

**THE LAW OF FINE IN GENDER RELATIONSHIPS ON TRADITIONAL  
INTERPRETATION *OENDANG-OENDANG SIMBOER TJAHAJA*  
IN TULUNG SELAPAN, OGAN KOMERING ILIR, SOUTH  
SUMATERA**

**HUKUM DENDA DALAM HUBUNGAN GENDER ATAS TAFSIR TRADISIONAL  
*OENDANG-OENDANG SIMBOER TJAHAJA* DI TULUNG SELAPAN OGAN  
KOMERING ILIR, SUMATERA SELATAN**

**Gayung Kasuma<sup>1</sup>**

Fakultas Ilmu Budaya Universitas Airlangga

Pos-el: gayung@gmail.com

**Abstract**

The presence of *Simboer Tjahaja* book for the residents in South Sumatra generally and in Ogan Komering Ilir in particular, is the answer of the experienced social phenomenon. *Simboer Tjahaja* is a series of conceptual and symbolic meaning resulted in consequences over inappropriate behaviours to both ethics and manners. The essence of life association in the book is not only served as formal law but as common habit and local identity either. Genealogically, it served also as both cultural morality roots and life concept of society.

As the time goes by, after phenomenon traced in the District of Tulung Selapan it was revealed that there were many facts that been changed and oriented. The friction occurred in the perspective nowadays is related to the women motivation trapped in the centre of modernization, economic interests, and globalization. The friction over *dende* (fine) was done by the society for money (materials) objectives. The case revealed if there was a denouncing (crime by accusation) of the victim or third parties involved. Otherwise, then this *dende* (fine) would not be given.

**Keywords:** *dende* (fine), globalization, the customary law, modernization

**Abstrak**

Keberadaan *Simboer Tjahaja* bagi masyarakat Sumatera Selatan pada umumnya dan masyarakat Ogan Komering Ilir khususnya merupakan jawaban atas fenomena sosial yang dialami. *Simboer Tjahaja* merupakan rangkaian makna konseptual dan simbolis yang muncul yang melahirkan konsekuensi atas perilaku-perilaku yang tidak sesuai dengan etika atau sopan santun. Esensi pergaulan hidup dalam kitab *Simboer Tjahaja* ini tidak hanya menjadi hukum formal, tetapi juga menjadi kebiasaan umum dan identitas daerah. Secara genealogis, hal itu menjadi akar moralitas budaya dan konsep hidup masyarakat.

Seiring berjalannya waktu, sebuah fenomena terjadi di Kabupaten Tulung Selapan, Banyak fakta telah diubah dan diarahkan. Pergeseran yang terjadi pada perspektif saat ini terkait dengan tujuan perempuan yang terperangkap dalam pusat modernisasi, tujuan ekonomi, dan globalisasi. Pergeseran mengenai *dende* (denda) dimunculkan oleh masyarakat dengan tujuan mendapatkan uang (materi). Kasus terungkap jika ada pengaduan (kejahatan karena ada tuduhan) dari korban atau pihak ketiga yang terlibat. Jika tidak, *dende* (denda) ini tidak akan dijatuhkan.

**Kata kunci:** *dende* (denda), globalisasi, hukum adat, modernisasi

<sup>1</sup> This article has gone into changes, has been presented in 9th National Conference on History on 5-7 July 2011 at Bidakara Hotel Jakarta.

## A. Introduction

In the novel *Dian yang Tak Kunjung Padam* written by Sutan Takdir Alisyahbana, there are the records of the lives of people of South Sumatra in the 1930s. This novel contains human life romance colored with longing and revenge in the shadow of local customs. Faillle de Roo in his work *Dari Zaman Kesultanan Palembang*, also noted various aspects of the life of Palembang society with ample descriptions such as description about the structure of society, socio-political traditions, customs, as well as the price of vegetables in the market. He also noted various artworks of Palembang society born due to the strength of intuition, perseverance, and a delicate taste. In *Syair Menteng*, we found various heroic slogans - such as "one step backward, die as unbeliever" - which depicts how strong the spirit of the freedom fighters in South Sumatra was in the war against the Dutch colonialists.

