



## Position of Women in South Sumatra Customary Law: Gender Studies in South Sumatra in the Early 19th Century 20th Century Ad

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<http://dx.doi.org/10.18415/ijmmu.v8i10.3152>

### **Abstract**

The text of the *simbur cahaya* law is a law book that combines customary law and Islamic teachings. The Book of *Simbur Cahaya* was compiled by Queen Sinuhun who is the wife of the ruler of Palembang, Prince Sido Ing Kenayan. *Simbur Cahaya* Law is a customary law that develops and applies between citizens who are in the Ulu area of South Sumatra. This purpose will examine the position of women in south Sumatra customary law: gender studies in south Sumatra in the early 19th century 20th century AD. This study uses literary methods that are descriptive-analytical. The result of this study is the law of light is written in Arabic script made by Queen Sinuhun who is the wife of the ruler of Palembang. *Simbur Cahaya* Law rules gender law in harmony with what is taught according to Islamic sharia which means the social life of the people of Palembang at that time was already religious, so that the rules of the *simbur light* law until now also have an important and relevant meaning in accordance with Islamic teachings. Men and women have their own roles in the community environment.

**Keywords:** *Women; Law; Adat; South Sumatra*

### **1. Introduction**

Palembang is one of the regions in Indonesia that has a wealth in the form of manuscripts. Ancient manuscripts usually contain about divinity, ethical teachings, history, folklore, (fairy tales, legends), traditional technology, mantras, genealogy, amulets, poetry, politics, government, laws, laws, customs, traditional medicine, sagas and so on (Wulandari et al, 2020: 188). One of them is the *Simbur Cahaya* script which is one of the written laws in the form of laws governing Palembang society in society there are many rules contained in the *Simbur Cahaya* Script, one of which regulates the relationship between men and women that must be adhered to by the Ulu community of South Sumatra (Adil, 2014: 59).

*Simbur Cahaya* Law is a law that combines customary law and Islamic teachings (Annisa et al, 2021: 28). The Book of *Simbur Cahaya* was compiled by Queen Sinuhun who was the wife of the ruler of Palembang, Prince Sido Ing Kenayan (1630-1642 AD). *Simbur Cahaya* Law is a customary law that develops and applies between citizens in the Ulu area of South Sumatra (Hasan, 2012: 23). After the

Simbur Cahaya Law is drafted in a series so that it is arranged in 5 chapters which is a legal system and customary institution in South Sumatra (Wirajaya, 2018: 39). In general, the contents of the law are as follows: 1) Indigenous single women and marriage; 2) Customary Marga; 3) Village regulations and planting; 4) People's Rules; 5) Customary punishment. The entire content of the Simbur Cahaya Act is a rule that regulates the behavior of society either individually or in general nature. Of the various rules contained in the Simbur Cahaya Law in this study, it focuses more on the position of women in the customary law of South Sumatra (Susanti et al, 2021: 8). Gender law stipulated in the Simbur Cahaya Law that must be obeyed by the community because it regulates the relationship between men and women in society and regulates marriage laws that must be obeyed by society there will be sanctions for anyone who violates it (Wahyuni, 2019).

Simbur Cahaya law has regulated the relationship between single girls in society as seen in Chapter 1 about the rules of single girls and marriage article 18 which reads if a man nudges a girl's hand or rangda (nare gawe namanja), he is fined 2 ringgit if the woman complains and 1 ringgit goes home to the woman and another 1 ringgit falls on the head of the hamlet (Adil, 2014: 59). What is meant in this article contains ethical moral values in associating between men and women is forbidden to touch if not muhrim (Wirajaya, 2018: 39). Judging from the rules have a relationship with Islamic law that regulates the relationship of men and women who have not been muhrim or unmarried (Nurkhalifah, 2019: 18).

Simbur Cahaya Law is a system of customary rules that are popular among the people of Palembang there very closely related to moral teachings (Wahyuni, 2019). This Simbur Cahaya law was applied during the Palembang government (Idris et al, 2020: 105). The Sultanate of Palembang until the time of Palembang Residency but the Simbur Cahaya Law was changed when Palembang was controlled by the Dutch Colonists (Saputro et al, 2020: 8). The moral values and teachings contained in the Simbur Cahaya Law are what can be used as a source of historical learning in schools (Yusdani, 2005: 26).

