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### Effects of *Mebyakaonan* Marriage Law in the Perspective of Balinese Customary Law: Study on Balinese Community, Rantau Jaya Village, Ilir District, Putra Rumbia, Central Lampung Regency

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#### Abstract

Marriage is the outward and inner bond between a man and a woman as husband and wife to continue their lineage. Marriage in Balinese customs is called *pawiwahan*. *Pawiwahan* is a sacred thing in the process of human life from the status of *brahmacari* to the time of *grhasta*. *Mebyakaon* marriage is marriage under the hand. The problem in this study is why *mebyakaon* marriage is taken by the parties to form a marriage and the legal consequences of *mebyakaon* marriage on their marital status in the community and the status of children born from this marriage in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency. This research is normative-empirical legal research with a descriptive research type. The problem approach used sociological juridical approach with data sources is primary data and secondary data. Data collection techniques with literature studies and field studies are interviews with informants and respondents who carry out marriage *mebyakaon*. Data analysis is qualitative analysis.

The results of research and discussion show that the reason for the marriage is caused by several factors, namely economic factors, educational factors, mutual *demen*,

parental desire factors, and the factor of men who are still legally married to other women. The marital status of *mebyakaon* is not the same as traditional Balinese marriage in general, what distinguishes it from *mebyakaon* marriage is that it lies in a traditional procession that has not been carried out completely. Based on the decisions and decrees of *Parisadha Hindu Dharma Indonesia* (PHDI), the validity of marriage is determined on condition that *Tri Upasaksi*. The legal position of *mebyakaon* marriage does not have a strong binding force so that this marriage may not have the same legal status as traditional Balinese married couples in general. Similarly, the legal consequences of marriage will be different. Couples who perform *mebyakaon* marriage may not enter the temple and participate in the massacre in the village because *mebyakaon* marriage is valid according to the parties only but, according to Balinese customary law this marriage is invalid and children born from *mebyakaon* marriage are extramarital children (*anak astra*) and marital property in *mebyakaon* marriage There is no legal certainty and there is no mixing of property between husband and wife.

**Keywords:** *Mebyakaon* Marriage, Anak *Astra*, Balinese Customary Law

#### 1. Introduction

Marriage is one of the dimensions of life that is very important in human life in any world. So important is marriage, it is not surprising that religions in the world regulate marriage problems even traditions or customs of the community and also state institutions do not miss regulating marriage that applies among their people. Marriage based on customary law in general in Indonesia, marriage not only means a civil engagement but also a civil engagement as well as a customary engagement and at the same time a kinship and neighborliness alliance. So, the occurrence of a marriage bond does not merely bring the consequences of civil relations such as the rights and duties of husband and wife, joint property, the position of children, the rights and duties of parents, but also concern the relations of inheritance, kinship, kinship, and neighborliness customs and concerning traditional and religious ceremonies. Likewise, it concerns the obligation to obey religious commandments and prohibitions, both in man's relationship with his God (worship) and human relations with fellow humans in the association of

life in order to be safe in the world and safe in the hereafter.<sup>1</sup> Marriage must be based on regulations or laws that apply to the territory where it is domiciled, the law is used as a basis or basis in the implementation of marriage.

The law is used as a basis or foothold in the implementation of marriage. In Indonesia, marriage is regulated and guaranteed by law, the law that regulates marriage in Indonesia, namely, Marriage basically unites a man and a woman who have grown up into a sacred bond of marriage. Among indigenous peoples who still have strong kinship principles based on hereditary ties, marriage is a life value to be able to continue offspring, maintain genealogy, and related social differences. The implementation of Indonesian marriages has been influenced by customary law or religious law. Because the society is diverse in ethnicity, there are certainly various customary laws that live in the community. Customary law has a very important role in regulating all human relationships with each other in everyday life, including in regulating marriage. A marriage is only considered valid if it is carried out according to the marriage law of each religion and belief and registered by the competent institution according to the applicable laws in Indonesia. The relation to the validity of marriage in Balinese society actually does not recognize such a term (*sah*), what is known to recognize marriage is the term *puput* (completed).<sup>2</sup>

The validity of marriage according to Balinese customary law is difficult to show by an event (event) alone because for the validity of the marriage it is necessary to go through stages or series of customary events that the traditional event is growing more and more to perfect the position of the husband and wife concerned. The marriage certificate and marriage registration are not a sign of the validity of the marriage, but only as authentic evidence that the marriage has been carried out and the registration function is only administrative.<sup>3</sup> Marriage in Balinese customs is known as *pawiwahan*. *Pawiwahan* is the first stage or step to enter the *dormitory grhasta* level. *Grhasta dormitory* is the second stage in Hinduism, namely *dormitory chess*. The first stage in *dormitory chess* is *brahmacari*, which is a level in our lifetime to study as high as possible. The second stage is *dormitory grhasta*, which is to settle down. The third stage is called *wanaprastha*, which is to start the stage to break away from the bonds of worldliness, and the fourth stage is *sanyasin*, which is the stage for spreading religious knowledge to the people and itself is fully enshrined to God. Marriage changes the legal status of a person who was originally called a *brahmacari* to *grhasta* and psychologically originally considered immature with the marriage can become an adult. Such is the importance of the meaning and significance of marriage that marriage is believed to be very sacred in the teachings of Hinduism. Marriage is not a game so in the book of *Manusmerti* it is

elaborated, O married couple, do not be separated in this marriage, and be faithful to your spouse until death (*satya alakeng rabi*). In Balinese society, it is known as *mebyakaon* marriage as the basis for the *pawiwahan ceremony*.<sup>4</sup> *Mebyakaon marriage* is a marriage that is only temporary and takes place in a sudden time that serves to release the dirt found in the prospective married couple. This marriage is carried out by agreement of both parties based on mutual love and affection. *Banten byakaon* or *byakala* became one of the means of offering used in *pawiwahan* ceremonies and as the *basic upakara* of marriage. This means of offering is believed to serve to neutralize the negative forces or impurities present in the bride and groom. *Banten byakaon* or *byakala*, aims to separate (*bya*) negative elements (*kala*) in the body so as to bring out the expected purity.