South Sumatra consists of 31 sub-ethnic groups living in an extensive customary region. Social relations in general or gender relations in particular is specifically addressed in the customary book known as *Oendang-oendang Simboer Tjahaja (Simbur Cahaya Act)*. As an act, the book set social ethics, rights and obligations of indigenous people, the environment, and customs administration. The essence of social life in the book *Simboer Tjahaja* was not only a formal law, but also a common practice and identity of the area. In geneology, also at the root of cultural morality and the concept of life. The term "act" and "custom" in the manuscript shared the same meaning as the laws or regulations to be obeyed (Djamaris, et al, 1981).

The existence of the book *Simboer Tjahaja* for the South Sumatera society was a response to social phenomena they experienced. *Simboer Tjahaja* is a series of conceptually visible meanings and appeared as a symbol of meaning resulted in consequences for behaviors that did not conform to ethics or manners. According to Geertz, revealing conceptual structure by

revealing human actions is an analysis system consists of terms which are generic toward the structure, and what belongs to these structures would face other determinations over human behavior (Geertz, 1992:35).

Culturally and naturally, *Simboer Tjahaja* was also articulated into different levels of society awareness (Geertz, 1992:21). As Geertz described Javanese in Mojokuto and Balinese with its chicken fighting, the concept of *interpretation* was necessary to see the relation between culture and social structure of the society of South Sumatra and *Simboer Tjahaja* manuscript. In other words, the text of *Simboer Tjahaja* and its articles can guide us in understanding or interpreting language and context, as well as analyzing the culture of the society of South Sumatra.

## B. *Simboer Tjahaja*: A Meaning of Splash of Light

*Simboer Tjahaja* is the name of a customary system as well as an act had been effective for hundreds of years in the society of South Sumatra. This fact has been revealed by De Roo Faillle in the 16th century in the book *Dari Zaman Kesultanan Palembang* (Berlian, 2000:3). In its capacity as a normative "legal guidance", the actual value in it is a source of *grand narrative* that assesses, determines and guides the direction of development of society. However, on the other hand, its openness to "revision" and "amendment" makes this act develop following a variety of social changes and cultural development of society. Thus, in the very long term, there is a dialectic between the development of social system and a standardized dictum in the act (Berlian, 2000:v). It is a typical, particularly in the interpretation of gender perspectives and human rights.

Etymologically, *Simboer Tjahaja* means *splash of light* or *ray*. Sometimes it is also associated with the myth of *selimbur* (emission) of light that occurred in Seguntang hill while welcoming the arrival of Iskandar Zulkarnain's

grandchildren. The event of *emission of light* became one of the authentication symbols as well as the painting on the origin of Moslem kings in three Malay lands (Palembang, Singapore and Malacca). In addition to the myth of the Seguntang hill, it was also related to the folklore of the Panggung island. The folklore is about a princess named The Limbur Cahaya Princess found in the water. So called because she looks radiant. Until now, the truth about the origin of the use of the name *Simboer Tjahaja* to be the name of a customary system in South Sumatra has not been ascertained (Berlian, 2000:10-11). Apparently, the literal meaning of *Simboer Tjahaja* is more easily understood as "ray" or "light" "serves as a" torch that lights the way of life".

According to an old story, the book *Oendang-Oendang Simboer Tjahaja* was compiled by Susuhanan Palembang (Queen Sinuhun) around the year 1603, accompanied by Muslim Scholars, Ministers, and attendants. This book of act was effective during the reign of the Sultanate of Palembang until the early period of independence of the Republic of Indonesia (*Oendang-Oendang Simboer Tjahaja*, copy by the Customs Trustees of South Sumatera, 1991). In later development, the book was still valid as a guidance for customs and social laws, although there was also reduction in meaning in its use due to the centralization / governance structures homogenization (around the middle and the late 1970s) and the unification of national laws (mid-1960s). Previously, the book was changed by the decree granted by the meetings of the chief of the villages on September 2 to 6, 1927 (*Oendang-Oendang Simboer Tjahaja*, copy by the Customs Trustees of South Sumatera, 1991).

*Oendang-Oendang Simboer Tjahaja* consists of five chapters and one additional rule specific to the region of Ogan Ilir. Chapter I is about the tradition of bachelor and marriage. Chapter II is about the rules of the clan. Chapter III is about the rules of the village and farming. Chapter IV is about the rules of ethnic group. Chapter V discusses the customary law.