With the development of the times and technology, many traditions have been forgotten, thus impacting the younger generation today and the future, namely very little moral awareness among the younger generation (Lestari, 2019: 35). The role of gender in the law is certainly widely regulated so that there are limits between women and men. Especially women have rights that must be protected in the law (Annisa et al, 2021: 28). Indonesian laws and regulations recognize the principle of equal rights between men and women. Conditions for men and women to enjoy equal status and the same conditions to realize human rights and their full development potential in all areas of life (Wulandari et al, 2020: 188).

Local cultural and historical learning is rarely taught by the people of today and teachers in school so as to encourage researchers to provide resources that can be used as a reference in learning history and culture in order to increase their knowledge about customary laws that have been applicable in South Sumatra, namely the Simbur Cahaya Law (Hak, 2018: 15). The existence of gender roles in public life and it has been regulated in law since ancient times and continued until now (Saputro, 2021: 122). So that in the concept of gender there is a division of duties between women and men (Annisa et al, 2021: 28). There are also human rights governing the role of men and women and those rights are protected by law and there are sanctions in force (Yusdani, 2005: 26). Simbur Cahaya Law is one of the rules in which there are rules that explain the law of society between men and women. Based on the description of the researchers, this paper will examine the Position of Women in South Sumatra Customary Law (Gender Studies in South Sumatra 19 Early 20 th Century AD).

## **2. Methodology**

This study uses literary methods that are descriptive-analytical. According to (Sugiono: 2009; 29) descriptive-analytical is a method that describes or describes an object studied through data or samples that have been collected as is without conducting analysis and making conclusions that apply to the

public. According to Burhan Bungin (2008) "the literature method is one of the data collection methods used in social research methodologies to trace data recording events". The literature used in this study is sourced from articles, books and online journals related to the title of the study. The steps taken in this literature review define among them the scope of the topic to be reviewed, identify relevant sources, review the literature, write literature and apply literature to the study to be conducted.

### **3. Discussion and Analysis**

#### **3.1. Articles and Rules about Women**

The "Law of Simbur Cahaya" is a book of law that combines customary law and Islamic teachings. Simbur Cahaya was written by Queen Sinuhun, wife of Prince Sido Ing Kenayan (1630-1642 AD) of the ruler of Palembang (Lestari, 2019: 35). Simbur Cahaya is also a system that was applied in South Sumatra hundreds of years ago, especially in the Uluan Palembang area. In the past, the law was written in a regional script called Surat Ulu, which is also a regional language, then arranged into a complete series of characters (Hasan, 2012: 23). Simbur Cahaya Law is a customary law that combines customary laws that develop orally in South Sumatra and in Islamic teachings (Nurkhalifah, 2019: 18). This book is divided into 5 chapters that are part of legal and customary institutions in South Sumatra, especially the chapter on gender equality between men and women. Broadly speaking, the contents of the law are as follows: 1) Indigenous single women and married people; 2) Customary Marga; 3) Village and agricultural regulations; 4) The rules of society; 5) Customary punishment (Wirajaya, 2018: 39). In its position, Simbur Cahaya as a source of legitimacy of community civilization plays an important role in the formation of the basic character of Palembang society. From the rules of the clan, the rules and regulations of hamlets and bureaucracies, governance ethics, manners, marriage and other aspects, we can see the protection and management of all aspects of life (Annisa et al, 2021: 28).

Simbur Cahaya law has remained in continuous use since then the kingdom, sultanate, early colonial government of Dutch independence, Indonesia, and until government regulations were enacted repeal no. 5 of 1979 Indonesia's customary legal system. However, when the form of government of the kingdom was changed to a sultanate, the law changed. This is due to the expansion of the sultanate and the addition of Bangka Island and Belitung Island (Wulandari et al, 2020: 188). Since the Sultanate of Palembang was abolished (1825), the Dutch colonial government has continued to make modifications in accordance with its interests. Simbur Cahaya Law has an important role to provide light to the way of life of the people of South Sumatra with the system that applies in the Uluan Palembang area (Lestari, 2019: 35).

