – as both a mechanism of social integration and a potential source of constraint – demonstrates that Islamic family law in this context operates as a living law that is adaptive, contextual, and deeply rooted in the cultural realities of Lampung society, while also containing internal tensions that must be critically acknowledged.

Conclusion

This study demonstrates that the customary values of *Piil Pesenggiri* are negotiated with Sharia principles through a continuous process of social interpretation and contextual adaptation in shaping the contemporary practice of Islamic family law in Lampung society. Rather than operating in a dichotomous relationship, both systems interact in a dialogical manner, where fiqh principles such as marital obligations, reconciliation (*ṣulh*), and *qiwāmah* are reinterpreted in light of customary values that emphasise honour, collective dignity, and moral responsibility. This negotiation is evident in marriage procedures, marital relations, and conflict resolution practices, where customary mechanisms often mediate the application of Islamic legal norms, making them more socially grounded and culturally acceptable within the community. Furthermore, the study finds that *Piil Pesenggiri* actively constructs and influences the practice of *fiqh munākahāt* as a living Islamic family law in Lampung society. It functions not merely as a cultural backdrop, but as a normative force that shapes how marital roles, obligations, and responsibilities are understood and enacted in everyday life. Concepts such as *qiwāmah*, *nafkah*, and marital harmony are redefined through values of reciprocity, responsibility, and collective honour. However, this influence is ambivalent, as the same value system may also generate social pressure that discourages individuals, particularly women in vulnerable situations, from accessing formal legal remedies. Therefore, future research is recommended to further explore the gendered dimensions of this negotiation, particularly how women experience and navigate the tension between customary honour systems and formal Islamic legal protection in different socio-cultural contexts.

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Piil Pesenggiri; Local Living Law between Enforcing and Diminishing Fiqh al-munākahāt

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Abstract:

This study aims to analyze how a local living law intervenes with *fiqh al-munākahāt* while turning it into a living practice, either in enforcing or diminishing the ideal concept of the latter. *Piil Pesenggiri*, a form of local wisdom within the Lampung community, shapes and structures how local Muslim practice their religion in term of wedding and marriage. However, its position aligning with *fiqh al-munākahāt* in solving the daily family problem of local Muslim was not clear enough. This

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study employs a socio-legal approach using qualitative methods. Data were collected through fieldwork, in-depth interviews with purposively selected informants, customary leaders, religious figures, and married couples across Central Lampung, South Lampung, and Pringsewu. The data were analyzed using the living law framework, specifically how *Piil Pesenggiri* as a normative 'inner order' negotiates with formal *fiqh* doctrines, which reconstruct the daily practice of Islamic family law. The results show that when it comes to planning weddings and leading a married life, *Piil Pesenggiri* either upholds or downplays Islamic rule. The way Lampung people implement Islamic law in their families—from the idea of *qiwāmah*, or family division of labour, to family conflict resolution, to a number of wedding provisions—makes this negotiation very clear.

Keywords

Family Law; *Fiqh al-munākahāt*; Local wisdom; *Piil Pesenggiri*; Negotiation

Introduction

Islamic family law or *fiqh al-munākahāt* occupies a central position in the lives of Muslims, as it regulates the most fundamental aspects of social relations, namely marriage, spousal relations, and mechanisms for resolving domestic conflicts.¹ In the Indonesian context, the practice of *fiqh al-munākahāt* is not only shaped by classical *fiqh* norms and state regulations, such as the Marriage Law and the Compilation of Islamic Law (KHI),² but also closely interacts with the

¹ Anang Wahid Cahyono, "Islamic Family Law and Social Transformation: A Study on Marriage, Divorce, and Inheritance in the Sharia System," *Barajah Journal: Jurnal Pembelajaran dan Pengembangan Diri* 4, no. 7 (2024): 1421–30, <https://doi.org/10.47353/bj.v4i7.448>; Jailani Jailani and Zulkifkar, "From Non-Punishment to Being Punished: Istimbath Taqin Analysis of Islamic Family Law in Aceh," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (2024): 44–57, <https://doi.org/10.22373/petita.v9i1.224>.

² Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, "Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung," *Nusantara: Journal of Law Studies* 4, no. 2 (2025): 114–28, <https://doi.org/10.5281/zenodo.17340470>; Fairouz Abdul Khir et al., "Islamic Social Finance and SDG 2: Measuring the Social Impact of Islamic Religious and Malay Tradition Council in Perak State," *Malaysian Journal of Syariah and Law* 13, no. 1 (2025): 134–46, <https://doi.org/10.33102/mjssl.vol13no1.1016> ISLAMIC.

social and cultural values that shape society. It is this interaction that gives rise to the practice of living local Islamic family law, which is dynamic, contextual, and often cannot be fully explained by a purely normative-textual approach.³

In Lampung society, Islamic law practice cannot be separated from the value of *Piil Pesenggiri*, the core of the local wisdom system.⁴ *Piil Pesenggiri* is not merely a customary norm in the formal sense, but a value system that shapes the concepts of honor, self-respect, moral responsibility, and social harmony.⁵ This value is deeply internalized across various aspects of people's lives in Lampung, including marriage, marital relations, and the resolution of domestic conflicts.⁶ *Piil Pesenggiri* serves as an ethical framework that shapes how people understand obligations, rights, and behavioral boundaries, including within the family.

Piil Pesenggiri is the overarching philosophical value system comprising four inseparable sub-values: *juluk adek* (titled social identity and the self-respect attached to it), *nemui nyimah* (the obligation of openness, hospitality, and generosity), *nengah nyappur* (active participation in social and communal affairs), and *sakai sambayan* (the norm of mutual assistance and collective responsibility).⁷ These values

³ Deri Putra et al., "Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum dan Filantropi* 6, no. 2 (2025): 159–72, <https://doi.org/10.22515/jurnalalhakim.v7i02.12484>; Kholifatun Nur Mustofa et al., "Religious Authority and Family Law Reform in Indonesia: The Response and Influence of the Indonesian Ulema Council on Interfaith Marriage," *Juris: Jurnal Ilmiah Syariah* 23, no. 2 (2024): 383–93, <https://doi.org/10.31958/juris.v23i2.11849>.