### C. *Simboer Tjahaja* in the Gender Perspective

This paper discusses Chapter I which is about the tradition of bachelor and marriage, including the tradition effective in the region of Ogan Komering Ilir (OKI). The subject of the study of *Simboer Tjahaja* in gender perspective is related to ethics (manners) and the relationship between man and woman, while the material object is *Simboer Tjahaja Act* as rules and law. The use of gender meanings here regarding: 1) the concept and social reality which are a product and convention about ability (skill) and the quality of individual, 2) social construction built to lay the proportion of role between man and woman in culture, including sexual relations and everyday behavior, 3) the natural relationship between man and woman with interest in one another in natural pattern and without ethics (normative), and 4) behavior that is always discussed within the scope of dominance culture and male violence and also woman resistance to the violence.

Discussion on manners and gender behavior in *Simboer Tjahaja* revolves around the discussion on how the customary acts - as a cultural system in South Sumatra - recognizes the fact of the existence of gender differences and the ethics management. In the manuscript of *Simboer Tjahaja*, there are parts that regulate the tradition of bachelor and marriage, rules, manners and rules on penalties for the infraction (Berlian, 2000:28). The discussion covers social etiquette, the intricacies of the pre-marriage, the marriage, and so on. The legal relationship between man and woman, opportunities, and sanctions are also presented.

In order to make gender study in *Tjahaja Simboer* not ambiguous, sexual relation and gender relation should be distinguished first. Sexual relationship is relationship between man and woman based on biological demand and theory, whereas gender relation is a concept and social reality which is a product of social construction involving variables of skill and quality of individual. Thus, the concept and manifestation of gender relation are more

dynamic and flexible by taking the developing psychosocial variable into account (Hidayat, 1999:xviii).

As a value system that meets the interests of its citizens, *Simboer Tjahaja* maintains and preserves the basic human needs, including sexual needs. Here, in the gender aspect management, the non-physical relationship of man and woman is legal in everyday life. While relation in a broad sense is legalized and preserved under the institution of marriage alone. A legal marriage according to *Simboer Tjahaja* is called *kawin terang* (Berlian, 2000:43). A Marriage which is not based on *kawin terang* or known as violence or sexual abuse is set in the articles of *Simboer Tjahaja* manuscript. Chapter I of *Simboer Tjahaja* consists of 32 articles that regulate the tradition of bachelor and marriage, as in below example:

Article 18 reads (according to the original text): *Should a man brush against a woman's hand or called rangda "naro gawe", he is subject to 2 ringgit fine if the woman reports it to a hearing and 1 ringgit goes to her, called 'tekap malu' and 1 ringgit goes to the hearing.* In this rule, it is interpreted that a man who intendedly touches the hand of a woman or widow will be fined if she reports it to the customary meeting.

Article 19 reads: *Should a man hold woman's arm or called rangda "menanting gawe", he is subject to 4 ringgit fine if the woman reports it to a hearing and 2 ringgits goes to her called "tekap malu" and 2 ringgits goes to the hearing.* The purpose of this rule is a worse punishment than the article 18 above. Subject is not only touching, but there is an intention or he intends to abuse. This article is stricter than article 18 regarding the fine specified.

Article 20 reads: *Should a man hold a woman above her elbow or called rangda "meragang gawe", he is subject to 6 ringgit fine if the woman reports it to hearing and 3 ringgit goes to her as "tekap malu" and 3 ringgit goes to the hearing.* Here, the fine is even more than previous cases because a man intendedly touches a woman from her elbow to the shoulder.

Article 21 reads: *Should a man hold a woman or rangda then he hugs her called "meragang gawe", he is subject to 12 ringgit fine if the woman reports it to a hearing and 6 ringgit goes to the woman as "tekap malu" and 6 ringgit goes to the hearing.* In this level, greater fine is applied as a man does not only hold / touch a woman, but also embraces her.

Article 22 reads: *Should a single man catch a girl or grabs her clothes which does not please her, called "nangkap rimau", he is subject to 12 ringgit fine and another 8 ringgit fine goes to the girl, the 12 ringgit fine goes to the hearing at which the case is administered.* In this article, it is explained that a man holding a woman or grabbing her cloth (sarong) or shawl intendedly, he will be fined 12 ringgit which goes to the hearing committee and another 8 ringgit which goes to the victim.

