

THE BOOK OF SIMBUR CAHAYA The Receptive Theory Point of View

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Abstract

Tulisan ini mengkaji Kitab Simbur Cahaya yang merupakan sumber tertulis peradatan yang pernah berlaku di lingkungan masyarakat Sumatera Selatan yang dianggap sebagai karya Ratu Sinuhun Penguasa Palembang 1639-1650. Dalam Kitab Simbur Cahaya terkandung nilai-nilai pendidikan etika atau moral bagi masyarakat Sumatera Selatan pada umumnya dan terutama bagi pergaulan remaja. Aspek-aspek keislaman dari Kitab Simbur Cahaya terdapat dalam aspek formal bahasa dan istilah dan aspek materi. Ajaran moral atau etika pergaulan yang terdapat dalam Kitab Simbur Cahaya sudah selayaknya dipertimbangkan, terutama dalam upaya penggalan dan pengembangan nilai-nilai budaya lokal daerah di era otonomi daerah sekarang ini.

خلاصة

إن النصوص القديمة التي نسبت إلى نوسانتارا معظمها تسجل التقاليد والأعراف الجاوية، ومن جانب ذلك يوجد النصوص تشمل فيها القانون وسمتها شعب الملايو باسم الدساتير . إلا أن هذه النصوص لم تعط حظها ولم يهتم بها ، وهذه النصوص هي Kitab Simbur Cahaya كمصدر مكتوب للتقاليد والأعراف التي تتعامل بها أهل سومطرة الجنوبية واعتبروها من مؤلفات مالكة Sinuhun التي تولت رئاسة Palembang بين عام ١٦٥٠-١٦٣٩ . يحتوي كتاب Simbur Cahaya على القيم التربوية والأخلاقية لمجتمع سومطرة الجنوبية بشكل عام وعلى رأسها علاقة الشباب والشابة . واللغة التي استخدمتها الكاتبة والمصطلحات المستعملة والمواد التي تشمل فيها تمثل الجانب الإسلامي ، لذلك فإن التعاليم الأخلاقية المضمونة في كتاب Simbur Cahaya لا بد من الاعتبار لإعمار وتطوير القيم المعترفة لدى الشعوب وأفضلها مجتمع سومطرة الجنوبية والدعامة لترميم وإصلاح القيم التي تتلائم مع سياسة الحكم الذاتي في تلك المنطقة .

Keywords: *Hukum Islam, Hukum Adat, Pendidikan Moral, Teks*

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A. Introduction

Indonesian researchers attention to manuscripts of old Indonesian literatures currently is more better and encourage. By studying more toward variety of old manuscripts, the description of Indonesian culture can be understood more comprehensively, in particular regarding the diachronity of development of Indonesian literatures.¹

Old manuscripts of Indonesian literatures consist of *fiction, intertain story, a funny story, brim story, banner story, the puppet story, and the Islamic heroic story*.² Besides, there are many archipelago literatures expound traditions. Instead, in treasure of archipelago there is a text that regarded as a law, in Malay society it can be called a term *act*, in Java society is well-known the term *angger-angger*.³

The concept of act in Malay literature is different from that of Indonesian concepts nowadays. Act in Malay society actually constitutes tradition which formed in society in a certain period, not regulation that all decided by state, king or government. The writing or legislating will be done when the certain of law is needed by king or denoted the influence of West.⁴

There are many acts in Malay literature, for instances *Undang-Undang Negeri Melaka* (it is also popular called *Risalah hukum Kanun* or *hukum Kanun*) and *Undang-Undang Minangkabau*; and in Java literature there many, for examples *Raja Niti, Praniti Raja, Kapa-Kapa, Surya Ngalam, Nawala Pradata dan Angger Sadasa*. Except act literature, in old Malay literature there is a text relating to tradition, for instances, *Adat Raja-raja Melayu*.⁵ The available of the acts and texts of tradition above-mentioned are very useful for the sciences of tradition law and tradition itself particularly and culture values that have ever lived and developed as society references.

One of many kinds of old literature manuscript that be identified as manuscript of act even though has been paid attention by philologist. But, the majority of manuscripts of act just a part of them that has been researched by researcher philologically. In this sense it is truthfully becoming an attention and thought of Indonesians.⁶

¹Ahmad Taufik Dardiri, 1987, "Undang-undang Melaka, Sosok Akulturasi Sebuah Proses *Receptio in Complexu* (Suatu tinjauan Reseptif)" dalam *Al-Jami'ah* No. 35 tahun 1987. Yogyakarta: IAIN Sunan Kalijaga Yogyakarta. p. 35

²Sawu, 1985, "Kedudukan Filologi di antara Ilmu-ilmu Lain". Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan. *Pengantar Filologi*. Jakarta: PPPBDPKJ. p. 10

³*Ibid.*, p. 23.

⁴*Ibid.*

⁵*Ibid.*

⁶Ahmad Taufik Dardiri, 1987, "Undang-undang Melaka....", p. 35

One manuscript which has not studied yet is *Simboer Tjahaja* (the further explanation in this article in accordance with Indonesian EYD, it will be spelled *the Book of Simbur Cahaya*) constitutes written resources that has been ever applied in the Residence of Palembang – now this jurisdiction including South Sumatra Province.⁷

B. The Sketch of Society (Constituent) of Simbur Cahaya

The type of society lives in Indonesian archipelago organically and generally has a characteristic genealogy either based on family system, clan, tribes or etc. Besides, it also has a territory, namely jurisdiction, for instances, village, territory of the kingdom, and etc. The association of one form or two kinds of the characteristics genealogy aforementioned becomes an important element and a process how to build a society. Departing from anthropology category mentioned above, South Sumatra people (society) is formed based on the combination between territorial system and geneological system. Meanwhile, its family system follows patrimonial system. Of course,⁸ the fact, influence toward social and the cultural values of South Sumatra society.