⁴ Deni Eko Setiawan, Hermanu Joebagio, and Susanto, "Piil Pesenggiri: Kearifan Lokal Kultur Islam Lampung Sebagai Sumber Belajar Toleransi," *Intelektiva: Jurnal Ekonomi, Sosial dan Humaniora* 1, no. 4 (2019): 27–35, <https://www.jurnalintelektiva.sthf.ac.id/index.php/jurnal/article/view/42>.

⁵ Dita Febriana and Hardiansyah Masya, "Konsep Piil Pesenggiri Sebagai Falsafah Hidup Budaya Lampung terhadap Pelaksanaan Konseling Multi Budaya," *Attractive: Innovative Education Journal* 5, no. 2 (2023): 89–107, <https://doi.org/10.51278/aj.v5i2.700>.

⁶ Muhtadin Muhtadin and Nesia Mu'asyara, "Unsur Piil Pesenggiri dalam Tradisi Ngelemang pada Masyarakat Adat Lampung Barat," *Hikmah: Jurnal Studi Pendidikan Agama Islam* 1, no. 3 (2024): 1–11, <https://doi.org/10.61132/hikmah.v1i3.94>.

⁷ Linda Sari Wulandari et al., "Commodification of Meaning in Idioms and the Piil Pesenggiri Philosophy in the Lives of the Indigenous Lampung People," *International Journal of Asia Pacific Studies* 22, no. 1 (2026): 53–73, <https://doi.org/10.21315/ijaps2026.22.1.3>.

do not operate as discrete or abstract rules; instead, they function as an integrated moral framework that governs expectations of conduct in both public and domestic life.

Despite its popularity in the practical life of local people, the role of *Piil Pesenggiri* in the development of *fiqh al-munākahāt* continues to receive little serious attention in the academic study of Islamic law. In a wider scope, the tendency of *fiqh al-munākahāt* studies in Indonesia to date is still dominated by doctrinal and normative approaches,⁸ both through classical *fiqh* books and analysis of laws and regulations.⁹ While these doctrinal and normative approaches are essential for maintaining the normative consistency of Islamic law, they may also overlook the social realities in which the law is implemented. As a result, the practice of Islamic family law is often understood as a static, uniform, and independent system apart from local cultural context, which actually becomes a space for legal actualization in people's daily lives.¹⁰

Meanwhile, the practice of Islamic family law in Lampung is often presented as a direct application of *fiqh* norms or state law, while the customary dimension is seen as complementary or even outside the Islamic legal system. Therefore, although previous studies have examined the relationship between customary law and Islamic family law in Indonesia, significant gaps remain. Existing scholarship

⁸ Ayu Sari Ningsih et al., "Reforming Islamic Family Law: The Relevance of Ibn Qayyim Al-Jawziyyah's Concept of Legal Change," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 12, no. 2 (2025): 392–405, <https://doi.org/10.29300/mzn.v12i1.7087>; Akhmad Romadhon, "Revisiting Masuk Kaum: Contextualising Local Custom in Contemporary Islamic Family Law through 'Urf and Maṣlahah," *MILRev: Metro Islamic Law Review* 5, no. 2 (2026): 1025–46, <https://doi.org/10.32332/milrev.v5i2.13045>; Abdul Syatar et al., "The Development of Fatwas Based on Local Wisdom to the National Level: A Case Study of Panaik Money Fatwa," *El-Mashlahah* 13, no. 2 (2023): 133–50, <https://doi.org/10.23971/el-mashlahah.v13i2.7373>.

⁹ 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 (2026): 61–79, <https://doi.org/10.32332/milrev.v5i1.10480>.

¹⁰ 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. 1 (2025): 60–73, <https://doi.org/10.5281/zenodo.17355035>; Acendra Agusta, Mohammad Ali Sajjad, and Miftahudin Azmi, "Legal Issues of Ganti Tikar Marriage in Bugis Wajo Custom in East Tanjung Jabung Regency," *Trunojoyo Law Review* 6, no. 1 (2024): 142–58, <https://doi.org/10.2991/assehr.k.201014.144>.

generally focuses on the conceptual legitimacy of *adat* within Islamic law, particularly through the compatibility between '*urf*' and local customs,¹¹ but it tends to remain at the theoretical level without examining concrete social practices. A study discussed *Piil Pesenggiri* as the cultural identity of the Lampung people, especially through the values of *juluk adek* and *nengah nyappur*, emphasizing its role in shaping social behaviour.¹² However, it does not systematically connect the practice to theoretical Islamic family law.

A clear research gap is therefore found: no study systematically analyzes *Piil Pesenggiri* as a value of local wisdom that actively intersects the practice of *fiqh al-munakahāt*. While it is acknowledged that a broad body of scholarship has examined the intersection of customary and Islamic law, a critical gap remains in understanding how these systems constitutively interact in daily practice, be it enforcing or diminishing one another. Previous studies of a general scope typically focus on the theoretical compatibility between '*urf*' and Sharia at a macro level. However, they often treat local wisdom merely as a 'social setting' rather than as a constitutive element that actively reconstructs the implementation of *fiqh al-munakahāt*. This research fills this gap by demonstrating that in Lampung, *Piil Pesenggiri* does not merely 'accompany' Islamic law but serves as the primary normative framework through which *fiqh* norms are dialogically internalized and negotiated.¹³

¹¹ Maskur Rosyid and Dhani Dwi Afrizal, "Integrasi Hukum Adat dalam Pembaharuan Hukum Keluarga Islam di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (2025): 1798–1812, <https://doi.org/10.62976/ijjel.v3i2.1170>.