Simbur Cahaya is a civil system applied in South Sumatra This is the oldest and primitive tradition practiced since hundreds of years ago. This tradition includes the values of life in the written form of Oendang-Oendang Simboer Tjahaja and its contents are stored in treaties, memories and habits of people (Idris, 2020: 129). The value of decency, the community of South Sumatra survives and overcomes various problems of social life Insociable with the natural environment and with humans (Annisa et al, 2021: 28). This is the main value of Simbur Cahaya which is not only contained in writing, but also reflected in people's daily lives. People help each other in working in different fields. If a family member is affected by illness or misfortune, news about him spreads quickly by word of mouth (Oktaria et al, 2021).

People came without hesitation as the people came to visit. The purpose of attending the meeting was to reduce the burden on all disaster parties. If there is a wedding or other social ceremony (Wirajaya, 2018: 39). Unity and cooperative living are social bonds that are very prominent in people's lives. As moral information, it is only recorded in the memory of indigenous peoples and as a rule of courtesy written in the Simbur Cahaya Law (Nurkhalifah, 2019: 18). If the community violates the rules contained

in the law, it will be subject to sanctions that are quite diverse such as paying fines, breaking gawe even to prison (Yusdani, 2005: 26).

According to the simbur light law, the penalty of fines depends on the scale of the offender's guilt at the time. Various forms of punishment usually have a deterrent effect for the culprit. In addition, the law that is no less important is the social sanctions that apply at that time. In indigenous peoples who maintain their customs, this figure spreads everywhere, so people reconsider if they want to violate the customary law applicable in the Simbur Cahaya Law. Therefore, the Simbur Cahaya Law becomes a very important benchmark for law enforcement in the Uluan Palembang region (Annisa et al, 2021: 28).

### **3.2. Women in The Light Simbur Act**

Differences between men and women often cause problems, because, most people understand the concept of gender narrowly, namely as a concept that is only related to women's own personality problems. Gender is very different from gender, gender is not just talked about specifically women or men, it is not a different concept biology that both have. Gender is the difference between the roles of men and women formed by communities or community groups having different cultures, backgrounds and social structures of regions, races, states, and religions (Sholeh et al. 2019: 237). Therefore, there are differences in behavior and characteristics of the role of men and women used in a place / culture does not necessarily have similarities elsewhere. In the Simbur Light Law the rules regarding men are designed to provide lessons and deterrent effects for those who violate both in society and marriage law (Annisa et al, 2021: 28).

The following are the rules on gender articles in the Simbur Cahaya Law contained in the book (Simbur Cahaya Law used in the interior of Palembang quoted and copied by Budenani: Chapter I Adat Bujang Gadis and Kawin: Articles 1, 2, 3, 4, and 5. These articles talk about the decision to conduct marriages, dowries, wedding shopping money.

Chapters I Articles 5, 6, 7, 8, and 9 talk about the taming between men and women and the obligations that must be carried out by both parties who do the permit.

Chapters I Articles 12, 13, 14, and 15 talk about engagement as one of the steps to a marriage relationship. As the article 12 reads: If there is a single girl who will be be be beheaded, it must be the father of the bachelor delivered to the head of the hamlet and his retainer, afterwards, after which eat the light of his name.

Chapter I Article 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 is the article that leads to tame or men interfere with the comfort of a woman, for example in article: Article 19: If a boy intentionally holds a girl's arm or srantants gawe his name, then he gets a fine of 4 ringgit, and if the woman complains then 2 ringgit are brought home to the woman and 2 ringgit falls on the head of the hamlet and its retainer.

The article on the position of men and women in marriage, stipulated in Chapter II of the Marga Rule. Chapter 28: If a man is married in another hamlet or in another clan, let his wife also be in his male hamlet and never take a son meaning a man also in the hamlet of his in-laws. The article on insulting women through words, is regulated in Chapter V of the Customary Law. Article 19: If someone curses or curses a wife or girl people or mentions the act of jang is not appropriate. Article 41 regulates the protection of women who wish to be damaged by foreign men. Article 55 regulates marriage dowry.