Carrying out a traditional Balinese marriage is carrying out a sacred and eternal stage of life. The performance of the *marriage mebyakaon* is witnessed by the *witness god* and *witness bhuta*. *Witness gods* are symbolic gods presented through marriage ceremonies and *witness gods* are lower beings who are symbolically presented with *mebyakaonan ceremonies*. *Mebyakaon marriage* only has 3 days which must then be held *upakara mewidhi widana* and *mejauman*. If the marriage has not proceeded to the stage of *mewidhi widana* and *mejauman* then the marriage cannot be said to be valid because the marriage is valid according to Balinese customary law which is carrying out all series of customary rituals to completion (*puput*), *upakara mewidhi widana* is a procession of ratification of the Balinese bride and groom guided by *sulinggih* (Hindu priest) this traditional Balinese wedding procession is held at the groom's family temple. The *mejauman* ceremony is a ceremony to say goodbye to the ancestors of the bride's family because it has now become the responsibility of the man's family. *Mebyakaon* marriage actually only has a deadline of 3 days after it takes place. However, the reality is that in society, marriage to the stage of *marriage* is still taken even to have children.<sup>5</sup> A marriage certificate is one of the important documents that need to be owned by married couples who have been legally married religiously and state. In the marriage certificate, it is explained that there has been a marriage between husband and wife and it is recognized by the state after it is valid religiously. A marriage certificate can protect the rights and obligations of a husband and wife, as well as protect the children born from the marriage. With a marriage certificate, the right to fulfill the basic needs of children will be protected by law. A marriage certificate is a state recognition of a marriage that takes place between husband and wife. When the state recognizes marriage, it can prevent slander and give a definite position to both husband and wife. A marriage certificate can also be used to take care of children's documents. Putra Rumbia is a sub-district in Central Lampung Regency where the majority of people earn or make a living as farmers and plantations consisting of 10 villages including Joharan, Rantau Jaya Ilir, Bina

<sup>1</sup> Aprilianti and Kasmawati, 2022, *Customary Law in Indonesia*, Pusaka Media: Bandar Lampung, p. 41.

<sup>2</sup> Putu Eka Arsadi, 2022, Nyeeb Tradition in Marriage Ceremony in Tajun Village, Kubutambahan District, Buleleng Regency (Hindu Philosophy Studies), *Hindu Philosophy Student Journal*, Vol. 3, No. 2, p. 170.

<sup>3</sup> Putu Ary Prastya Ningrum, 2020, The Position of Sentana Marriage in Bali According to Law Number 1 of 1974 concerning Marriage Law, *Pariksa: Journal of Hindu Law*, Vol. 3, No 2, p. 73.

<sup>4</sup> Made Widia Candrasari, 2019, Legal Effects of Transitioning Ordinary Marriage to Nyentana Marriage on the Position of Inheritance Rights According to Balinese Customary Law, *Journal of Legal Analysis*, Vol. 2, No. 1, p. 115.

<sup>5</sup> I Putu Gelgel and Ni Luh Gede Hadriani, 2020, *Hindu Marriage and Inheritance Law*, Bali: UNHI Press, p. 43.

Karya Sakti, Bina Karya Jaya, Bina Karya Utama, Rantau Jaya Baru, Meranggi Jaya, Mekar Jaya, Bina Karya Baru, Rantau Jaya Makmur. Central Lampung Regency, precisely in Putra Rumbia District, there are people who embrace Hinduism and still carry out their customs in the village. *Mebyakaon marriage* is still carried out in the village of Rantau jaya ilir, Putra Rumbia District, Central Lampung Regency as an *upakara* that underlies the implementation of marriage in Balinese custom.

Because the process of carrying out marriage is a series of ceremonies that may not be completed at the same time<sup>6</sup> even on different days, or may only be completed after several months or even years due to a factor that causes marriage only up to the stage of *mebyakaon*. However, legal problems arise to determine the right moment that is an element of the validity of a marriage. It is not possible to put the element of legalization of marriage at the completion of the above series of processes, because it may have unfavorable legal consequences for the status of husband and wife and cause chain legal consequences on the status of children born in marriage. *Mebyakaon* marriages that have not carried out *upakara mewidhi widana* and *mejauman* as a series of marriage processions in Balinese customs as a whole will have legal consequences on the marital status of *mebyakaon* and the status of children born from this marriage can be said to be valid or invalid when viewed from the marriage of both parents. *Mebyakaon* marriage only performs early Balinese traditional rituals which results in this married couple being *lethargic*.

## 2. Problem Formulation

Based on the background described above, the author formulates 2 (two) problems, namely:

1. Why is *Mebyakaon Marriage* taken by the parties to formalize the relationship within the marriage bond?
2. What are the legal consequences of *Mebyakaon Marriage* on Balinese people in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency?

## 3. Discussion

### 3.1 The Reason for *Mebyakaon Marriage* in Balinese People in Rantau Jaya Ilir Village

The majority of the population of Rantau Jaya Ilir Village is Muslim, which is then filled with Hindus and Christians. There are 2 married couples who are married *mebyakaon* in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency.<sup>7</sup> *Mebyakaon marriage* is still taken by a couple of lovers to live a married life together in joy and sorrow, in this study found the reasons that cause someone to want and be willing to marry *mebyakaon* these reasons are supported by several factors, namely as follows:

#### 1.) Economic Factors

Economic factors in a family are often associated with its ability and position in society. So that those who have economic difficulties will submit to people who are better able to support economic life in their families. Economic factors are the main cause of *mebyakaon marriage* even

though *Balinese traditional pawiwahan* does not measure the size of a *pawiwahan upakara* so that it can be said to be a legal marriage because in Balinese traditional *pawiwahan* only knows the term *puput* (completion) of a series of marriage rituals in Balinese customs, however, in organizing a custom requires considerable costs. The majority of residents in Rantau Jaya Ilir Village are agricultural laborers, so their finances fluctuate and depend on crop yields and market demand. Likewise, researchers found in the field that one of the couples who held a marriage earned Rp. 100,000 / day. So, they chose to hold a marriage first.<sup>8</sup> This gap can be a factor or reason for the marriage *mebyakaon*, because parents in Rantau Jaya Ilir Village who are only farm laborers every day cannot afford to send their children to college and become the choice of their children who think not to continue their studies and choose to help both parents as farm laborers or farmers. So that couples who enter into marriage *mebyakaon* do not understand and do not understand about the legal consequences arising from *mebyakaon* marriage which is also in this marriage has not registered its marriage so that the marriage does not have a marriage certificate as proof of the validity of *mebyakaon* marriage before the laws and state of Indonesia. This is due to the lack of quality of education due to family economic factors. So that economic factors play an important role in improving the quality of education. Marrying off his children is seen as a solution to reduce the burden on the family. Where after marriage, the daughter is no longer responsible for her family, but all her needs are borne by her husband.