Besides, to describe about cultural art of people of South Sumatra, it can not be isolated from the situation and the condition of this region or geographical milieu of people who become the constituent of the culture. The region of South Sumatra Province has *nine rivers (batang hari sembilan)*, this province is lived by various ethnic groups either in languages, in traditions or cultures. The possibility there are may be the nine rivers indicate the pluralism in variety of cultures since in the beginning until now. River denotes an important tool of transportations to relate ethnic groups each other in many areas. This emerges difficulties to communicate between areas and ethnic groups each other. Because of this, the limitation lines between among groups, therefore the language of one ethnic group is different from other ethnic group, for instances *language of Komering, language of Kayu Agung, language of Pasemah, language of Musi* and so on. But, the form and the content of art and cultures have similarities and the same pattern that state the dynamic in sentimental in singing a song that not in accordance with the characteristics of the maritime in general.⁹

The faith that the Malay in South Sumatra Province believed in is very unique, according to them that their descendant or their great grandfather at least originated from Majapahit even from Kediri and Singosari. Besides, the

⁷KANKP, 1939, *Kitab Simboer Tjahaja*, Palembang: KANKP, p. 2.

⁸PIDKD, *Proyek Inventarisasi dan Dokumentasi dan Kebudayaan Daerah*, 1979, *Adat Istiadat Perkawinan di Sumatera Selatan*. Jakarta: PIDKD, p. 15.

⁹PIPNB, 1991, *Sejarah Daerah Sumatera Selatan*, Jakarta: PIPNB, p. 53.

people of South Sumatra also claim that they are from at least have closed relation to *Alexander the Great* (Iskandar Zulkarnaen) descendant at Mountain Seguntang.¹⁰

From above description derived variety of traditions and cultures of South Sumatra, for example celebrating tradition of birth, youth intercourse (gentlemen and ladies), married tradition, and celebrating funeral tradition.

1. The Birth Celebration Tradition

In South Sumatra society live if there a newborn baby usually celebrating a particular celebration (*sadaqah*) in order to the newborn baby save and get protection from descendant spirits and disappear creature in order newborn babies save until they become adult and they marry,¹¹ then celebrating hair shaving that followed by family, closed relatives of family, member of society both male and female, either gentleman or ladies till adult people. In this sense, tradition (adat) celebrating guided by custom leader, the celebrating that be based on Islamic teaching guided by moslem chief.

2. Married Tradition

The tradition of South Sumatra permits their people to intercourse closely from childhood to age of legally responsible. After reaching the age of growing up, there're an act or regulation that limit their intercourse among them as a gentleman forbids touching lady. They are permitted to intercourse freely when they marry as husband and wife.

South Sumatra society especially they who live in villages have many life systems that they conduct at every day life. The life systems above-mentioned are closed relation to tradition and wedding party,¹² and one of the tradition is celebrating propose or ask in marriage and matrimony decision.

At South Sumatra Province region, according the tradition declares that an ideal marriage is the marriage that conducting with a daughter of one's sister of father or a sister of father's sister. The married woman will follow her husband and live with her husband and her husband's family. The reason for the form of ideal marriage afore-mentioned is easy to integrate the husband's family and the wife's family. Then a wife is easier to be a member of family based on billinear descendant principle.

Beside an ideal marriage form that mentioned, there are also many kinds of marriage either in normal situation or in particular situation to conduct

¹⁰Djohan Hanafiah, 1995, *Melayu Jawa*. Jakarta: Raja Grafinda Persada.

¹¹PIDKD, *Proyek Inventarisasi dan Dokumentasi dan Kebudayaan Daerah*, 1979, *Adat Istiadat Perkawinan di Sumatera Selatan*, Jakarta: PIDKD, p. 94.

¹²PIDKD, 1982, *Permainan Anak-Anak Daerah Sumatera Selatan*, Jakarta: PIDKD, p.19-20.

marriage. The variety of marriage form at South Sumatra as like normal marriage, kidnap marriage, the marriage in a simple ceremony while the consummation of marriage awaits in official, and wife's sister substitution marriage, and many others.¹³

3. The Tradition of Funeral.

The tradition of South Sumatra society if there is a member of family passes away, the people will conduct funeral. In this connection, the people of South Sumatra do the funeral carefully because if they do not do it carefully, so the spirit of deceased person will roam around and disturb. An example of this is not permitted to exit a corpse from a door of house but to exit a corpse from window of house. The wall and roof of house must be opened, and from there a corpse will be gone down, then a corpse will be brought to bury at grave. All activities of funeral are conducted together by family, relatives, and society.

C. *Simbur Cahaya* in Short History

At the beginning, the Book of Simbur Cahaya denotes a region act or regulation that be a basic and guidance of King (Sultan) to govern the government, especially for north region (uluan) of South Sumatra. Meanwhile, the certain articles of the Book of Simbur Cahaya have been revised by colonized government Dutch. It is decided act of tradition of South Sumatra Region by Dutch.¹⁴

Roo de Faille's interesting noted on the Book of Simbur Cahaya. He stated that :

*Prince Seding Kenayan married his cousin, her name Queen Sinuhun, who regulated the act of the region from the works of the kings for north region of South Sumatra and started to regulate regarding pepper plant command and decided other commands and etc, so until that time all of north region and also including the act of the kingdom, the act was called The Constitution of Ratu Sinuhun, there is no her husband's name Pangeran Seding Kenayan, only mentioned the name Ratu Sinuhun. Until now she was nobled by the people of north region and a half of society of South Sumatra on her grave.*¹⁵

The Book of Simbur Cahaya based on South Sumatra people's narrative constituted the work of Ratu Sinuhun. Ratu Sinuhun was Pangeran Sido Ing

¹³PIDKD, 1983, Sistem Gotong Royong dalam Masyarakat Sumatera Selatan, Jakarta: PIDKD, p.71.