¹² Shintya Rahmanda Putri and Zainudin Hasan, "Dinamika Hukum Adat Lampung dalam Sistem Sosial: Kajian Empiris terhadap Nilai Piil Pesenggiri pada Masyarakat Abung Siwo Mego," *Jurnal Multidisiplin Ilmu Akademik* 2, no. 6 (2025): 57–63, <https://doi.org/10.61722/jmia.v2i6.6917>.

¹³ Wahyu Abdul Jafar et al., "Mak di Juk Siang Tradition in Lampung Indigenous Community: A Perspective on Islamic Marriage Law in Building Family Resilience," *De Jure: Jurnal Hukum dan Syar'iah* 18, no. 1 (2026): 150–69, <https://doi.org/10.18860/j-fsh.v18i1.40501>; Toto Surianto Subu et al., "Addressing Legal Uncertainty in Delayed Informed Consent: Protecting Health Workers in Indonesian Hospitals," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 2 (2025): 329–44, <https://doi.org/10.24090/volksgeist.v8i2.13089>; Filda Rahma Saidah and Muhammad Zaki Fahmi, "Management of Long-Distance Marriage for Overseas Female Worker Profession on Family Resilience in Kendal Regency," *El-Mashlahah* 13, no. 1 (2023): 93–106, <https://doi.org/10.23971/el-mashlahah.v13i1.6095>.

This study puts *Piil Pesenggiri* not merely as a cultural background, but as a dynamic value framework that actively shapes and guides the practice of *fiqh al-munākahāt* within Lampung society while either enforcing or diminishing *fiqh* concepts within. Rather than assuming a rigid dichotomy between customary law and sharia law, this study understands both as interconnected normative systems that continuously interact, adapt, and negotiate within the everyday lives of Muslim families. By employing a socio-legal approach and the concept of living Islamic family law, this research seeks to explore how a local living law intervenes with *fiqh al-munākahāt* while turning it into a living practice, either in enforcing or diminishing the ideal concept of the latter. *Piil Pesenggiri*, a form of local wisdom within the Lampung community, shapes and structures how local Muslim practice their religion in term of wedding and marriage. However, its position aligning with *fiqh al-munākahāt* in solving the daily family problem of local Muslim was not clear enough.

Methods

This research employs a qualitative socio-legal approach to examine the practice of *fiqh al-munākahāt* as a living Islamic family law within the local wisdom of the people of Lampung. The coexistence of customary traditions, religious authorities, and state family law practices in Lampung provides a relevant empirical context for examining the negotiation between customary and sharia values in the living practice of Islamic family law. Data collection was conducted through field studies involving in-depth interviews.¹⁴ The research informants consisted of Lampung traditional leaders, religious leaders, and six married couples purposively selected from three regencies—Central Lampung, South Lampung, and Pringsewu. They were selected because they have actively navigated family decisions, such as marriage negotiations, division of marital roles, and domestic conflict resolution, through the combined framework of *Piil Pesenggiri* values and *fiqh al-munākahāt* norms. The selection of informants is purposive to obtain relevant, substantively rich data. In addition, this study utilizes documentation studies of customary texts, customary deliberation decisions, and normative sources of *fiqh al-munākahāt*, both

¹⁴ B. Mathew Miles and Michael Huberman, *Analisis Data Kualitatif Buku Sumber Tentang Metode-Metode Baru* (Jakarta: UIP, 1992).

from classical *fiqh* literature and positive law in Indonesia. Data analysis is carried out thematically with the stages of data reduction, categorization, and interpretive extraction.¹⁵ Field data are read dialogically within a living law framework to identify the processes of internalisation, adaptation, and value negotiation between *Piil Pesenggiri* and the norms of *fiqh al-munākahāt*. The validity of the data is maintained through triangulation of sources.

Result and Discussion

Piil Pesenggiri Enforcement to *Fiqh* Rules of Marriage

Putting together the practice of how people manifest Islamic law and what its normative guides say about inevitably reflects negotiation and dynamics. Some are enforcing one another; some others are not. For the former cases, the guides usually provide main values to comply with and theoretical rules to follow, while the practice gives an idea of how to transform the values to action, or theoretical rules to tangible manners or goods. Meanwhile, the latter happens when the practice transcends or surpasses the values or spirits embedded in the guides, be it addition, reduction, or modification. In this context, *Piil Pesenggiri* is deemed as basic beyond the living practice of Lampung people regarding with the wedding and marriage in addition to Islamic law. Therefore, its existence is put into question whether it enforces or diminishes the Islamic law as the theoretical guide¹⁶.

For the enforcement, the clearest case of it is the *fiqh* concept of husband leadership (*qiwāmah*), which is transformed from a power hierarchy into a moral duty to preserve family dignity. With the touch of *Piil Pesenggiri*, leadership is valued not through domination and rigid hierarchy, but through common responsibility, self-restraint, and the ability to uphold collective honour in accordance with both customary and religious values. Although economic roles become

¹⁵ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

¹⁶ M. Ababiel Putra, "Implementasi Falsafah *Piil Pesenggiri* dalam Penentuan Status Sosial Perkawinan Adat Lampung," *Jurnal Hukum dan Kewarganegaraan* 16, no. 3 (2026): 1–8, <https://doi.org/10.3783/causa.v2i9.2461>; Mustamam et al., "Reinterpreting *Hifz Al-Nasl* in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1258–80, <https://doi.org/10.32332/milrev.v4i2.11158>.

more flexible as both of them could play a role as breadwinners, representational authority in *adat* relations remains largely attached to husbands¹⁷.