#### 2.) Education Factors

Many children cannot continue their education due to economic factors experienced by the family. Parents cannot afford to pay for their children's schooling so children choose to marry. Basically, parents must understand and know that education is an effort to shape the identity of the child, provide guidance, guidance, and coaching to the nation's young generation with character according to ideals. In Hinduism, the period of education is called *brahmacari*. The *brahmacari* period is the time when one seeks knowledge of divinity with conditions predetermined by the teacher. The *Brahmacari* period plays an important role in determining the next life such as the time of *grahasta*, *wanaprastha*, and *bhiksuka*. *Brahmacari* as a Hindu teaching contained in the Hindu scriptures (*vedas*), is a very noble teaching concept for us to practice in everyday life. *Brahmacari* is the right time for us to study deeply to prepare for a successful future and form a quality life. The *brahmacari* period can be declared complete if you have received recognition to complete your education and get a *samawartana* (diploma). However, in reality on the ground there are still children in Rantau Jaya Ilir Village who have dropped out of school, the main cause is the economic factor of parents who are unable to pay their children's school bills and the lack of awareness of parents about the importance of education for their children who will actually become the next generation of this village and nation in the future. In addition to the opinion of Mr. Dewa Made Sugame as the Father of Adat in Rantau Jaya Ilir Village, the author also conducted research on the

<sup>6</sup> I Putu Gelgel and Ni Luh Gede Hadriani, 2020, *Hindu Marriage and Inheritance Law*, Bali: UNHI Press, p. 43.

<sup>7</sup> The results of an interview with Mr. Dewa Made Sugame as the Traditional Head in Rantau Jaya Ilir Village on November 2, 2023 at 09.00 WIB

<sup>8</sup> Results of an interview with the Perpetrators of *Mebyakaon Marriage* in Rantau Jaya Ilir Village on November 2, 2023 at 11.30 WIB.

educational background of couples who married *mebyakaon*. From the results of research in the field, there were 3 people with the last education in junior high school, namely Wayan Sunarti, Ni Nyoman Sarniati, and Wayan Arya, and 1 person with the last high school education, Made Kerthi Yasa.

When viewed from the educational background of married couples who carry out marriage *mebyakaon* only receive junior high and high school education, so they do not understand clearly about the legal consequences that will be caused when carrying out a marriage *mebyakaon*. Couples who perform *mebyakaon* marriages do not receive education until university, this proves that educational factors affect the occurrence of *mebyakaon* marriages in Balinese indigenous people in Rantau Jaya Ilir Village, therefore the higher a person's level of education, the smaller there will even be no more prospective married couples who take *mebyakaon* marriage.

### 3.) Demen Each Other or Like Each Other

Mutual *demen* is also a major factor after the economic factors behind the occurrence of marriage *mebyakaon*. The mutual *demen* factor begins to emerge from within men and women without any coercion from any party. The reason for mutual *demen* in carrying out marriage *mebyakaon* does not mean giving complete freedom to men and women to choose their life partners without parental consent. Based on the principle of consent in marriage, customary law for marriage to occur must obtain the blessing or consent of parents and relatives. From the data in the field when the author conducted the study, the author found that all couples who carried out marriage *mebyakaon* as many as 2 couples who based their marriage on the basis of mutual *demen* or mutual feelings of mutual liking. The desire to live a married life is purely from the desire of both parties because they think they are no longer in school and they want to carry out marriage and live the ark of the household. Relating to the feelings of someone who has a very excessive love for others, sometimes makes the person willing to do anything to be with the person he loves, including in this case by doing a *mebyakaon* marriage.

In addition, lack of parental attention can also trigger the occurrence of marriage *mebyakaon*. Where parents who are too busy with their work sometimes do not have enough time to supervise the association of their children. A couple who entered into a marriage did not pay attention and consider the future risks that could result from a marriage to the marital status of the Balinese indigenous community in Rantau Jaya Ilir Village and the status of children born from this marriage. They do not understand very well what marriage is like, in their minds marriage is only limited to marriage, do not see the impact that will be caused if they carry out a marriage *mebyakaon* which is clear that this marriage is only valid for the parties who live it even the family does not fully give their blessing to the marriage they hold. As well as the lack of knowledge and understanding from both parents related to marriage so that parents cannot prevent their children's desire to carry out marriage *mebyakaon*.

### 4.) Parental Desire Factors

The desire of parents to marry their children in addition to being free from the obligation to support their children's lives is to immediately have a generis of family successors and ancestors (grandchildren) is one of the factors causing *mebyakaon* marriage. Encouragement from parents who want their children to marry immediately causes children to

not be able to refuse considering that their parents are old. This causes the child to do a marriage only before which this marriage is held suddenly in the hope of immediately giving offspring to his masters and making his two masters happy. They think that marriage is legal according to Hinduism. However, the reality is that marriage is only valid for the parties.

### 5.) Factors Men Still Bound by Legal Marriage with Other Women

Another factor in the marriage of *mebyakaon* is that the man to be married by the woman is still legally bound by his first wife so that this husband and wife cannot carry out traditional Balinese marriages in general and cannot register their marriage because when doing their marriage without the consent of the first wife. Both the male and female sides argue that getting married is a private matter for both parties. Pregnancies outside of legal marriage are forced to make parents marry off their children and not carry out marriage administration. As a result of promiscuity between men and women who no longer heed the norms and rules of Hinduism resulting in pregnancy out of wedlock. For Hinduism, *Trikaya Prisdudha's* teachings about *kayika* called *Tan Paradara* are widely interpreted to mean touching sex, having sex, and even fantasizing about sex with women or men who are not their legal partners.