¹⁴Boedenani, 1983, *Sejarah Sriwijaya*, Bandung: Tarate, p.3-4.

¹⁵De Roo De P. Faile, 1971, *Dari Zaman Keslutanan Palembang*. Jakarta: Bhartara, p.

Kenayan's wife who governed Palembang 1639-1650. According to notes are stated that Ratu Sinuhun has very brilliant brain and has great desire. She drafted the basic of acts that regulated the north region. Then, according to Roo de Faille, Ratu Sinuhun was married by Pangeran Sedo Ing Kenayan, when she was a widow of Pangeran Madi Ing Angsoka.¹⁶

The Book of Simbur Cahaya was codified and decided at colony era. It was not original quotations from the work of Ratu Sinuhun, but as a result of codification that conducted by Resident Assistant of Tebing Tinggi (J.F.R.S. van den Bossche) based on the inventarisisation from Adat Law of hinterland. The changing and adjusting by colony government toward the Book of Simbur Cahaya was known from notes of Roo de Faille declared that :

*Was known generally that in aspect of Adat Law regulated as written law as constitutions that decreed by kings of Palembang. There are many constitutions, one of them is the act till to us and its content that was revised, quoted in Simbur Cahaya.*¹⁷

According to Van den Berg's note explained that in year 1852 Colonel De Brauw commanded to collect law and tradition at local regions of Palembang, then, they were written and used as the basic of law enforcement by administration training. The task of compilation and codification adat and tradition were recommended to J.F.R.S. van den Bossche Assistant Resident of Tebing Tinggi.¹⁸

The results of Adat and Tradition of Palembang region then were edited and published by L.W.C. van den Berg, stated that the compilation aforementioned was sourced from adat law and tradition of region of Palembang. According to van den Berg the tradition of law brought from valley of Komerling River by comers from Java, but both texts have been lost without footprint.¹⁹

Van den Bossche had difficulties to collect, to compile and to decide many choices regarding many materials. There are several differences between the tradition of one region and that of other region. According to van den Bossche is was not possible to codify that including all of tradition of local region from variety of regions and clans but the best choice in this sense is to decide that this compilation denoted public law for the people consciousness.²⁰

¹⁶*Ibid.*

¹⁷*Ibid.*, p. 35-36.

¹⁸Husni Rahim, 1998, *Sistem Otoritas*.....p. 114-115.

¹⁹L.W.C. Van Den Berg, 1894, *Rechtsbronnen van Zuid Sumatra*, BKI, 43, 1901 *De Mohammedaansche in Nederlandsch-Indie*, BKI, 53. p.4.

²⁰Husni Rahim, 1998, *Sistem Otoritas*.....p. 115.

Van den Bossche needed two years to finish his tasks and to submit his work in Malay Arabic writing to resident of Palembang (1854). After had been agreed by resident then it was resented to head of district and under district to be a law consulting (references) for all state servants of colony government and be regarded as guided book for local jurisdiction that led by controllers at all Palembang regions. This compilation was called as equal as Ratu Sinuhun's work that was Simbur Cahaya.²¹

The first manuscript of the Book of Simbur Cahaya was a hand written. The manuscripts above-mentioned are located at KITLV, Leiden, No. 201.²² While the manuscripts that written in Arabic Malay are saved at book of Berg, Mr L.W.C van de., *Rechtsbronnen van Zuid Sumatra*, BKI 43, 1894. The manuscript of Simbur Cahaya that the author reference in this article is a printed manuscript of second edition that published by *Boekhandel en Drukkerij Meroe* Palembang January year 1939, first print of the manuscript was published in April 1933.²³

D. The Content of Simbur Cahaya

As stated in brief description afore-mentioned is declared about the sketch of social and cultural life of South Sumatra society, the short history of the Book of Simbur Cahaya in general. The further explanations will focus on the doctrine of the Book of Simbur Cahaya. Especially the content of the first chapter, because according to the writer of this article in these chapters contain the tenets and education relating to ethics and moral for the people of South Sumatra.

In first Chapter is declared about daily intercourse norms, regulations regarding both before people conducting marriage and public regulation that regulate generally. The acts of tradition that enforce in daily intercourse norms until the norms that regulate the steps that people must conduct are following article 1, 2, 3, 4, 5, 6, 9 and 12. Reading the texts of these articles, the Book of Simbur Cahaya justified the existence of the closed intercourse that conducted between male and female. They involved in variety of child's playing (toys).²⁴ But when they reached maturity (*akil-balig*) who understood falling in love each other or the intercourse between a gentleman and a lady who direct

²¹L.W.C. Van Den Berg, 1894, *Rechtsbronnen van Zuid Sumatra*, BKI,43,1901, *De Mohammedaansche in Nederlandsch-Indie*, BKI,53, p. 6-7.

²²Husni Rahim, 1998, *Sistem Otoritas*.....p. 114

²³KANKP,1939, *Kitab Simboer Tjahaja*, Palembang:KANKP, p. 1-56.