Fieldwork data from young couples demonstrates this adaptation: In households where the wife's income is higher, *qiwāmah* is reinterpreted through the lens of *piil* not as an economic monopoly, but as the husband's responsibility to represent and defend the family's honor in customary gatherings. One informant, Rustam, noted that while his wife earns more, his role as the head of the family remains vital in the *adat* sense, signifying that *piil* provides a culturally resonant language to accommodate changing economic realities within a recognisable Islamic framework.

Furthermore, the 'living' nature of this law is evidenced by the community's selective engagement with *fiqh* references. Multiple *ulama* informants acknowledged that they consciously choose a *fiqh* opinion which does not contradict *qiwāmah* concept and wife's chance for employment, as it is most compatible with the pillar of *nengah nyappur* (social participation) and local social needs¹⁸. Interview data with *ulama* informants confirmed that they consciously adopt *fiqh* positions regarding *qiwāmah* (husband leadership) and women's participation in public life that are considered compatible with the pillar of *nengah nyappur* (social participation). One *ulama* explained:

“...A wife working is not forbidden as long as she maintains family dignity and there is mutual understanding within the household. Today, many women become teachers or civil servants, and this is already part of our social reality...”¹⁹

In practice, local religious authorities prioritise *fiqh* interpretations that allow wives to work and contribute economically

¹⁷ Hibatin Wafiroh, Zuhraeni, and Miswanto, “Perkawinan Ngakuk Khagah Adat Lampung Saibatin dalam Perspektif Hukum Keluarga Islam dan Implikasinya terhadap Keharmonisan Keluarga,” *QANUN: Journal of Islamic Laws and Studies* 4, no. 4 (2026): 1846–1855, <https://doi.org/10.58738/qanun.v4i4.1336>.

¹⁸ Muhammad Candra Syahputra, “Nilai-Nilai Pendidikan Karakter dalam Budaya Nengah Nyappur,” *Jurnal PAI Raden Fatah* 2, no. 1 (2020): 1–10, <https://doi.org/10.19109/pairf.v2i1.4301>.

¹⁹ Abdul Mujib, A Lokal Ulama, *Interview*, 2025.

to the household, viewing such participation not as a violation of domestic obligations but as part of maintaining collective family honour (*piil*)²⁰. This selective engagement is not perceived as a departure from Sharia, but rather as a contextual application of the principle of *'urf*, which enables Islamic law to remain adaptive to the socio-economic realities of Lampung society.

Interview data furthermore shows that *qiwāmah* is not exercised solely as decision-making authority, but is socially measured by the husband's ability to protect family dignity, maintain respectful conduct, and mediate conflicts within the wider kinship network. A customary elder stated:

“...A husband is respected not because he is the absolute ruler of the family, but because he can protect, guide, and maintain the dignity of his household in society...”²¹

Likewise, *nafkah* is understood not only as material provision, but also as participation in customary gatherings, family emergencies, and collective ceremonial obligations that symbolise commitment to household honour. At the relational level, *mu'āsyrarah bi al-ma'rūf* is practiced through negotiated role-sharing. Several female informants reported contributing to household income and participating in family decisions while husbands retained representational authority in *adat* forums. One married informant explained:

“...Today, wives also help earn income and participate in family decisions. What matters is maintaining mutual respect and preserving the family's honour together...”²²

These patterns indicate that *fiqh* concepts are not applied textually but are continuously reinterpreted by *Piil Pesenggiri* into socially recognizable forms of responsibility, reciprocity, and collective dignity. It serves as a bridge between textual norms and social reality, providing moral legitimacy that strengthens people's obedience to

²⁰ Sukron Nurazis and Dyah Ayu Vijaya Laksmi, “Ketika Istri Menjadi Tulang Punggung: Kajian Hukum Islam Atas Peran Ekonomi Perempuan,” *JSHI: Jurnal Syariah Hukum Islam* 3, no. 2 (2024): 21–30, <https://doi.org/10.47902/jshi.v3i2.416>.

²¹ Edo, A Customary Elder, *Interview*, 2025.

²² Kayla, One Married Informant, *Interview*, 2025.

Islamic law in a manner they are used to enliven in daily life. In other words, they do not need to change their life choice, like women going to work to earn money, to keep obeying Islamic law²³.

At the same time, *Piil Pesenggiri* shapes how husbands and wives understand their roles and responsibilities within the household in a practical way. Marital relationships are not constructed solely through rigid legal hierarchies commonly associated with classical jurisprudence, but are negotiated through values of dignity, mutual respect, and moral responsibility. Husbands are expected to protect family honor not only by providing financial support, but also by demonstrating ethical conduct and moral leadership within the family and society. Wives, meanwhile, are positioned as partners who help maintain family dignity through their domestic, social, and moral roles. In this way, *Piil Pesenggiri* serves as a medium for internalizing the values of *fiqh al-munākahāt*, allowing Islamic family law to function not merely as a formal legal system but as a lived ethical framework embedded in society's collective consciousness.

Field interviews show that husbands who neglect financial support or publicly display harsh treatment toward their wives are not judged merely as violating Islamic obligations, but as bringing shame (*liom*) upon the wider lineage. As one customary elder explained:

“...In our society, a man is respected not only for earning money but also for maintaining good behavior toward his wife and family. If he humiliates his wife in public, it becomes a disgrace for the extended family...”²⁴

Likewise, wives are socially encouraged to preserve household harmony because domestic failure is perceived as diminishing collective dignity. Under these reputational pressures, adherence to *fiqh al-munākahāt* is maintained not only by formal legal awareness but also by the persistent fear of communal embarrassment, family intervention, and customary disapproval. In this sense, *Piil Pesenggiri* functions as a tangible moral control mechanism embedded in

²³ Imam Mahali et al., “Islamic Community Empowerment Based on Piil Pesenggiri in Preserving Islamic Cultural Values in Teluk Betung, Bandar Lampung,” *International Journal of Science and Society (IJSOC)* 8, no. 2 (2026): 47–62, <https://doi.org/10.54783/ij soc.v8i2.1653>.