Article 23 reads: *Should a man hold another man's wife or her husband reports it to a hearing, he is subject to 12 ringgit fine. This fine goes to the judge and the hearing as stated on article 21.* In this article, it is explained that a man who intendedly holds another man's wife, he is subject to 12 ringgit fine. 6 ringgit goes to the victim and the remaining 6 ringgit goes to the hearing which holds the case

Article 24 reads: *should a man's wife cheat and her husband report it to a hearing; the wife is subject to a sentence only and the man is subject to a penalty of a buffalo which goes to the husband as well as a 12 ringgit fine which goes to the hearing.* This article implies that if a woman commits adultery, then the man whom she committs with is subject to a penalty of one buffalo to be submitted to the husband of the woman. In addition, the man is also subject to 12 ringgit fine to pay for the trial.

Article 25 reads: *Should a man take another man's wife with him, he is subject to 40 ringgit fine which goes to the husband and another 24 ringgit which goes to the hearing. Should a man takes a widow with him whereas she is still in her three month eleven day idah period or called rangda where the husband has died for not more than four*

months and ten days, he is subject to 12 ringgit fine, 6 ringgit goes to the husband. The purpose of this article is that if a man takes another man's wife, he will be fined 40 ringgit to be submitted to the victim's husband and an additional 24 ringgit fine to be submitted to the hearing in which the case is held. Meanwhile, if a man takes a widow with him - either a widow due to a divorce or a passed away husband - who is still in her idah period, he will be fined 12 ringgit. Six ringgit goes to the widow's former husband or his heir and 6 ringgit goes to the hearing.

Article 32 reads: *Should a single woman take a walk and a bachelor grab a flower from her head called "lang menarup buaja", the bachelor is subject to 2 ringgit fine.* This article implies that a man who intendedly seizes or takes the flower ornaments from a single woman's head (called eagle *manarap* crocodile) will be fined 2 ringgit.

A very severe sexual harassment case is known as *illicit*<sup>1</sup>. Article 27 states: *Should an illicit take place in a village, the case must not be administered by Pasirah, but it ought to be administered in a great hearing and subject to king's punishment. The penalty for a major illicit is a buffalo to cleanse the village whereas the penalty for minor illicit is a goat i.e. with coconut rice and other sufficient charity.* In this case, it is determined that the offender must pay a fine for charity and for the purpose of cleansing the poor image attached to the village since the incident.

The rules in *Simboer Tjahaja* articles above, especially *Simboer Tjahaja* additional rules, are still effective in the district of Ogan Komering Ilir (OKI) and its surrounding Muslim majority. For example, in the sub-district of Tulung Selapan, district of Ogan Komering Ilir (OKI), the norm is still effective until today, although it begins to fade due to modernization and the influence of foreign cultures as well as urban

culture. In other words, this tradition of fine is still rooted for rural communities that are far from the downtown. The amount of fine is adjusted to current currency. In the past, the fine was in ringgit, as 1 ringgit = Rp. 1 or equal to 1 gold rate (1 gold rate = 6.7 gram). As for today, the nominal is calculated by money based on gold prices on the market. In certain cases, in the past, the fine imposed was not only in form of money, but also added with other objects, including cattles such as buffalo and culinary need such as *bekasam*<sup>2</sup>.

Indeed, sexual harassment or sexual violence cases above may be said to be crime on accusation with civil penalty. If no one reports or feel aggrieved on a case of sexual intercourse between a man and a woman, it is considered consensual. However, commonly community would punish them by attaching a bad image to both actors.

If the accusation of a case turns out to be counterfeit, *Simboer Tjahaja* has also included its sanctions rules. Settlement of various cases is conducted through an institution that reaches down to the village community so that the possibility of the cases to be hushed up is very small.