²⁴PIDKD, 1985, *Upacara Tradisional yang Berkaitan dengan Peristiwa Alam-Alam dan Kepercayaan Daerah Sumatera Selatan*, Jakarta: PIDKD, p.80.

to the marriage step, there are decisions or regulations regarding a good behavior (moral) between male and female.²⁵

If a gentleman and a lady will engaged, the gentelman's father must bring a delicacy made of sticky rice (*dodol ketan*) for village chief and his bodyguard, then engagement become clear.²⁶ Then, if a gentleman and a lady will marry, both their parents must inform to the clan principal after a gentleman intercourse closely fall in love a lady, if both a gentleman and a lady (they agree to marry) plan to marry based on performed tradition ceremony.

The first step should be done is, the gentleman's parents brings a delicacy made of sticky rice (*dodol ketan*) for village chief, (that is clear tradition).²⁷ If the intercourse regulation performing in accordance with the decided decisions both in falling in love and in engagement, a gentleman plans to marry, his parents and a lady's parents inform to village principal and pay administration affairs,²⁸ if these norms conducted the marriage celebration can be done. A gentleman who will marry should pay a dowry to his wife candidate.²⁹ This regulation escapes the slaves system and sells a female (the explanation of articles).³⁰

The other regulation in marriage implementation is about household money if a gentleman who will marry rich person and he may conduct a big celebration.³¹ Then if above a gentleman has a capacity, he also can pay old tradition as follow paying give birth fee, a permission fee (ask permission to his wife's family) and ask permission to parents in law fee.³²

Then, if a gentleman and a lady run to marry at other place (a male brings away a female) and a lady becomes pregnant, for that pregnant, they must marry as soon as possible at that time.³³ And so does if a gentleman brings away a widow and she becomes pregnant, at that time they must marry as soon as possible.³⁴

The tradition regulation concerning daily intercourse is general regulation. This general regulation comprises six articles, are 10, 11, 26, 27, 28, 29, that globally cover tradition norms, but they more systematically or these will be expounded from an article to an article.

²⁵KANKP, 1939, *Kitab Simboer Tjahaja*, Palembang: KANKP. p. 3-11.

²⁶*Ibid.*, p. 6

²⁷*Ibid.*

²⁸*Ibid.*, p. 2.

²⁹*Ibid.*, p. 3.

³⁰*Ibid.*

³¹*Ibid.*

³²*Ibid.*

³³*Ibid.*, p. 4.

³⁴*Ibid.*

The tradition regulation regarding a lady who is a dark pregnant (not known) who is an actor of pregnant, then a pregnant lady or her family conducts a sacral celebration by slaughtering a sheep that called "village washing".³⁵ According to old tradition, a dark pregnant (adultery) constitutes a contemptible thing causes a misfortune so it needs to be celebrated a sacred celebration to avoid an unlucky thing (misfortune rejection) that is said village washing (annotation of article 10). Then, there is a dark pregnant lady and stays at other person's house and will give birth, a person who has a house must conduct slaughter a sheep called lame village.³⁶

Then toward a widow is married by her husband's brother because of the death of her husband, if a widow likes, but if she does not like she may not be forced.³⁷ Besides, a lady who has been proposed in marriage, she may accept other proposal in marriage.³⁸

If happens a *big incest* is a father does adultery with his daughter and a son does adultery with his mother or a brother does adultery with his sister must be conducted a celebration to wash village by slaughtering a buffalo.

If happens a *small incest* is a father in law dose adultery with his daughter in law or a son in law does adultery with his mother in law, so it must be conducted village washing celebration by slaughtering a male sheep and prepares enough need for celebration.³⁹

The first chapter covers regulation a gentleman and a lady the intercourse and marriage including 32 articles, based on these regulations seem the strict norms concerning the relation male and female. The above decisions are emerged from article 18th to article 22nd as follow:

*If a male nudges with arm a lady or a widow is called naro gawe, he is punished by paying fine 2 ringgits. If a male hands a lady's arm or a widow's arm, this called meranting gawe, he must pay fine 4 ringgits. If a male hands a lady's upper elbow or a widow's upper elbow, this named merenggang gawe, a male must pay fine 6 ringgits. If a male holds a lady or widow, this called meragang gawe, paying fine 12 ringgits punishes him. If a gentleman catches a lady's cloth or a widow's cloth or catches the flower and holds a lady's body or a widow's body, this named nangkap rimau, he is punished by paying fine 12 ringgits.*⁴⁰

³⁵ *Ibid.*, p. 6.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*, p. 11.

³⁹ *Ibid.*, p. 10.

⁴⁰ L.W.C. Van Den Berg, 1894, *Rechtsbronnen van Zuid Sumatra*, BKI, 43, 1901 *De Mohammedaansche in Nederlandsch-Indie*, BKI, 53, p. 17-18.

The above decisions show a strict about the relation between a male and female, so there are graded actions that starting from nudging to holding the body each of them has a graded punishment.

The decisions regarding the done action between a male and a female, these regulated by articles of the Book of Simbur Cahaya 8, 9, 10, 11, 23, and 27 as follow:

If a gentleman brings away a lady, then a lady becomes pregnant, a gentleman must pay fine 12 ringgits and a gentleman and a lady must be married at that time as soon as possible as conducted as well as a clear tradition (normal situation). If a gentleman brings widow, then a widow becomes pregnant, a gentleman must pay fine 12 ringgits, and they are married at that time as soon as possible as like a gentleman brings away a lady. If a lady or a widow becomes pregnant but is not known who has the action, a lady or a widow must follow the clan chief not more than 3 years. If a wife does the action, and her husband sues, the wife will be punished by the king's penalty, and must pay fine a buffalo to her husband, and must pay fine 12 ringgits. If happen an incest at village, the affair must not be decided by the clan chief, but must be decided by great meeting and must be done the king penalty. A big incest must be punished for washing village, a buffalo and a small incest must pay a sheep and rice, coconut and other needed for celebration.⁴¹

The above decisions classified the actions into 4 categories:

1. The bringing away (*Bergubalan*), that caused the pregnant, a male must pay fine 12 ringgits, and both a male and female at that time must be married as soon as possible. *Bergubalan* is a male's action who brings (run away) a lady or widow to his family's house or to the village chief's house. Therefore *bergubalan* is not equal to adultery, but it is possibility adultery. *Bergubalan* more tends to the willing to marry but there is an obstacle to do it in normal situation and the solution is by *bergubalan*.
2. A lady or a widow who becomes pregnant without knowing who has the action of pregnant, a lady or a widow must conducts *dipanjingkan*. *Dipanjingkan* is a punishment form for working at the clan chief's house without earning money for certain time. In this case working at the clan chief's house for 3 years. By this manner, the female is isolated from the life of society indirectly. According to society's understanding a dark pregnant constitutes a humiliation action the causes the misfortune to society of village, therefore the female's family gets addition punishment village washing to avoid misfortune as like a sheep slaughtering celebration.

⁴¹*Ibid.*, p. 15-19.

3. If a female who has husband acts adultery, a female has been done the king penalty and must pay a buffalo to her husband and pays fine 12 ringgits. The king penalty is a penalty to conduct a certain work without fee.
4. If incest happens is adultery in family. Incest divided into kinds a big incest and a small incest. A big incest is if a father does adultery with his daughter or a son does adultery with his mother or a brother does adultery with his sister. While a small incest is if a father in law does adultery with his daughter in law or a son in law does adultery with his mother in law.⁴²

The book of Simbur Cahaya actually gets an existential guarantee systematically from Indonesia state. Based on the article 18B verse 2nd of the Constitution 1945 stated:

*Negara mengakui dan menghormati kesatuan-kesatuan masyarakat hukum Adat beserta hak-hak tradisionalnya sepanjang masih hidup dan sesuai dengan perkembangan masyarakat dan prinsip Negara Keastuan Republik Indonesia, yang diatur dalam undang-undang.*⁴³

The explanation above quotation decreed the state's guarantee regarding the content of the Book Simbur in order to accommodate society live in implementing the state of Republic of Indonesia. The regulation or acts that produced by central government expected to adapt the local situation. Local government and provincial legislators of South Sumatra have proposed this expectation. Until year 1989, the above proposal is still considered by central government.⁴⁴ The current information of above proposal was not informed yet.

The Book of Simbur Cahaya did not only decide the codification of law as reference for jurists and Dutch's servant but also created a social system that make the people of Palembang change.⁴⁵ Although the tradition system of Simbur Cahaya had been integrated to national system of law formally, and government in 1970s.⁴⁶ But, its continuity and its influence up to now still trace in the life of society of the region where it has been applied at the beginning. In early of 1980s was informed that if happened the immoral action between gentleman and lady, society together still like force the above gentleman and lady to marry as soon as possible. If they do not marry, according to them this accident causes a long and a crucial conflict between

⁴²Husni Rahim, 1998, *Sistem Otoritas*....p. 118.

⁴³ See the article 18B verse 2nd of *the Constitution 1945 of Republic of Indonesia*.

⁴⁴Sriwijaya Post, 1989.

⁴⁵William Augustus Collins, 1979, *Besemah Concept: A Study of the Culture of A People of South Sumatra*, disertasi, University of California, Berkeley, p.135.

⁴⁶Suhirno, 1980, *Perkembangan Pemerintah Daerah*, Yogyakarta: Liberty, p. 34.

two families.⁴⁷ Instead, there is was published an accident that has ever been by a local newspaper that a gentleman nudged with arm a lady, and the gentleman was sentenced by paying fine two million rupiahs.⁴⁸

Departing from a brief example, it could be understood that the essence values of the regulations of Simbur Cahaya is still respected by the people of South Sumatra in system of real life nowadays. Even though it was also added that in term of social background, Simbur Cahaya was always related to Islamic values. Based on a formal information was analyzed that the Book of Simbur Cahaya accommodated and accepted Islamic teaching.⁴⁹

But in the context of the exploration and development of noble values, nation culture and Indonesian national law, it should be considered to justify the basic life values and aspiration of society. Because the variety of acts or regulations sociologically should reflect the basic values that society believed as a system of social life in term of society, nation and state. This statement indicates that many acts are not only to regulate a static norms or rigid acts but also to dynamics thought and to develop the behavior of society to reach their ideas.⁵⁰

In term of reaching society behavior above-mentioned, the content of the Book of Simbur Cahaya is urgent and relevant to explore and develop. For that reason, the doctrines of the Book of Simbur Cahaya constitute important steps to build the nation character building generally and for the society of South Sumatra particularly.

As already prescribed that the norms of Simbur Cahaya denoted an original and oldest values that has been ever applied its essence since a hundred years ago. So that, the content of manuscript of the Book of Simbur Cahaya not static and rigid in the articles but the teaching of Simbur Cahaya was integrated to social life system and behavior of society. Thus, the society of South Sumatra is different from other society of this Indonesian archipelago.

As already explained before that face the modern era after the proclaiming of Indonesia independent formally the scope and jurisdiction of the Book of Simbur Cahaya became more limited, especially the unification application of national system of law and recommended the acts by government. But, the influence of the Book of Simbur Cahaya until now is still can be discovered because of its strong control social behavior. It has been informed from many sources stated that a district that still apply the doctrine of the Book of Simbur Cahaya is *Tulung Selapan*, one district of Ogan Komering

⁴⁷ PIDKD, 1983, p.128

⁴⁸ Sriwijaya Post, 1990, p. 4

⁴⁹ PIDKD, 1983, p. 28

⁵⁰ Amrullah Ahmad dkk., 1996, *Dimensi Hukum Islam dalam Sistem Hukum Nasional: Mengenang 65 Th. Prof. Dr. Busthanul Arifin, SH.*, Jakarta: Gemä Insani Press, p.xi

Iilir Regency. The influence of moral teaching of the Book of Simbur Cahaya in this district on particular regarding intercourse between male and female is .