²⁴ Buyung, As One Customary Elder, *Interview*, 2025.

everyday social surveillance.²⁵

One of the female informants (Linda, a 34-year-old teacher married for 11 years) said that the principle of *Piil Pesenggiri* is the primary reference for building relationships with couples. She stated,

“...In our family, we are taught to protect and respect one another’s dignity. When problems arise, we do not immediately expose them to outsiders. If other people find out, it brings shame not only to us, but also to the entire extended family...”²⁶

These findings substantiate that *Piil Pesenggiri* does not merely coexist with sharia norms but actively constructs their social application. In the arrangement of husband-and-wife relationships, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in hierarchical, unequal relationships. Its customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family. This is furthermore reflected in everyday practices such as husbands being expected to maintain respectful behavior toward their wives, to resolve domestic conflicts through family deliberation (*musyawarah*), to protect the family’s public reputation, and to serve as moral role models within both the household and the wider community.²⁷

In a broader scene, *Piil Pesenggiri* provides a moral framework that emphasises honour, responsibility, and long-term commitment. These ethics are the basis for married couples in building a stable and dignified household. Within marital relations, *Piil Pesenggiri* mediates understanding of rights and obligations to avoid being trapped in

²⁵ M Nafi Nur Farid, Bintarsih Sekarningrum, and Aditya Candra Lesmana, “Internalisasi Falsafah Nengah Nyappur pada Nilai Piil Pesenggiri Sebagai Upaya Menjaga Kerukunan Antar Suku di Kabupaten Pesawaran,” *Sosioglobal: Jurnal Pemikiran dan Penelitian Sosiologi* 9, no. 2 (2025): 211–28, <https://doi.org/10.24198/jsg.v9i2.60749>.

²⁶ Linda, A Teacher, *Interview*, 2025.

²⁷ Syaiful Munandar, “Penyelesaian Konflik Keluarga oleh Masyarakat Hukum Adat (Berbasis Moral Berasaskan Islamic Profetik),” in *Prosiding Seminar Nasional Program Doktor Ilmu Hukum* (Surakarta: Universitas Muhammadiyah Surakarta, 2024), 265–74, <https://proceedings.ums.ac.id/pdih/article/view/4705>.

hierarchical, unequal relationships. Customary values encourage a balance between authority and responsibility, and place household harmony as the primary goal. This relationship is not always egalitarian in the modern sense, but is negotiable and contextual according to the social conditions of each family. Meanwhile, a part of the husband and wife division of labour, field findings also show that the principle of *Piil Pesenggiri* encourages people to uphold social ethics before marriage, respect the role of the extended family, and avoid behaviour that could cause social disgrace.

Various enforcements of Islamic law through manifestation of *Piil Pesenggiri* in local practices implies how actually, both are enforcing one another. Each becomes stronger and more authoritative once it is enforced by another. Therefore, every time one of each can't bring in any good result, the enforcement of another can change the situation as expected, like the case of pre-marriage relationships among youth. When religious prevent them from doing any rule-breaking actions, customary law offers a good alternative to play the role.

***Piil Pesenggiri* Diminishment to *Fiqh* Rules of Marriage**

Diminishment of Islamic family law through internalization of customary law does not necessarily indicate a negative impression. Instead, it shows how the negotiation between both sometimes requires one of both surpasses another. People are generally aware of each realm, along with the consequences of breaking the rules respectively. In their best effort, they try to comply with both, while in certain situations, they put priority on one of them by underprioritizing the other.²⁸

In Lampung, important family decisions—ranging from the marriage process and the division of marital roles to conflict-resolution mechanisms—are often more influenced by the value of *Piil Pesenggiri*. Empirical evidence from fieldwork illustrates this dynamic; the formal marriage proposal (*nyakak adat*) must strictly follow customary protocols involving *penyimbang adat* (a traditional figure or customary leader who holds an important position as the guardian of social order and customary law) before any religious ceremony (*walimah*) is

²⁸ Sartika Intaning Pradhani, "Pendekatan Pluralisme Hukum dalam Studi Hukum Adat: Interaksi Hukum Adat dengan Hukum Nasional dan Internasional," *Undang: Jurnal Hukum* 4, no. 1 (2021): 81–124, <https://doi.org/10.22437/ujh.4.1.81-124>.

arranged. Traditional leaders consistently assert that marriages bypassing these protocols are regarded as '*sah agama, kurang adat*' (religiously valid, but customarily deficient), a label that carries significant social stigma across generations²⁹.

The diminishment in the form of addition is reflected in the implementation of *uang jujur* (customary wedding gift) alongside the formal *mahar*. Although normative *fiqh* only requires *mahar*, Lampung communities continue to practice *uang jujur* as a symbol of *juluk adek* (titled dignity) and family honour. In this context, *fiqh* provisions are not applied rigidly according to classical texts, but are interpreted through the values of *Piil Pesenggiri*, which emphasise honour, responsibility, and social harmony. As a result, marriages are expected to achieve not only religious validity but also social legitimacy within the *marga* and customary community.

A traditional Lampung leader explained that, from the community's perspective, a marriage conducted without observing traditional customs is often considered religiously valid but "not in accordance with tradition" from a social standpoint—for example, a wedding where the *walimah* (celebration) is held in a modest and simple manner. Such a wedding is considered sufficient and valid according to Islam because the marriage contract has been publicly announced (*syi'ār*), but it is considered incomplete according to custom because it does not include traditional rituals such as Butetikol (the sacrifice of a water buffalo)³⁰. He stated:

"...If you get married, it is not only a matter of legality according to religion, but also a matter of maintaining *Piil Pesenggiri*. If the process violates ethics, the family can be embarrassed. It is not just a matter of two people; it is a matter of one lineage..."³¹

²⁹ Fitra Endi Fernanda and Samsuri Samsuri, "Mempertahankan Piil Pesenggiri Sebagai Identitas Budaya Suku Lampung," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 22, no. 2 (2020): 168–77, <https://doi.org/10.25077/jantro.v22.n2.p168-177.2020>.