Men and women have their own roles in the community environment. Every place has rules that apply and must be obeyed for everyone in that place as well as the Simbur Cahaya Law that applies to the Uluan community of South Sumatra (Wulandari et al, 2020: 188). In the above chapters that regulate the

life of men when interacting with women and other communities. Like chapters 1-3 of chapter 1 that governs the law of marriage and the money that a man must give to the woman he is about to marry is all set out in that article. Selahin marriage law there are many articles that govern the life of single girls uluan area at that time (Wirajaya, 2018: 39).

The Light Simbur Law was drafted by Queen Sinuhun which means women play an important role in society, directly or indirectly at the time. Queen Sinuhun is thought to have been born in Palembang around the end of the 16th century, and died in 1642 AD (Annisa et al, 2021:28). Queen Shinuhun's goal was to draft the Simbur Light Act to protect and elevate women's values at the time so as not to be denigrated. The Simbur Cahaya Law is a book known for its distinctiveness in fighting for women's rights, as well as providing protection to women. The rules derived from the Simbur Light Act are still visible today.

Queen Sinuhun made the rule to protect and protect women because the history of women is considered a weak creature and there are many cases of men who often abuse women and also in the days of the Sultanate of Palembang a lot of practices of slavery and sale of women therefore Queen Sinuhun made the rules of the Simbur Cahaya Law to protect the rights and dignity of women. Simbur Cahaya Law has given an explanation of the status and position of women in society and fight for their rights (Annisa et al, 2021: 28). The following are the rules on the gender of women contained in the Simbur Cahaya Law contained in the book (Simbur Cahaya Law used in Palembang's depth quoted and copied by Budenani published by the Djawa language section. Kem P and K culture).

## ***Discussion***

Malay women used to be the only object, women as objects of play and objects of trade. Human trafficking makes women an important object of trade, which will later be employed in the non-formal sector in society (Fitria et al, 2021: 172). Islam that entered South Sumatra in the 16th century AD opened a new world in The Malay culture of South Sumatra. The policy of Palembang rulers in the field of law and socio-culture over the area of political influence in the 17th century AD in South Sumatra brought changes to the practice of life and culture of the people in his day (Ilhamudin et al, 2020).

The codification of local customary law conducted by Queen Sinuhun in collaboration with local political, religious and cultural leaders succeeded in placing local customary law / oral customary law in a high position as a basis for the application of customary law in the power of the king of Palembang (Annisa et al, 2021: 28). The composition of the number of articles that are balanced between articles that discuss the interests of men and those who defend women in the Book of Simbur Cahaya indicates that women have been placed in a high position in South Sumatran society since the 17th century AD. The application of local culture-based law with a touch of Islamic law in Uluan South Sumatra is able to increase the degree of Uluan women in South Sumatra with the encouragement of rulers and broad community support for centuries (Nurliza, 2019).

## ***Conclusion***

Simbur Cahaya shrimp law is a customary law used in the Ulu area since the 17th century. The original text of the Simbur Light Law was written in Arabic script made by Queen Sinuhun who was the wife of the ruler of Palembang, King Side Ing Kenayan (1629-1636). Simbur Cahaya Law rules gender law in line with what is taught according to Islamic sharia which means the social life of the people of Palembang at that time was already religious, so that the rules of the Simbur Cahaya Law until now also have an important and relevant meaning in accordance with Islamic teachings.

Men and women have their own roles in the community environment. In every place has rules that apply and must be obeyed for everyone in that place as well as the Simbur Cahaya Law that applies to the uluan community of South Sumatra, Indonesia. Gender is the difference between the role of men and women formed by communities or community groups. Have different cultures, backgrounds and social structures of regions, races, states, And religion.

### **Acknowledgment**

This article is a study of history and culture in the process of research lecturers and students. Therefore, I want to express my sincere gratitude to all those who have helped and provided support.

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