Hindu scriptures such as *Manawa Dharmasastra*, and *Sarasamuscaya* say that sex should always be considered a sacred thing that is only allowed after going through the process of *pawiwahan*. If the marriage process is not carried out *mebyakaon*, the pregnant woman will be referred to as a *cuntaka* or impure state according to the Hindu view. One of them is related to the problem of extramarital sex. The pregnant woman without doing *byakaon* and *memitra ngalang* (kumpul kebo) who gets *cuntaka* is the woman herself and her bedroom *cuntaka* will end when she is married in a *pawiwahan* ceremony. As well as the child born from pregnancy before the *upakara pawiwahan* is held, the child will be called by the name of *panak dia-diu* and the *cuntaka* will end if the child born in the *upakaran squeezees the panak*. So that couples who have already experienced this choose to marry *mebyakaon* first to purify the child in the woman's womb before the womb enters the age of 5 months.<sup>9</sup>

### 3.2 The Legal Effects of Mebyakaon Marriage on Balinese People in Rantau Jaya Village, Ilir Putra Rumbia District, Central Lampung Regency

Marriage based on customary law is not merely a bond between a woman and a man as husband and wife for the purpose of obtaining offspring and establishing and fostering married life but also a legal relationship involving members of relatives on the wife's side (*patni*) and members of relatives on the male side (*pati*). The occurrence of marriage means the enactment of kinship ties to be able to help each other and support harmonious and peaceful kinship relations, with marriage, it is hoped that the marriage will get offspring who will later become the successors of the genealogy of parents and relatives. *Mebyakaon* marriage is a marriage that is carried out by a pair of prospective husband and wife who are temporary and

<sup>9</sup> The results of an interview with Mr. Ida Bagus Panide as Pinandita in Rantau Jaya Ilir Village on November 3, 2023 at 10.00 WIB.

fairly in a sudden time. *Mebyakaon* marriage is a marriage that is very unique and has its own characteristics, not the same as marriages that are usually held in general. *Mebyakaon marriage* is the first step of a traditional ritual in Balinese traditional marriage.

Every couple who is going to get married must initially perform *upakara mebyakaon* as the basic ceremony of a marriage. The series of Balinese *traditional pawiwahan* ceremonies can be said to be complicated because they have to go through several series of customs and the time needed is also fairly long. Based on the results of interviews with Balinese traditional heads in Rantau Jaya Village ilir Mr. Dewa Made Sugame in the field, data were obtained on married couples who carried out *mebyakaon* marriages obtained by two pairs of husband and wife who until now are still carrying out *their mebyakaon marriages and have not continued to the stages of mewidhi widana and mejauman*. In an interview with Mr. Dewa Made Sugame explained that this *mebyakaon* marriage was taken by indigenous people in Rantau Jaya Ilir Village to formalize their relationship. In a *mebyakaon* marriage presents a *witness bhuta* and *witness god* and the families of both parties also present a *pinandita* (pemangku) to carry out the traditional procession, in *this mebyakaon marriage* there is no need to present *sulinggih*.

The results of an interview with PHDI Mr. Ketut Pasek, S.E. in the field said that marriages that only up to *upakara mebyakaon* are rare and even almost not carried out by a couple of prospective husband and wife, however, it does not rule out the possibility of marriage with up to *upakara mebyakaon* alone is still taken by the bride and groom due to several factors so that this couple chooses to *mebyakaon* just first. The validity of marriage according to customary law depends on the marriage ceremony and the religious law adopted by the indigenous people. If it has been performed according to religious law procedures, then this marriage is valid according to customary law. He also said the marriage ceremony aims to formalize the entry of individuals into indigenous citizens is a traditional marriage ceremony.<sup>10</sup>

For Hindus, marriage must be legalized according to the provisions of Hindu law. The procedure for legalizing marriage for people who adhere to Hinduism in Indonesia is not uniform because it is very colored by the local culture, as well as the procedure for legalizing marriage for Hindus in Bali also varies, according to the decisions and decrees of *Parisadha Hindu Dharma Indonesia* (PHDI) the validity of marriage is determined by the conditions with *bhuta witnesses* and *witness gods* and the presence of *witnesses* (witness) from *prajuru adat* (traditional head) as an element of *manusa witness*. This is what is often referred to as *Tri Upawitness* in marriage ceremonies (*samskara wiwaha*). Regarding the marriage certificate, back to the married couple who will register their marriage in the civil registry, it is better for couples who carry out *marriage* to immediately formalize their marriage by carrying out all series of traditional rituals and immediately register their marriage with the marriage registration officer at the Population and Civil Registration Office. Marriage with *mebyakaon* alone is a marriage that is not yet valid and still *lethargic*, *leleh* illustrates that the married couple is still

dirty which refers more to the filth and spiritual imbalance that exists in him. Although they have gone through a *mebyakaon* process that aims to clean the seeds in men and women before they undergo the traditional Balinese marriage ritual as a whole, the couple is still in a state of *lethargy*.

At the time of the wedding, *Mebyakaon Parisadha, Hindu Dharma Indonesia* did not participate in the marriage because the marriage procession only reached *Ngayab Banten*. Mr. Ketut Pasek also explained that there is jurisprudence that states that marriage is said to be valid if there is a *mebyakaon* (*mebyakala*) ceremony. The jurisprudence was the decision of Raad Kertha Singaraja Number 290/Crimineel, April 14, 1932 which considered in its decision that as long as *the mebyakaon* has not been carried out, the marriage has not been considered valid. The Denpasar District Court in its decision Number 602 / Pdt / 1960 dated May 2, 1960 determined that a marriage was considered valid in Hinduism and Balinese custom after *pabyakaonan* or *mebyakaon*, as well as the decision of the Denpasar High Court Number 281 / Pdt / 1966 / PTD dated October 19, 1966 however, returned to *awig-awig* village. For field practice, PHDI usually refuses to attend weddings that are carried out *only* because it is not a matter of *Parisadha Hindu Dharma Indonesia* but a matter of trust of the spouse of the couple.