³⁰ Mustofa Hilmi, Silvia Riskha Fabriar, and Dena Walda Soleha, "Nilai-Nilai Dakwah dalam Tradisi Upacara Pernikahan Nayuh: Studi Kasus Masyarakat Adat Lampung Suku Saibatin Kabupaten Pesisir Barat," *Mawaizh: Jurnal Dakwah dan Pengembangan Sosial Kemanusiaan* 13, no. 2 (2022): 147–67, <https://doi.org/10.32923/maw.v13i02.2498>.

³¹ Zakki, A Traditional Lampung leader, *Interview*, 2025.

The excerpt implies how people consider both Islamic and customary law important and deserve obedience. The wording doesn't necessarily show how customary law weighs religious law, but highly likely to describe how people tend to consider the religious rules as compulsory while the customary law is only optional. Therefore, the traditional leader stressed how breaking customary law leads to social consequences that can affect a wider circle. This shows that *Piil Pesenggiri* functions as a social mechanism that broadens the meaning of marital validity. In Lampung society, the legitimacy of marriage is not determined solely by normative *fiqh* requirements, but also by social recognition and customary acceptance.

This is clearly evident from the fact that three out of five traditional leaders recalled a case in which a prospective son-in-law was initially rejected – not because he failed to meet the requirements of Islamic law, but because the way his family approached the bride's family was deemed impolite and inconsistent with traditional protocol. An example of this is a courtship process that proceeds directly to marriage without going through *Betangas* (a herbal bath), which is a prerequisite for marriage in Lampung tradition³². This is a form of caution embedded in marriage customs in an effort to protect *Piil Pesenggiri* from being undermined by actions considered inappropriate according to traditional and religious values.³³

Another case in which the same symptom becomes clear is conflict resolution. Fieldwork data particularly reveal how the principle of *juluk adek* (titled dignity) creates a form of collective accountability in which family reputation strongly influences legal and personal decisions. In two documented cases, the pressure to preserve family honour (*piil*) discouraged wives from seeking legal protection through the Religious Court. One female informant stated:

“...Sometimes women endure household problems because exposing them publicly would embarrass the

³² Alfath Aldi Mahyuza and Zainudin Hasan, “Cermin Falsafah Hidup Orang Lampung dalam Tradisi Perkawinan Adat,” *Jurnal Multidisiplin Ilmu Akademik* 2, no. 6 (2025): 364–71, <https://doi.org/10.61722/jmia.v2i6.7024>.

³³ Mirna; Marselinda Suri Renatalia, “Nilai-Nilai *Piil Pesenggiri* dalam Tradisi Ittagh Segheba di Negeri Besar Way Kanan, Lampung,” *Jurnal Kata : Bahasa, Sastra, dan Pembelajarannya* 12, no. 1 (2024): 13–23, <https://doi.org/10.23960/Kata>.

whole family. In our custom, family dignity must be protected..."³⁴

These findings demonstrate the ambivalent role of *Piil Pesenggiri*. On the one hand, it strengthens reconciliation and family cohesion; on the other hand, it may create social pressure that delays or limits access to formal legal remedies. The pressure to maintain *juluk adek* turns out to function as a barrier for wives seeking legal protection through formal Islamic legal channels. Public acknowledgement of marital failure was perceived as bringing collective shame (*liom*) to the entire lineage.

Accordingly, extended families frequently invoke the *sakai sambayan* (cooperation) value to resolve domestic disputes through customary assemblies (*musyawarah adat*) to forestall formal litigation, demonstrating that customary legitimacy often precedes formal legal action. In other words, conflicts are not brought directly into the realm of formal law; they are first resolved through customary mechanisms.

An informant stated so:

"...If there is a problem in the household, we usually discuss it first with the family and customary elders. Going directly to court is considered the last option because what we seek first is peace and the good name of the family..."³⁵

In these instances, the *fiqh* principle of *ṣulḥ* (reconciliation) provides religious legitimacy, while the pillar of *sakai sambayan* (cooperation) functions as the social mechanism for restoring harmony. This demonstrates that Islamic family law in Lampung often operates through social and customary spaces before entering formal legal institutions³⁶.

This choice is certainly diminishment of formal Islamic law valid in Indonesia, although normative texts do not directly guide how

³⁴ Susi, A Female Informant, *Interview*, 2025.

³⁵ Alimuddin, A Male Information, *Interview*, 2025.

³⁶ R. Tanzil Fawaiq Sayyaf, "Mediasi dan Sulh Sebagai Alternatif Terbaik Penyelesaian Sengketa Hukum Keluarga Islam," *Asy-Syari'ah: Jurnal Hukum Islam* 9, no. 2 (2023): 180–98, <https://doi.org/10.55210/assyariah.v9i2.1022>.

the conflict resolution should be coped with practically. A part of this diminishment, it implies how local wisdom in *Piil Pesenggiri* is not a mere residue of tradition to be set aside in the development of Islamic law. Rather, it is an important resource for building a contextual, inclusive, and relevant Islamic family law. Furthermore, integration between customs and Sharia is not a form of compromise that weakens religious norms, but a cultural strategy that enhances the practical efficacy of Islamic law ³⁷.

The high efficacy of this system is obviously reflected among informants: of the six married couples with domestic tensions regarding financial management and child custody arrangements, all prioritized informal customary deliberations over formal litigation, and four of those cases were successfully resolved at the communal level. This shows how popular this option is among the community, implying a triggering common factor beyond the choice. It turns out that the value of *juluk-adek* (dignity) often compels families to resolve domestic conflicts internally through customary mediation rather than formal litigation, as the latter is perceived as a threat to collective family honor.