E. The Summary of Simbur Cahaya

The texts of the Book of Simbur Cahaya that writer's prime reference in this article comprise eleven chapters. The first five chapters constitute the general regulation that enforced at all region of north Palembang Residency, and the last six chapters denote especially performed at Ogan Komering Iilir Regency.⁵¹

The first chapter includes the tradition regarding the intercourse between male and female and marriage in general and moral acts and noble behavior among the youth in particular and related acts. Besides, compiled by the annotations.⁵²

The second chapter contains the basic principle relating to administration and the clan policy. Over about government affairs, its content closed relation with society behavior of the region, and also completed by explanations.⁵³

The third chapter talking about the regulation of village and the farming, the content of this chapter covers them administration system of the villages around, also about land affairs (agrarian affairs). These regulations completed by annotations.⁵⁴

The fourth chapter is the basic regulation on *kaum* (moslem leader regarding religion affairs). Because of religion in this connection is Islam, the law that enforced to manage refers to Islamic Syari'at⁵⁵

The fifth chapter concerning the tradition law enforcement, its content is the basic principle of the implementation regarding infraction either civil law or criminal law. This chapter is also covering sexual regulation and government administration. These regulations are compiled with annotations.⁵⁶

The next is the second part; this part really is not different from that of the first, as described above. The material content tended to an object with regulation and perception that not so different. If there was a specification of the second part as stated in detail. And the ethics of intercourse of the first part collected only on one chapter, the second part divided into two chapters. As equal to the regulations that applied at Ogan Komering Iilir, its characteristics is

⁵¹KANKP, 1939, p. 2-45.

⁵²*Ibid.*, p. 2-12.

⁵³*Ibid.*, p. 11-16.

⁵⁴*Ibid.*, p. 17-22.

⁵⁵*Ibid.*, p. 23-24.

⁵⁶KANKP, 1939, p. 25-32.

not so different from that of the value of the first. As already known that enforcing for all over South Sumatra generally.

The structure of the second part, was not starting from article to article. So the articles as the content of this, were ordered continually from early chapter to last chapter. There are no articles that abrogated; there are no annotations either as discovered before.⁵⁷

The content of the first part and the second part cover individual and society behaviors. This regulation, that performed both daily and incidental in order to keep the balancing and eternal life.

F. The Islamic Aspects of Simbur Cahaya

1. Formal Aspect

The formal aspect in term of this description is Islamic aspect that emerged at formal texts including traditions and languages. Islamic tradition aspects are appeared at texts of the Book of Simbur Cahaya, there are many terms, words, or terminologies that usually used in Islamic tradition or Islamic word. The words or terms that used in the Book of Simbur Cahaya as like word *persujutan* (article 5 Chapter I), *batin* (article 16 chapter I), *ahli* (article 22 chapter I), *hukum* (article 22,23 Chapter I), *iddah* (article 25 Chapter I), *khatib*, *syari'at* (article 3 Chapter II), *kaum* (article 5 Chapter II), *zakat* (article 11 Chapter IV), *masjid*, *langgar*, *padasan*, and *karamat* (article 12 Chapter IV), *yatim* (article 15 Chapter IV), and many others. These terms or words constitute Islamic tradition.

2. Material Aspects

The material aspects in the context of this prescription are Islamic aspects that derived as material or sources of the Book of Simbur Cahaya or the influenced the content of the Book of Simbur Cahaya from Islam. It is clear fact that the influence of Islam on the content of Simbur Cahaya either in compilation form or absorption form, both a part and wholly.

An example in article 25 shown the decision "if a man kidnaps (*bambang* - brings away to marry) a divorced woman but she is still in waiting period 3 months 18 days, if a divorced woman because of the death of her husband has 4 months and 10 days waiting period, a man must pay fine 6 ringgit. The term *bambang* is equal to *bergubalan* is a man kidnapping women to his/family or to leader village's house. This article strictly uses the

⁵⁷*Ibid.*, p. 33-45.

terminology of fiqh, is the waiting period that be punishment based on divorced 3 months 18 days.⁵⁸

The other decisions that prescribed the impact of Islam (Islamic Law) shown in the chapter III. The Regulation regarding the Village and Farming (article 34) following Whoever gamble or cockfight without permission of the river holder, must pay the penalty of the king. The gambling forbidden in Islam is always taught by ulama. Then, the influence of Islam is also shown upon inheritance (law), for instance, the chapter V The Tradition of Law Enforcement article 52, 53, 54, and 58 as follow:

If a husband died, his assets has been divided into two parts, a half to son or his closed relatives and a part of them to his wife, and if a husband has debt, so the over priority is to pay all debt, if there is more than the debt can be given to inheritors. But, if the total assets of deceased person not enough to pay debt, his wife must responsible for paying the debt a half of rest of debt, but the children do not responsible for paying debt even they do not get inheritance.

If a wife died, a half of her assets with her husband, a half of her assets that she earned with her husband is given to her children/child, if she has no child will give to her relatives.