The results of an interview with Mr. Ida Bagus Panide as a *pinandita* in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency, he explained about the system or forms of marriage that are considered valid in Hinduism have all been explained in the *Manawa Dharmasastra* book including:

#### 1.) *Brahma Wiwaha*

*Brahma Wiwaha* is a marriage that takes place because of the gift of a daughter to a man who is a virtuous (*brahmana*) and behaves well and after respecting the one personally invited by the woman means the gift of a girl after first being groomed (in beautiful clothes) and after honoring (by gifting jewels) to a skilled in the Hindu scriptures (*vedas*), moreover it is also good in its language, which is invited (by the woman's father) to be called *Brahma Wiwaha* (*Manawa Dharmasastra* III.27).

#### 2.) *Daiwa Wiwaha*

*Daiwa Wiwaha* is a marriage that occurs because of the gift of a daughter who after first being decorated with jewelry. to a priest who performs ceremonies or who has meritorious (*Manawa Dharmasastra* III.28).

#### 3.) *Arsa Wiwaha*

*Arsa Wiwaha* is a marriage performed in accordance with the rules proposed by the woman, the rule is that the woman receives one or two pairs of cows from the bridegroom to fulfill the rules of dharma (*Manawa Dharmasastra* III.29).

#### 4.) *Butterfly Wiwah*

*Prajapati Wiwaha* is a marriage that is accomplished because of the gift of a daughter to a man, after saying with a mantra that you both carry out your obligations together and after showing respect means the gift of a daughter (by the woman's father) after telling the bride and groom with the mantra "may you carry out your obligations together" and after showing respect (to the groom). This marriage in the book of *smerti* is named *Prajapati* marriage event (*Manawa Dharmasastra* III.30).

#### 5.) *Asura Wiwaha*

*Asura Wiwaha* is a form of marriage that occurs after the

<sup>10</sup> Results of an interview with Mr. PHDI in Rantau Jaya Ilir Village, Mr. Ketut Pasek, S.E. on November 4, 2023, at 10.00WIB.

groom gives marriage gold according to his ability and is encouraged by his own will to the woman and the father accepts that his daughter is for him to have (*Manawa Dharmasastra* III.31).

#### 6.) *Gandharwa Wiwaha*

*Gandharwa Wiwaha* is a form of consensual marriage between a man and a woman (*Manawa Dharmasastra* III.32).

#### 7.) *Wiwaha Giant*

*Giant Wiwaha* is a form of marriage by abducting girls by means of violence (*Manawa Dharmasastra* III.33).

#### 8.) *Paisaca wiwaha*

*Paisaca wiwaha* is a form of marriage by stealing, coercing, and raping women who are sleeping, drunk and confused, in this way the marriage of *paisaca* is very low and sinful (*Manawa Dharmasastra* III.34).

Of the eight marriage systems that are considered valid according to Hinduism, there are two systems that should be avoided in building a *grhasta* life. It is worth avoiding because it goes against religious norms, legal norms. The two marriage systems in question are *Giant Wiwaha* and *Paisaca wiwaha*. He also explained that according to Balinese customary tradition there are four forms or systems of marriage, including:

##### 1.) *Assisting/soliciting system*

The *outrigger* or *proposing system* where the prospective husband and his family come to the prospective wife's house to *ask* for his future wife. Usually the bride and groom have previously known each other and there is an agreement to live together and build a household. In the indigenous Balinese community this system is seen as the most respectful way.

##### 2.) *Rod system*

The *ngererod* or *ngerangkat* system is a form of marriage that takes place on the basis of love between the two prospective brides who are considered old enough, usually this marriage is called elopement.

##### 3.) *Sistem nyentana/nyeburin*

The *nyentana* or *nyeburin* system is a marriage system that is carried out based on changes in legal status where the bride customarily has the status of *purusa* and the prospective bridegroom has the status of *predana* in this relationship, the man participates and lives together in the wife's family home.

##### 4.) *Redundant system*

The *melegandang* system is a form of forced marriage that is not based on love and love.

This type of marriage can be likened to *Giant Wiwaha* and *Paisaca wiwaha* in *Manawa Dharmasastra*.

Regarding the series of marriages in Rantau Jaya Village, Ilir has a slight difference from the *pawiwahan* in Denpasar, Bali. In Rantau Jaya Ilir Village, the series of *pawiwahnya* was held more modestly than in Denpasar, but did not leave *Tri Upawitnes* or did not go out of the rules set in Hinduism. The series of *pawiwahan* or marriage ceremonies in Rantau Jaya Ilir Village include the following:

1. *Mesedek* means that the male party is represented with several people coming to the party to express their desire to gather all parties concerned to determine the *duase* or the right time for the *pawiwahan renvana* according to Hinduism and carry out deliberations in accordance with the *pawiwahan* plan that will be carried out.
2. *Mesuake* means that the male party together with the

extended family, village government shops, *Parisadha Hindu Dharma Indonesia*, and traditional leaders come to the female side who are also ready with their extended family to welcome the arrival of the male party with the intention to convey their intention to *ask* the woman to be a prospective daughter-in-law who can be represented by the spokesperson. At this *Mesuake* event is different from the one in Bali, if in Rantau Jayar Ilir Village during the *Mesuake* event the male party immediately brings or brings the bride to the house of the male party for the next ceremony, while in Denpasar Bali the community there at the time of *Mesuake* Not bringing the bride to the man's house but redetermining the right time again to bring the bride's party. After being brought to the house of the male party, the house of the bridegroom has been prepared for the *Great Mesegeh Ritual* is a special ceremony to welcome the bride. Before being able to enter the yard of the house, the bride and groom will perform a *grand mesegeh* ceremony. This procession is nothing but a symbol of welcome from the groom to the bride. Upon the bride's arrival at the groom's house, it becomes a symbol of the new world and buries all the past. After that, a *mebyakaon* or *mebyakala* and shrinkage event was held to purify and cleanse the bride and groom which then immediately had a request from the male side to be legalized by custom and religion. In the ceremony to approve the ratification carried out by the regent who leads the running of this ceremony, then in this ceremony accompanied by the village head, religious leaders and traditional heads as witnesses in the *pawiwahan* at that time the bride and groom are legal according to their customs and religion with proof of marriage certificate issued by *Parisadha Hindu Dharma Indonesia* Desa Rantau Jaya Ilir, then on the same day the ceremony was held *Mewidhi Widana* then searched for a good day according to the Balinese calendar for the *holding of the mejauman* ceremony.