#### **D. *Simboer Tjahaja*: Reflection of Local Wisdom**

According to Aberle, et al., "Identity and continuity of a society are integratedly contained within the rigidity of the action system of the actors and the actors themselves" so that any structural change in the culture would be a signal of a death of a society (Kaplan and Albert A. Manners, 1999:88) For Peursen, culture is a precipitate of human's activities and works, then *Simboer Tjahaja* was one of man's works which precipitates and becomes customary element of the community in South Sumatra (Puersen, 1988:9).

2 *Minor illicit* is when a father in law has sexual intercourse with his daughter in law or when a son in law has sexual intercourse with his mother in law. Major illicit is when a father has sexual intercourse with his daughter or when a son has sexual intercourse with his own mother or when a brother has sexual intercourse with his sister.

3 Side dish preserved with acid process

As a customary source, *Simboer Tjahaja* has colored the character of the community in South Sumatra which are Muslim majority. *Oendang-Oendang Simboer Tjahaja* is the oldest act applied in South Sumatra. Values contained in it are the result of dialogues with the needs of the community. This act was written in local letters and language known as *Surat Ulu*.

The formulation of the *Simboer Tjahaja* manuscript in 1927, for example, showed the dialectical process. In the preface to the *Simboer Tjahaja* manuscript, it is said that the manuscript was a formulation resulted from the deliberations of clan chiefs within the residency of Palembang. It contains the rules that protect people's life aspects such as rules and composition of the government characters, sexual ethics that surrounds the rules of bachelor-single woman relationship, the procession of pre-marital and marriage. The text of *Simboer Tjahaja* manuscript was written in local Malay language<sup>3</sup>.

In the 18th century, Queen Sinuhun<sup>4</sup> -a smart jurist- compiled and unified the language of *Simboer Tjahaja*. Furthermore, the leaders of the villages periodically conducted meetings to discuss improvements on the act. In formulating the improvements, they had a fairly strong independence. In fact, the pressure from the colonial to adjust *Simboer Tjahaja* to *Inlaandsche Gemente Buiten-Westen Ordinance* was not able to persuade (Berlian, 1994:5).

Breakdown of law contained in the manuscript or the book *Oendang Oendang Simboer Tjahaja* describes individual and collective juridical sense. Sexual ethics rules, for example, reflect the respect for individual rights of women. Due to its long standing application, the public awareness towards the laws and mechanisms of traditional institutions became ingrained in daily life. In

a broader aspect of life, this fact has indeed become a local cultural character and cultural capital for the development of people living in South Sumatra.

### E. Interpretation of changes in *Simboer Tjahaja*

As well as any rules, laws, customs, or norms, *Simboer Tjahaja* is a representation, expression, and text. As an expression of norms, *Simboer Tjahaja* did not incidentally emerge, but it was built by a certain structure in society. According to Bruner, there are three components that are inherent in human life namely reality, experience and expression (Bruner, 1986:6). Reality is "thing that is really going on out there, whatever it is", while experience is "how reality presents itself in consciousness" and expression is "how individual experience is structured and articulated". The three components in individual's life history are referred to as "life as lived", "life as experience", and "life as told".

Based on Bruner's view, *Simboer Tjahaja* is actual reality, which has existed for hundreds of years. Therefore, the application of *Simboer Tjahaja* provides life experience for South Sumatra community. As an expression, it is undeniable that *Simboer Tjahaja* is an expression of social behavior.

According to Geertz, in order to understand the culture of a society, it is necessary to look at reality from the perspective of the perpetrators. This method is often referred to as *verstehen* or technically referred to as "epistemic analysis". A researcher, according to Geertz, must begin with the interpretations of what the informants deliver or the thought on what the cultural perpetrators deliver (Geertz, 1992:18). Geertz concluded that the system of

4 Almost entire words in the manuscript are comprehensible to anyone because it has been translated into Bahasa Indonesia. However, the orthography still uses vocal and consonant of old Bahasa Indonesia (before EYD). Previously, the manuscript was written in Malay. The manuscript is quite special, for it was published in 1927, a year after the trigger of Sumpah Pemuda in 1928 which declared Bahasa Indonesia as a unitary language.