In this context, the principle of *mu'āsarah bi al-ma'rūf* (living together in kindness) is realised through the logic of *sakai sambayan*, in which the extended family provides a social safety net to restore household harmony. However, the study also identifies a critical dimension: the intense pressure to maintain *juluk adek* (titled dignity) initially acted as a barrier for wives in vulnerable positions, as admitting marital failure publicly was perceived as bringing collective shame (*liom*) to the entire lineage.

Marital failure was viewed as a source of social shame (*liom*) that could affect the dignity of the entire family lineage. As a result, customary reconciliation was prioritized over formal legal procedures. This finding highlights the ambivalent nature of *Piil Pesenggiri*. On the one hand, it strengthens family cohesion and encourages reconciliation; on the other hand, it may create social pressure that limits vulnerable spouses from accessing formal legal remedies. In such situations,

³⁷ Zakirah and Andi Fadhil Andi Aderus, "Kontribusi Hukum Islam dalam Penyelesaian Konflik Sosial Berbasis Agama dan Harmoni Masyarakat Indonesia," *Al-Ubudiyah: Jurnal Pendidikan dan Studi Islam* 6, no. 2 (2025): 258–64, <https://doi.org/10.55623/au.v6i2.568>.

customary honor does not simply accompany *fiqh al-munākahāt*, but also influences when and how legal action is taken. This indicates that living Islamic family law in Lampung is shaped not only by legal norms but also by subtle mechanisms of social control, silence, and moral restraint³⁸.

This condition generally shows that Islamic family law does not operate in a sterile normative space of the socio-cultural context. Instead, it is lived, negotiated, and reinterpreted through local values that give color to legal practice. *Piil Pesenggiri* serves as a bridge between textual norms and social reality, and as a source of moral legitimacy that strengthens people's obedience to Islamic law. Thus, *Piil Pesenggiri* can be understood as an ethical foundation that allows *fiqh al-munākahāt* to function effectively in the life of the people of Lampung. When this ethical foundation turns out to surpass the normative guides, it clearly shows a deep internalization of the former into the latter, leading to diminishment, which, to a certain extent, makes the religious spirit replaced by habitual and practical action.

Dialogical Negotiations Between *Piil Pesenggiri* and *Fiqh al-Munākahāt* in the Construction of Islamic Family Law in Lampung

Either through enforcement or diminishment, relationships between *Piil Pesenggiri* and *fiqh al-munākahāt* in Lampung is generally characterized by a dialogical negotiation in which both systems interact to produce a contextually grounded legal practice. This negotiation is not a replacement for one another but a cultural mediation that ensures religious norms are socially meaningful. Overall, the results of this study show that the relationship between *Piil Pesenggiri* and *fiqh al-munākahāt* in Lampung society is not mutually affirming, but is intertwined in a dialogical and negotiable relationship. Customary values are not positioned as a counterpart to Sharia, but rather serve as a cultural medium that enables Islamic teachings to be understood,

³⁸ Muhammad Yasir Fauzi, Agus Hermanto, and Saiyah Umma Taqwa, "Marriage Divorce in the Lampung Pepadun Customary Law: A Maqasid Sharia Perspective," *Justicia Islamica: Jurnal Kajian Hukum dan Sosial* 19, no. 2 (2022): 351–70, <https://doi.org/10.21154/justicia.v19i2.3920>; Zaitun Abdullah, Putri Ayu Maharani, and Universitas Pancasila, "Unveiling the Enigma: Exploring Regulated Marriage Age Limits from the Lens of Masalah Mursalah," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 1 (2024): 119–38, <https://doi.org/https://doi.org/10.19109/s0t9g986>.

internalized, and practiced in a more grounded manner. In daily life, people of Lampung do not strictly separate “customs” and “religion”, but view the two as a unit of values that reinforce each other in regulating family life.³⁹

The negotiation is reflected in the community’s selective attitude in choosing *fiqh* references that align with their social needs. Multiple ulama informants acknowledged that they consciously choose *fiqh* opinion regarding the scope of *qiwāmah* (husband leadership), endorsing wife’s permission for employment that are most compatible with the pillar of *nengah nyappur* (social participation). In practice, these religious authorities prioritise *fiqh* interpretations that allow wives to work as teachers or professionals, viewing such roles not as a violation of domestic duty but as a contribution to the family’s collective *piil* (honour). Another concrete example is the implementation of *uang jujur* (customary wedding gift) alongside the formal *mahar*. While normative *fiqh* only requires the *mahar*, the community selectively adopts *fiqh* views that treat these additional customary gifts as valid expressions of *juluk adek* (titled dignity), thereby ensuring that the marriage gains both religious validity and social legitimacy within the *marga* (clan).

The provisions of *fiqh* are not applied literally and rigidly as stated in the classical books, but are practiced through the lens of *Piil Pesenggiri* values that emphasize honor, moral responsibility, and social harmony.⁴⁰ In this context, *fiqh* does not lose its normative substance but undergoes a process of contextualization to align with the social and cultural realities of the people of Lampung. The negotiation is also reflected in the community’s selective attitude in choosing multiple *fiqh* references. Rather than consciously adhering to a single formal *māẓhab* (school), Lampung Muslim families tend to practice *fiqh* interpretations

³⁹ Muhtadin and Mu’asyara, “Unsur Piil Pesenggiri dalam Tradisi Ngelemang pada Masyarakat Adat Lampung Barat.”