3. *Upakara mebyakala* or *mebyakaon* is a ceremony to cleanse the bride and groom outwardly, especially *sukla swanita* which is a male germ cell and a female germ cell in order to form a fetus that is *suputra*. Hosted by Hindu priests, the procession begins just as the sound of the clapper echoes. The implementation of the *mekala-kala* must be in accordance with the following stages:
  - 1) Touching your feet at the time of *sepetan*  
The *mekala-kala* ceremony aims to purify and cleanse the bride and groom. The bridegroom carries the *tegens* while the bride carries the trading basket, then the two rotate three times around the *kemulan*, then both are required to touch their feet at a *moment*.
  - 2) *Ngadop mayah* (buying and selling)  
The bride sells with baskets, then the basket brought by the bride-to-be is bought by the groom. This activity is an analogy of married life that must complement each other, give, and fill to achieve the desired goals.
  - 3) *Impromptu tikeh stabbing*  
The bride-to-be has prepared to hold a woven mat made of young *pandan* leaves (*impromptu tikeh*), while the groom-to-be holds a *kris* that is ready to thrust an *impromptu tikeh* with his *kris*. According to Hindu belief, the *impromptu tikeh* held by the

bride-to-be symbolizes the power of Sang Hyang Prakerti (the power of yoni for women) and the kris of the bridegroom is symbolic of the power of *Sang Hyang Purusa* (the power of the phallus for men).

4) *Megat thread* (break thread)

Before breaking the thread, the bride and groom together plant turmeric, taro, and andong right behind *the merajan* or *sanggah* (family place of prayer) as a form of perpetuating family offspring. Only then, break the thread stretched on the dadap branch (papegatan) which analogizes that the bride and groom are ready to leave adolescence to start a family life.

4. The *mewidhi widana* or *mejaya-jaya* ceremony is carried out after completing the mekala-makala or *mebyakaon* ceremony (after bathing). The Hindu community in Bali at this stage calls it a "free event or the culmination of a marriage ceremony". This series of *mewidhi widana* or *mejaya-jaya* ceremonies begins with puja performed by those who cover the ceremony or *the regent of dadya*. After finishing performing puja or what is called ngater or nganteb followed by prayers made by the bride and groom. The bride and groom pray in the male family and are led by *the regent*. The bride and groom pray to convey the presence of a new family to the ancestors to continue their descendants. After the second prayer, the earrings are sprinkled with *tirtha* from *merajan* or temple (usually Balinese indigenous people in Rantau Jaya Village Iir *nunas tirtha kahyangan tiga* for *nunas tirtha panugrahan*), and continued by installing *bija*. Then *natab banten sesayut bride*, finished *natab banten sesayut both* brides are given *tetebus* (thread) and paired with *karawista* and *bija*. After completion, continued with *mesandekan activities* in the yard of the family bride's house and *pamedek* or the community who participated in attending the ceremony. Then continued with a farewell ceremony from the woman's family to the man's family with *traditional keliyang*. This ceremony aims to inform the ancestors of the male family that there is a newcomer in his family members who will continue the offspring of the *son*, thus, the marriage will be valid in front of custom and also the community.

5. The *mejauman* ceremony (*ma pejati*) rules that exist in Balinese custom, married women will follow their husbands. So, to honor the ancestors of the family, a ceremony was held to say goodbye to the ancestors of the bride's family because now it has been married and is the responsibility of the groom's family. The bride and groom will come to the woman's family while carrying a banten containing alem, sumping, pillow ketipat, cuscus, apem, sumping, kekupa, wajik, fruit, and Balinese side dishes, sugar and coffee and so on. In this traditional Balinese wedding procession, the woman who follows the husband comes back to the woman's family accompanied by extended family, relatives and neighbors of the man's family. By performing a farewell ceremony in the yard or *snacking*, and saying goodbye (please leave permission) nilskala to the ancestors of the woman's family.

Based on the data above, the author can conclude that for the problem of the process of implementing *pawiwahan* in Rantau Jaya Iir Village is slightly different from the implementation of marriage in

Denpasar Bali but the purpose and purpose are the same, even for the same ceremonial ritual, only different use of terms in Balinese, because the Balinese language itself has several types according to the general description above.

#### a.) Effects of Marriage Law on Marital Status and Marital Property

As a result of the marriage law, *mebyakaon* has not continued to the stage of *mewidhi widana* and *mejauman* in Rantau Jaya Iir Village, Putra Rumbia District, Central Lampung Regency, namely *Balinese traditional Pawiwahan* known as "*inggi punika patemoning purusa prada, malarapan panunggalan kayun joy kadulurin upawitnes sekala niskala*" which means the process of marriage is the process of forming a sacred bond between a man and a woman based on mutual love which is also based on worldly reality and Hindu Dharma beliefs. Marriage in Balinese indigenous people in Rantau Jaya Iir Village is considered valid if they can meet the conditions determined according to Balinese Customary Law, namely after going through a series of *upakara* and registering the marriage. Because in this process not only brings together the bride and groom but also includes the family of the man who asks permission from the family of the woman for her child to carry out the marriage and carry out her rights and obligations in the male family. In this case, *the mebyakaon* marriage only meets the marriage requirements up to the initial stage of ritual in Balinese traditional marriage, *the mebyakaon marriage* that occurred in Rantau Jaya Iir Village has not undergone the Balinese traditional ritual as a whole and without going through the process of registering the marriage in the civil registry.