5 Peeress of Prince Sindang Kinayan titled Queen Sinuhun and was considered as the founding mother of act for the people called *Simboer Tjahaja*.

symbols available in the general life of a society actually demonstrated how the people view, feel, and think about their world or act based on the values espoused. To Geertz, culture is something that is contextual and semiotic and related to symbols available in public, and known by the society concerned. The meaning of the symbols need to be interpreted and shared to the public and the subsequent generation (Susanto SJ., In Geertz:1992:vi-vii). The symbol system is, 1) the relationship between social structures in the community with the organization and implementation of the symbols, and 2) how members of the community implement the integration and disintegration by organizing and realizing its symbols. Therefore, the apparent differences between the social structures that exist in the community are complementary (Suparlan in Geertz, 1989:vii).

Starting from Geertz's framework above, the existence of *Simboer Tjahaja* is part of law and cultural meanings associated with the behavior of the community. According Berkhofer, behavior is an implication of the concept of culture which is also used as an analysis in history. Behavior contains context related to the culture in use. Here, a document can be used as a material for analysis to make assumptions. So far, interpretation is often very abstract and interpreted as the result or something that can be revealed later (Berkhofer, 1969:146). In addition to interpretation, there is hermeneutics method which assimilates the dialectic between the general to the individual, determines the relation of object with experience, and takes expression into account as a medium of "normal" things. Thus, an understanding is engaged to a situation where there are at least two subjects communicating in a language that allows them to share valid symbols individually (Howard, 2000:38).

Geertz's way to interpret a culture is not very detailed and strong regarding ethnography, yet it is very global. This global overview allows Geertz to see cultural phenomenon which is always related to many things; substantially

similar to multidimensional approach in history.

Through the concept of hermeneutics, Geertz sees phenomenon as a text, then the gender behavior in Chapter I and additional rules of *Simboer Tjahaja* already had a normative meaning and structure. Here, a woman quite has bargaining power against abusive behavior. Sexual harassment/violence becomes an act that violates the norms of customary law and moral violations. Therefore, the perpetrator is fined and sanctioned by the traditional institutions and the victim gets the right over the fine. The normative meaning can be seen from the sanctions, while the meaning of the structure refers to the phenomenon of the relationship between man and woman in a community. Finally, *Simboer Tjahaja* legitimizes the cultural behaviour of South Sumatra community without being linked to its validity period. This suggests that - although it is vague - *Simboer Tjahaja* inherited from the past still has influence in the contemporary life of South Sumatera community.

*Simboer Tjahaja* underwent meaning constriction along with political and power hegemony changes. By the time of independence of Indonesia or the Japanese occupation period, the system of *Simboer Tjahaja* was not much changed. At the time of independence of Indonesia (in 1951), a transition of government system took place as well as some changes on *Simboer Tjahaja* as a legal system. However, through the Decree of South Sumatra Governor No. Gb/53/1951 (May 9, 1951), *Simboer Tjahaja* was still systematically recognized to be effective. Significant changes actually occurred in the 1960s as the national legal unification was being intensively carried out by the Central Government. Due to the unification, the legal power of *Simboer Tjahaja* formally subsided. Institutions that overshadowed *Simboer Tjahaja* were clan and village which were disbanded in 1983, following the issuance of Act no. 5/1979 on Village Government, and the properties of the clan such as *river*, *valley*, and *lebung* were transferred to the district government (Berlian,

2000:16). This is the starting point of the cultural changes or the local cultural changes of the people of South Sumatra from originally autonomous into dependent. Social and cultural transformation brought by the legal spirit of the book *Simboer Tjahaja* was fading, though it was still like unflagging light.

Along with Geertz's thinking on above matters, it is concluded that: "one of the most things that everyone knows but no one can quite think how to demonstrate is that a country's politics reflect the design of its culture." (Geertz, 1972:319). So, it is still difficult to prove that the state's political reflects a perfect cultural design, both in terms of locality as well as a universal institution.

Until today, *Oendang-oendang Simboer Tjahaja* has been ups and downs in legalistic defining, but it is still often referred to as conflict resolution media, particularly with respect to gender issues and disputes in social interaction. At least, the existence of *Simboer Tjahaja* is still felt in some areas of the district of Ogan Komering Ilir (OKI) as in the sub-district of Tulung Selapan and surroundings.