⁴⁰ Muhammad Madehin Nashih, “Sociological Analysis of Islamic Law on the Relationship between Adat Law, Ethics, and Human Rights in the Context of Modern Indonesia,” *Law and Judicial Review* 1, no. 2 (2025): 90–108, [https://doi.org/10.70764/gdpu-ljr.2025.1\(2\)-08](https://doi.org/10.70764/gdpu-ljr.2025.1(2)-08); Wardatun Nabilah et al., “Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia,” *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 137–51, <https://doi.org/10.31958/juris.v24i1.11882>; Nurul Hidayat, Abdul Rahman, and Mohamed Belal, “Guardian’s Responsibility for the Welfare of Children in Marriage: A Study According to Islamic Law,” *Malaysian Journal of Syariah and Law* 12, no. 3 (2024): 778–89, <https://doi.org/10.33102/mjssl.vol12no3.765>.

that have been socially preached by local religious authorities and are perceived as compatible with *Piil Pesenggiri* values and everyday communal needs. In this sense, engagement with *fiqh* is not primarily doctrinal but practical, and culturally filtered through inherited patterns of customary legitimacy.⁴¹ Thus, *fiqh al-munākahāt* exists not as an abstract doctrine, but as a flexible and contextual guideline of life.

Within the framework of living Islamic family law, which refers to law as socially practiced, interpreted, and negotiated in everyday life rather than merely understood as a formal doctrinal text, these findings confirm that a dynamic interaction among normative texts, social practices, and local values shapes Islamic family law in Lampung. In this perspective, Islamic family law is viewed not only as a set of *fiqh* regulations or state legal provisions, but also as a living social reality continuously mediated through cultural traditions, communal ethics, and local understandings of justice and family relations. The *fiqh* texts provide a legal framework and religious legitimacy, while *Piil Pesenggiri* gives social and moral meaning to their implementation. These interactions result in family law practices that are not only normatively valid but also socially accepted and respected. Law, in this sense, does not stop as a written rule, but rather lives and works in the daily life of society.⁴² *Piil Pesenggiri* operates as a concrete source of social legitimacy because compliance with marital obligations is continuously evaluated within the communal framework of family honour.

The findings of this study also show that the negotiation of customary and Sharia values occurs dynamically, in response to social changes. Changes in gender roles, women's increasing participation in income generation, and shifting household economies have altered the practical application of both *Piil Pesenggiri* values and *fiqh* norms. In many families, wives now contribute to household finances and participate in domestic decision-making, while husbands retain

⁴¹ Bagus Putra Setiawan et al., "Penerapan Nilai Piil Pesenggiri Bagi Generasi Muda di Era Globalisasi Ditinjau dari Perspektif Sosiologi Hukum," *SOSMANIORA: Jurnal Ilmu Sosial dan Humaniora* 4, no. 1 (2025): 89–98, <https://doi.org/10.55123/sosmaniora.v4i1.4938>.

⁴² Aprina Sari, Ahmad Isnaeni, and Beko Hendro, "Living Qur'an: Nilai Filosofis Piil Pesenggiri pada Tradisi Masyarakat Lampung di Kecamatan Anak Tuha," *Qolamuna: Jurnal Studi Islam* 11, no. 1 (2025): 35–52, <https://www.ejournal.stismu.ac.id/index.php/qolamuna/article/view/2152>.

responsibility for preserving family honour and representing the household in customary relations. As a result, *qiwāmah* is practiced less as exclusive economic control and more as moral accountability, whereas household harmony is maintained through shared negotiation rather than rigid role separation.

In resolving family conflicts, customary and Sharia-based negotiations are becoming increasingly visible. The *fiqh* principles of peace (*sulḥ*), justice, and benevolence are practised through customary mechanisms that emphasise deliberation and the restoration of honour.⁴³ This process shows that Islamic family law does not continuously operate through formal channels but often through social spaces shaped by local values. *Adat*, in this case, does not obscure Islamic law, but instead expands its workspace.⁴⁴

Conclusion

The findings reveal that *Piil Pesenggiri* either enforces or diminishes Islamic law as Lampung Muslim guidance in organizing wedding and living a married life. This negotiation is really obvious in how Lampung people practice Islamic law in their family, ranging from the concept of *qiwāmah* or family division of labor, family conflict resolution, to a series of wedding provisions. Rather than operating in a dichotomous relationship, both systems interact in a dialogical manner, in which *fiqh* principles such as marital obligations, reconciliation (*sulḥ*), and *qiwāmah* are reinterpreted in light of customary values that emphasize honor, collective dignity, and moral responsibility. Furthermore, the study finds that *Piil Pesenggiri* actively constructs and influences the practice of *fiqh al-munākaḥāt* as a living Islamic family law in Lampung society. It functions not merely as a cultural backdrop, but as a normative force that shapes how marital roles, obligations, and responsibilities are understood and enacted in

⁴³ Danda Meri Aprisa, "Implementasi Nengah Nyappur dalam Tradisi Cangget Agung Masyarakat Lampung," *Oriental: Jurnal Kajian Mutu Pendidikan* 1, no. 1 (March 5, 2025): 27–31, <https://doi.org/10.23960/oriental.v1i1.1213>.

⁴⁴ Ari Rohmawati, "Examining Piil Pesenggiri Philosophy of Life Concept in the Context of Religious Moderation," *Analisis: Jurnal Studi Keislaman* 22, no. 1 (2022): 133–52, <https://doi.org/10.24042/ajsk.v22i1.12445>; Jufri Naldo et al., "Jurnal Ilmiah Peuradeun Becoming a Christian Minangkabau in Indonesia: The Struggle Between Identity and Religious in the Land of Migration," *Jurnal Ilmiah Peuradeun* 14, no. 2 (2026): 1443–64, <https://doi.org/10.26811/peuradeun.v14i2.2388>.

everyday life. However, this influence is ambivalent, as the same value system may also generate social pressure that discourages individuals, particularly women in vulnerable situations, from accessing formal legal remedies. Therefore, future research is recommended to explore further the gendered dimensions of this negotiation, particularly how women experience and navigate the tension between customary honor systems and formal Islamic legal protections across different socio-cultural contexts.

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