The *mebyakaon* ceremony as a form of self-cleansing with the aim that the bride and groom are not dirty when performing *upakara*, administrative issues (making marriage certificates) return to both parties to their marital status in society. So, actually a marriage carried out by lovers by means of *mebyakaon* cannot be said to be valid because they have not fulfilled the legal requirements of marriage according to Balinese customary law, preferably prospective married couples who will perform *upakara pawiwahan* must reach the stage of *mewidhi widana* and *mejauman* in accordance with the rituals in *pawiwahan* Balinese customs in Rantau Jaya Iir Village. So that couples who have carried out marriage processions based on Balinese religion and customs as a whole can register their marriage at the marriage registrar, so that their marriage is considered a valid marriage under state law in Indonesia and recorded in the government administration. The *mebyakaon* ceremony is commonly called the *puput* (completed) witness ceremony. When a prospective husband and wife carry out marriage by means of religious activities carried out are offerings that are offered to the *solar rebuttal* and extortion and the bride and groom perform prayers under *Sang Hyang Widhi* and *Bhatara-Bhatari* are elements of *the witness god*. The presence of representatives of community leaders as elements of *manusa witnesses*. Then *Banten byakaon* was given by the person concerned as purification and *bhuta element of witnesses*. And the offering of *sajen sesayut* by the bride and groom as a religious effort to bind the person concerned to become a single husband and wife. The role of *Parisadha Hindu Dharma Indonesia* in legalizing Balinese traditional marriage is as an institution that issues marriage

certificates that can later be used to make marriage certificates.

The content of the certificate was that the marriage had been courted and covered by the *sulingih* who was on duty at that time. The marriage certificate given by Parisada is the basis for the couple to register and register their marriage in the civil registry. If there is no marriage certificate from the parisadha, especially for Hindus who have entered into marriage, the preparation of the marriage certificate in the civil registry will not be ignored by the civil registration officer. Making a marriage certificate by *Parisadha Hindu Dharma Indonesia* is free of charge because it is free of charge in making it necessary to have awareness from married couples who marry in Balinese customs to provide sincere funds to parisadha. The funds can be used for the purchase of paper, stamp stamp and so on. If this husband and wife do not provide parisadha funds, they also do not really expect these funds. Given that Balinese traditional marriages carried out *mebyakaon* certainly do not have a marriage certificate stating that the marriage has been valid under Indonesian national law, it is necessary to have awareness from married couples and the community that the importance of marriage registration in addition to customary registration also requires legality under Indonesian national law.

The results of the interview with Mr. Ketut Pasek explained that it needs to be underlined, after fulfilling the requirements for Hindu marriage, for the legality of marriage based on national law with the creation of a marriage certificate, several requirements need to be met by married couples including:

- 1) Proof of marriage according to Hinduism;
- 2) Birth certificate;
- 3) Certificate from the lurah;
- 4) Photocopy of Family Card/Identity Card legalized by lurah;
- 5) 5 (five sheets of 4 x 6 cm) side by side photos;
- 6) 2 (two) witnesses aged 21 years and over;
- 7) Birth certificate of the child who is recognized / legalized (if already has children);
- 8) Divorce certificate/ death certificate if the person concerned has been married;
- 9) Permission from the commander for members of the TNI(army)/Police;
- 10) Passport for foreigners;
- 11) Self-Report Certificate from the Police for foreigners;
- 12) Letter from the Embassy/Consul/Representative of the Foreign Country concerned (for foreigners);
- 13) Immigration Certificate from immigration (for foreigners).

Mebyakaon marriage in Rantau Jaya Ilir Village which does not continue to the stages of *mewidhi widana* and *mejauman* is an invalid marriage, this *mebyakaon* marriage is only considered valid for the parties who live it sometimes the family can accept the marriage because of some things that are not supportive for this married couple to hold a traditional Balinese marriage in general. In *mebyakaon* marriages they can have conjugal relations (intercourse), but to go to the temple and join a traditional association called *mebanjar* they cannot be because this couple is still in a state of *lethargy*. So it can be concluded that marriage is valid according to the parties who undergo it, but it is not valid in custom, especially Balinese customary law because

marriage in Balinese customs must be carried out completely in carrying out all Balinese traditional rituals and then the marriage must go through a registration process by *Parisadha Hindu Dharma Indonesia* as the institution that issued the new marriage certificate, the marriage is valid in positive law and Balinese customary law.

Regarding marital property or joint property in marriage, *mebyakaon* is the absence of mixing of marital property. So that the legal consequences of a marriage on marital property do not have the legal force to claim their rights, it will be very difficult to manage marital property and if the husband of this marriage dies his wife is not entitled to the inheritance left by her husband, because the wife in the marriage has *mebyakaon* did not have authentic evidence explaining that the marriage they entered into was a valid marriage under Balinese customary law. In addition, marriages that do not have a marriage certificate then the certainty of the rights and obligations of parents and children cannot be fully protected by law. If the wife and children born from the marriage get a share of the property in the marriage by mutual consultation of the extended family. Children born from *mebyakaon* marriages do not have the right to claim inheritance, the inheritance rights of *astra* children only to their mother's family.

#### **b.) Legal Effects of Marriage on the Status of Children**

Married couples who are also known as couples who have the responsibility of forming a vision, mission, and building a happy and loving home, which will later give birth to offspring as the next generation of their family and ancestors. It is hoped that this descendant will be able to have a good influence on the sustainability of the nation and state. Descendants themselves are part of the descendants of reborn ancestors (*numitis*), this means that offspring can be part of the successor of blood relations originating from two people. In this case, if the child can be said to be legally or religiously valid for a valid marriage, positive law determines the status of the child through the marriage law carried out by both parents. Based on Balinese Customary Law, the status of children born from *mebyakaon* marriage is an illegitimate child, although the *byakaon* procession itself is a ritual to cleanse the seeds in men and women, so that the child is considered sacred according to Hinduism but, judging from the marriage of both parents who have not carried out the customary ritual as a whole, it can be said that the child is an extramarital child.