If there is someone died, the village principal and moslem leader of the village checked and counted all his/her assets, the the assets will give to legal inheritors, if there is child or orphan, so the clan leader or moslem leader of the village hold the assets until child/orphan age 14 years because they are not child or orphan.⁵⁹

According to the decision of fiqh decided that before dividing the assets of deceased person, first step to pay deceased person's debt, and the rest of wealth will inherited based on certain decisions⁶⁰ Regarding the inheritance

⁵⁸The above interpretation is different from the book of *fiqh*. In *fiqh* stated that "(1) if any of you die and leave widows behind, they shall wait concerning themselves *four months and ten days*. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable manner, and God is well acquainted with that ye do (al-Baqarah; 234). (2) Divorced women shall wait concerning themselves for *three monthly periods*, Nor is it lawful for them to hide what God has created in their wombs, If they have faith In God and last Day, and their husbands have the better right to take them back in that period...(al-Baqarah : 228). (3) Such of your women as have passed the age of monthly courses, for them. The prescribed period, if ye have any doubts, is *three months*, and for those who have no courses (it is the same): For those who carry (Life within their wombs), their period is until they *deliver their burdens*: and for those who Fear God, He will make their path easy (al-Talaq :65). Ye who believe when ye marry believing women, and then divorce them before ye have touched them, No period of Iddat...(al-Ahzab :49)".

⁵⁹KANKP, 1939, *Kitab Simboer Tjahaja*, Palembang: KANKP, p. 31-32.

⁶⁰Usman ibn Abdullah bin Yahya al-Alawi al-Husaini, 1302 H, *Kitab al-Faraid*, Betawi, p.4.

that dose not mention in detail, it seems to consideration of great meeting. One decision of great meeting that ever happened at the Clan of Tanjung Raja, dated on March, 20,1920 decided decision regarding the inheritance sharing case that the share of son is twice of that of daughter, as follow : each son gets share of inheritance $2/5$ and a daughter $1/5$.⁶¹ The wealth is divided into 5 parts; son will share twice of daughter's share of inheritance. This decision of the inheritance share is clear consitutes the influence of Islam or *Fara'id*.⁶²

The impact of Islam toward the Book of Simbur Cahaya was stated the chapter IV which regulates particularly about the authority moslem leader at north region of Palembang. Besides, it also seems the effect of Islam other parts that constituted marriage, polites, inheritance share affairs. For further explanation could be presented in the other chapters of Simbur Cahaya.⁶³

Chapter I regarding gentleman lady and marriage intercourse. It seems that there is strict regulation about the intercourse between male and female. This strict regulation denotes the influence of Islam because according to Islam there is strict limitation about relation between male and female not her consanguinity. But, it is looking that, the above decision indicates the adjusting of Islam in local tradition.⁶⁴

The free relation between male and female not consanguinity in Islam is strict limitation to avoid adultery. Adultery in Islam constitutes a disgrace action and this action will get a heavy punishment as stated in Koran Surat an-Nur verses 2 and 3.

The woman and man Guilty of adultery or fornication Flog each of them With a hundred stripes. Let not compassion move you . In their case in a matter Prescribed by God, if ye believe in God and the Last Day, and let a party of the Believers Witness their punishment. Let no man guilty of Adultery or fornication marry Any but a woman Similarly guilty, or an Unbeliever : Not let any but such a man Or an Unbeliever Marry such a woman : To the Believers such a thing is forbidden.⁶⁵

The above decisions shown that both the adultery and fornication are forbidden although the form of penalty is not so heavy if it is compared with the decisions of the book fiqh but the substance meaning of penalty has been enforced, and only the form of penalty has been adjusted with the local traditions of the region.⁶⁶

⁶¹ *Adatrechtbundels*, 22,1923, p. 250.

⁶² Husni Rahim, 1998, *Sistem Otoritas*....p. 120.

⁶³ *Ibid*.

⁶⁴ *Ibid*.

⁶⁵ Abdallah Yousuf Ali, *The Glorious Kur'an Translation and Commentary*, Beirut: Dar al-Fikr, p. 896

⁶⁶ Husni Rahim, 1998, *Sistem Otoritas*.... p. 121.

Based on the above description, it is clear that there is harmonizing dialect between the local tradition of the region and Islam. It could be predicted that the book of fiqh is not dominated at Palembang regions, so emerging dynamic interpretation and elasticity of thought that accommodated the local tradition.

The regulations on personal rituals (*ibadah*), religious taxes (*zakat*) and the marriage applying, divorce, recall divorced wife whose divorce not final are submitted by the Book of Simbur Cahaya either to village chief or to moslem leader as formal state servants of Palembang.⁶⁷

G. The Concluding Remarks

To close this article, the author does not hesitate to declare the following conclusions: *Firstly*, the Book of Simbur Cahaya constitutes a book of tradition that has been applied at South Sumatra society and it was regarded as the work of Ratu Sinuhun, the Queen of Palembang (South Sumatra) who governed from 1639 to 1650. *Secondly*, the Book of Simbur Cahaya contains the doctrine relating to ethics and moral educations for society of South Sumatra generally and in particular regarding the youth intercourse of the region. *Thirdly*, The ethics and moral educations of the Book of Simbur Cahaya describe that influenced by Islam both in formal and materials aspects. And they are also stated that harmony dialectic between the tradition of the region and Islam, so harmony dialectic appears the dynamic thought that causing the emerging variety of interpretations regarding Islam in accordance with the traditions of the region. *Finally*, to build and develop the glorious values of Indonesian nation, especially for society of South Sumatra, the ethics and moral values in the Book of Simbur Cahaya are possible and justified to consider, to explore, and to develop the provincial cultural values in autonomy era currently.