## F. Conclusion

The application of *Simboer Tjahaja* is held by various circumstances, types of action, and a range of values. Its each article contains suggestions and the scope of rights and obligations for both individual and collective. This suggests that the reaction and anticipation of traditional institutions are very serious in a effort of protection toward human and the environment. The protection transformed into social and cultural capitals that elevate human potential of each person in South Sumatra. Enforcement of social manners and gender through *Simboer Tjahaja* was precisely embodied or institutionalized in the form of human security (human protection collectively). Not only individuals who act as a controller, but also the society at large, in addition to customs officials who are assigned. The attitude of human security appears logical

because each person is given the discretion to keep their rights not to be violated by others.

The ceremony of village cleansing, for example, is an attempt to clean an area of cosmologic threat. Meanwhile, the fine imposed in any sanctions are intended as *tekap malu* or to cover up embarrassment. Shame is a psychological expression that arises from the perception of existence and the blame for social ethics. Regarding this matter, transcendently a woman has her own existence which results in a number of rights. Woman's rights must not be contested by anyone, especially the opposite sex. Violations of these rights will result in damage to the transcendent order which will then bring shame. Spirit of protection toward woman contained in *Simboer Tjahaja* proves that the social reach is far away into the future.

Interesting thing for further study is regarding social setting when the book *Simboer Tjahaja* was a norm of customary law. It means that there was indication that prior to or at that time, a lot of sexual violence and abuse in the lives of the community of South Sumatra took place. Moreover, the book was conceived and hardfought by the peeress of Prince Sindang Kinayan (1629-1936) titled the Queen Sinuhun of Palembang Sultanate. Queen Sinuhun regarded as the founding mother of *Oendang-oendang Simboer Tjahaja*. So, in terms of gender relations, there was actually commitments and a clear social role of the "state" (empire) in terms of the protection of woman's rights, although it was still considered elitist because it was triggered by a noble woman. Gender struggles by Queen Sinuhun is the most important part of the whole socio cultural gender implications in South Sumatra, which is similar to the issue of woman's struggles today. It appears that the *Simboer Tjahaja* manuscript is an answer or a concrete reaction to the social reality in the lives of South Sumatra community, which also binds all people without exception. However, not all that long legacy should be swallown because there is also a need to remove, in addition to alternative values that can be used as capital change and social transformation.



## References

- Berkhofer, Robert F. 1969. *A Behavioral Approach to Historical Analysis*. New York: The Free Press.
- Berlian, Saudi. 2000. *Pengelolaan Tradisional Gender Telaah Keislaman atas Naskah Simboer Tjahaja*. Jakarta: Millenium Publisher.
- Bruner, Edward M. 1986. "Experience and Its Expressions," in Victor W. Turner and Edward M. Bruner (ed.), *The Anthropology of Experience*, Urbana: University of Illinois Press.
- Djamaris, Edwar dkk. 1981. *Naskah Undang-Undang dalam Sastra Indonesia Lama*. Jakarta: Centre for Language Development of Education and Cultural Department.
- Geertz, Clifford. 1972. "The Politics of Meaning," in Holt (ed.). *Culture and Politics in Indonesia*. Ithaca and London: Cornell University Press.
- Geertz, Clifford. 1992. *Tafsir Kebudayaan*. Yogyakarta: Kanisius.
- Hidayat, Komarudin, in Preface in Zaitunah Subhan. 1999. *Tafsir Kebencian: Studi Bias Gender dalam Tafsir Qur'an*. Yogyakarta: LKiS.
- Howard, Roy J. 2000. *Hermeneutika*. Jakarta: Adikarya Foundation IKAPI and Ford Foundation.
- Kaplan, David dan Albert A. Manners. 1999. *Teori Budaya*. Yogyakarta: Pustaka Pelajar.
- Oendang. 1991. *Oendang-Oendang Simboer Tjahaja*. copy text by Customary Chief of South Sumatera.
- Puersen, C.A. van. 1988. *Strategi Kebudayaan*. Yogyakarta: Kanisius.
- Suparlan, Parsudi. 1989. "Preface," in Clifford Geertz. *Abangan, Santri, Priyayi dalam Masyarakat Jawa*. Jakarta: Pustaka Jaya.
- Susanto, Budi, SJ. 1992. "Sekapur Sirih," dalam Clifford Geertz. *Tafsir Kebudayaan*. Yogyakarta: Kanisius.