Marriage registration refers to legal protection against civil relations arising after marriage. With the registration according to the law, the marriage has legal force. If the marriage is not registered, then the marriage including children born from this marriage will not receive maximum legal protection, guarantees of rights and obligations. Judging from the status of marriage *mebyakaon* in the Balinese indigenous community in Rantau Jaya Ilir Village, if a Hindu person marries without going through all the traditional processions, of course, the marriage does not have letters stating they have carried out a valid marriage and cannot register the marriage, meaning that it can be interpreted that the marriage is only valid according to the parties who carry it out only and juridically invalid in the eyes of the state So that children born from this marriage have no legal force. Therefore, if a child is born from an unregistered marriage, then the child has the same status as an out-of-wedlock child. This resulted in the child's birth



certificate only stating the mother's name. The impact of *mebyakaon* marriage is not only felt by the parties, but the most felt is the child born from *mebyakaon* marriage. Children from *mebyakaon* marriages are not entitled to claim property owned by their parents and because there is no mixing of property between their mother's father, Astra children only get inheritance from their mother's family. The unclear status of the child before the law, resulting in the relationship between the child and the father is not strong, so that one day the father may not recognize the child. Children born from *Mebyakaon's marriage* cannot inherit the property of their parents because there is no authentic evidence that states Anak Astra as the heir of his parents.

The result of a relationship without a valid marriage bond either in Hinduism led by a *Hindu sulinggih* or priest, or recorded under national law, is called an extramarital child. In Balinese Customary Law, extramarital children have the designation of astra children and *bebinjat* children. A *child* is a child born without his biological father knowing. While an *astra* child is an extramarital child known to his biological father without a legal marriage bond according to Hinduism and Balinese custom. There are also *astra* children whose biological father is known for certain, however, the father is still bound by a legal marital relationship with another woman (first wife) so that marriage with his mother is taken *mebyakaon* first. Regarding the existence of a pregnancy before the implementation of a *pawiwahan* or *mewidhi widana* process, the child is considered a legitimate child in Hinduism as long as a 3-day mesayut ceremony and *mebyakaon ceremony* have been performed. However, according to Balinese customary law, the child is an illegitimate child or an extramarital child because the child was born to a married couple whose marriage has not been valid or has not carried out the Balinese traditional marriage ritual completely. This *mebyakaon* ceremony is presided over by the regent (whose status is clergy under *sulinggih* or Hindu priest). Hinduism has given signs not to have conjugal relations or sex before the *upakara pawiwahan* is complete. Having sex before the full Balinese traditional marriage ritual is considered adultery which results in the status of the child born later. In Hinduism, adultery is sexual intercourse committed not with a married couple that is legal under Balinese customary law and positive law. The act is stated in Manawa Dharmashastra sloka 353 and sloka 356 as follows:

#### **Manava Dharmashastra V. Shloka 353**

*"Aisaputho is the life of the people, the religion of the coming children."*

Meaning: By committing adultery gives rise to the birth of mixed colors between human beings; then instead of that gives rise to sin which eventually cuts off its roots and causes the destruction of everything.

#### **Manava Dharmashastra V. Shloka 358**

*"Streeyam sprkadaa deka yaH sprsto vaa inarsaayettaayaa parapasyaanumatE sarvaM samagrahanaM smritam"*

Meaning: When a person touches a woman in a part that should not be touched or allows someone to touch that part,

all acts done by mutual consent, are declared adultery.

If the parents of an extramarital child (*anak astra*) enter into a legal marriage according to Hinduism and Balinese customary law, the status of the child changes to that of a legal child, but the name given to the child *does* not use the surname or caste of the father. When an *astra child* has a younger sibling, his younger brother is the one who has the right to use the name or caste of his father's family, because it is considered born from a legal marriage between his father and mother. The validity of a Balinese traditional marriage must carry out a whole traditional ritual led by *sulinggih* and witnessed by the extended family of the bride and groom, *prajuru adat*, community and *sidikara*. In the daily life of *Astra* children in the family there is no difference between *Astra* children and children born after the *couple* legalizes their marriage.

#### **4. Conclusions**

Based on the results of data analysis and discussion, the author obtained conclusions that can be drawn from research on the Legal Effects of *Mebyakaonan Marriage in the Perspective of Balinese Customary Law Study on Balinese People in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency* as follows:

1. The reason for married couples to marry *mebyakaon* is caused by several factors, namely economic factors, educational factors, mutual *demen*, factors of parental desire, factors of men still bound by legal marriage with other women. Economic factors are the main cause of *mebyakaon marriage*, although *Balinese traditional pawiwahan* does not measure the size of a *pawiwahan upakara* so that it can be said to be a legal marriage, however, in carrying out a custom requires considerable costs.
2. *Mebyakaon marriage located in Rantau Jaya Ilir Village, Putra Rumbia District, Central Lampung Regency* which does not continue to the stages of *mewidhi widana* and *mejauman* is a marriage that is not valid under Balinese customary law, this *mebyakaon* marriage is only considered valid for the parties. Couples who enter into a *mebyakaon marriage* are considered *leteh* (dirty). Married couples from *mebyakaon* marriages may not enter the holy place (*pura/merajan*) and may not participate in gatherings in the village (*mebanjar*). Regarding the status of children born from marriage, *mebyakaon* is also considered an extramarital child or *astra* child because the child was born from a marriage that is not valid under Balinese customary law. Marital property in marriage *does* not experience mixing between property owned by husband and wife. The wife in a marriage *is* not considered a legal wife so that the wife is not entitled to inheritance if her husband dies as well as her children.

#### **5. References**

1. Aprilianti, Kasmawati. Customary Law in Indonesia, Pusaka Media: Bandar Lampung, 2022.
2. Gelgel I Putu, Ni Luh Gede Hadriani. Hindu Marriage and Inheritance Law, Bali: UNHI Press, 2020.
3. Arsadi, Putu Eka. Nyeeb Tradition in Marriage Ceremony in Tajun Village, Kubutambahan District, Buleleng Regency (Hindu Philosophy Studies), Hindu Philosophy Student Journal. 2022; 3:2.
4. Candrasari Made Widia. Legal Effects of the Transition

- of Ordinary Marriage to Nyentana Marriage on the Embassy of Inheritance Rights According to Balinese Customary Law. *Journal of Legal Analysis*. 2019; 2:1.
5. Darmaya I Ketut. The Meaning of Mekala-kalaan at a Traditional Balinese Wedding in Kerta Buana Tenggara Seberang Village. *Journal of Communication Sciences*. 2017; 5:2.
  6. Ningrum Putu Ary Prastya. The Position of Sentana Marriage in Bali According to Law Number 1 of 1974 concerning Marriage Law, *Pariksa: Journal of Hindu Law*. 2020; 3:2.