⁶⁷ *Ibid.*

BIBLIOGRAPHY

- Abrams, M.H.n.d. *A Glossary of Literary Terms*. Holt Rinehart and Winston.
- Ahmad, Amrullah dkk., 1996, *Dimensi Hukum Islam dalam Sistem Hukum Nasional: Mengenang 65 Th. Prof. Dr. Busthanul Arifin, SH.*, Jakarta: Gema Insani Press.
- Ali, Abdallah Yousuf. N.d. *The Glorious Kur'an Translation and Commentary*, Beirut: Dar al-Fikr.
- Amin, Ahmad, 1975, *Etika (Ilmu Akhlak)*, terjemahan K.H. Farid Ma'ruf. Jakarta: Bulan Bintang.
- Arifin, Bustanul, 1996, *Pelebagaan Hukum Islam di Indonesia*. Jakarta: Gema Insani Press
- Berg, L.W.C. Van Den, 1894, *Rechtsbronnen van Zuid Sumatra*, BKI, 43.
- Berg, L.W.C. Van Den, 1901, *De Mohammedaansche in Nederlandsch-Indie*, BKI, 53.
- Boedenani, 1983, *Sejarah Sriwijaya*, Bandung: Tarate.
- Collins, William Augustus, 1979, *Besemah Concept: A Study of the Culture of A People of South Sumatra*, disertasi, University of California, Berkeley.
- Damono, Sapardi Djoko, 1978, *Sosiologi Sastra: Sebuah Pengantar Ringkas*, Jakarta: Pusat pembinaan dan Pengembangan Bahasa.
- Dardiri, Ahmad Taufik, 1987, "Undang-undang Melaka, Sosok Akulturasi Sebuah Proses *Receptio in Complexu* (Suatu Tinjauan Reseptif)" dalam *Al-Jami'ah* No. 35 tahun 1987, Yogyakarta: IAIN Sunan Kalijaga Yogyakarta.
- Faile, De Roo, 1971, *Dari Zaman Kesultanan Palembang*, Jakarta: Bhratara.
- Hanafiah, Djohan, 1995, *Melayu Jawa*, Jakarta : Raja Grafinda Persada.

Hassan, Fuad dan Koentjaraningrat, 1997, "Beberapa Azas Metodologi ilmiah". Dalam Koentjaraningrat. *Metode-metode Penelitian Masyarakat*, Jakarta: Gramedia Pustaka Utama.

Husaini, Usman ibn Abdullah bin Yahya al-Alawi al-m,1302 H, *Kitab al-Faraid*. Betawi.

KANKP,1939, *Kitab Simboer Tjahaja*. Palembang: KANKP

Mahfud, Moh. MD, 1999, *Karakter Produk Hukum Zaman Kolonial dan Karakter Produk Hukum pada Zaman Penjajahan di Indonesia*, Yogyakarta: UII- Press.

Muhajir Noeng , 1993, *Metodologi Penelitian Kualitatif*. Yogyakarta: Rake Sarasin.

Peeters, Jereon,1997, *Kaum Tuo-Kaum Mudo Perubahan Relegius di Palembang 1821-1942*, Jakarta: INIS.

PIDKD, Proyek Inventarisasi dan Dokumentasi dan Kebudayaan Daerah. 1979. *Adat Istiadat Perkawinan di Sumatera Selatan*. Jakarta: PIDKD.

-----, 1982, *Permainan Anak-Anak Daerah Sumatera Selatan*, Jakarta: PIDKD.

-----,1983, *Sistem Gotong Royong dalam Masyarakat Sumatera Selatan*, Jakarta: PIDKD.

-----,1985, *Upacara Tradisional yang Berkaitan dengan Peristiwa Alam-Alam dan Kepercayaan Daerah Sumatera Selatan*, Jakarta: PIDKD.

PIPNB, 1984, *Batang Hari Sembilan dari Abad Ke Abad*, Jakarta: PIPNB.

Pradopo, Rachmat, Djoko 1985, "Estetika Resepsi dan Teori Penerapannya". Sulastin Sutrisno, dkk. (eds), *Bahasa Sastra Budaya*. Yogyakarta: Gadjah Mada University Press.

Pratopo, 1991, *Sejarah Daerah Sumatera Selatan*, Jakarta: PIPNB.

Qodar,1996, "Ajaran Moral dalam Kitab Simbur Cahaya". Skripsi. Yogyakarta: Fak. Usuluddin IAIN Sunan Kalijaga.

Rahim, Husni, 1998, *Sistem Otoritas Administrasi Islam Studi tentang Pejabat Agama Masa Kesultanan dan Kolonial di Palembang*. Jakarta: Logos.

Sawu, 1985, "Kedudukan Filologi di antara Ilmu-ilmu Lain". Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan *Pengantar Filologi*, Jakarta: PPPBDPKJ.

Segers, Rien T., 1978, *The Evaluation of Literary Texts*. Leisten: The Peter de Ridder Press.

Soemitro, Ronny Hanitijo, 1990, *Metodologi Penelitian Hukum dan Jurimetri*. Jakarta: Ghalia Indonesia.

Soeratno, Siti Chamamah, 1983, "Pengertian Filologi" Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan. *Pengantar Teori Filologi*, Jakarta: PPPBDPKJ.

Sriwijaya Post, 6 Januari, 1989, "Belum Direstuiunya Lembaga Adat Sumatera Selatan".

Sriwijaya Post, No. 922 tahun ke-3 1990, "Senggol Gadis Dua Juta".

Suhirno, 1980, *Perkembangan Pemerintah Daerah*, Yogyakarta: Liberty.

Thalib, Sajuti, 1982, *Receptio a Contrario (Hubungan Hukum Adat dengan Hukum Islam)*. Jakarta: Bina Aksara.

Yusdani, 2000, "Undang-Undang Adat Palembang : Suatu Kajian Terhadap Kitab Undang-Undang Simbur Cahaya", *Laporan Penelitian A- LP. -332*. Yogyakarta: Lembaga Penelitian Universitas Islam Indonesia.