

ABSTRAK

Fitriah: NIM. 230211050157, Model-Model *Barambangan* pada Masyarakat Banjar Perspektif *Al-‘Ādah Muḥakkamah*. Tesis, Program Studi S-2 Hukum Keluarga Islam, Pascasarjana Universitas Islam Negeri Antasari Banjarmasin. 2026. Pembimbing I: Prof. Dr. H. Ahmadi Hasan, M.H M.Hum., Pembimbing II: Prof. Dr. Hj. Gusti Muzainah, S.H., M.H.

Kata Kunci: *Barambangan*, Masyarakat Banjar, *Al-‘Ādah Muḥakkamah*, '*urf ṣaḥīh*', '*urf fāsid*'

Penelitian ini dilatarbelakangi oleh tingginya angka perceraian di Kalimantan Selatan serta fenomena sosial *barambangan* yang masih lestari di masyarakat Banjar sebagai mekanisme penyelesaian konflik rumah tangga sebelum perceraian. Meskipun telah diatur dalam Perkara 18 Undang-Undang Sultan Adam (1835) dan diakui sebagai hukum adat, status hukum *barambangan* dalam perspektif hukum Islam belum mendapatkan pemetaan yang komprehensif. Penelitian ini bertujuan untuk: (1) mengidentifikasi dan memetakan model-model *barambangan* yang terjadi pada masyarakat Banjar, dan (2) menganalisis model-model *barambangan* tersebut melalui perspektif teori *Al-‘Ādah Muḥakkamah* dengan klasifikasi '*urf ṣaḥīh*' dan '*urf fāsid*'.

Penelitian ini merupakan penelitian hukum empiris (yuridis-empiris/*socio-legal research*) dengan pendekatan antropologi dan sosiologi hukum. Data primer diperoleh melalui wawancara informan yang terdiri dari pasangan suami istri yang pernah mengalami *barambangan*, ulama, dan mediator. Data sekunder diperoleh dari kajian literatur berupa buku, jurnal, dan dokumen hukum seperti Undang-Undang Sultan Adam, Kompilasi Hukum Islam, serta peraturan perundang-undangan terkait.

Hasil penelitian menemukan bahwa model-model *barambangan* dapat diklasifikasikan ke dalam tiga tipologi utama: (1) berdasarkan aspek inisiatif (2) berdasarkan aspek waktu serta (3) berdasarkan aspek intensitas konflik. Secara konseptual, *barambangan* merupakan status perkawinan "gantungan"—yakni perpisahan tempat tinggal tanpa terputusnya ikatan perkawinan secara hukum. Dari perspektif *Al-‘Ādah Muḥakkamah*, kedudukan hukum *barambangan* bersifat kondisional. Model *barambangan* intensitas ringan dan jangka pendek yang disertai mediasi aktif serta pemenuhan nafkah tergolong '*urf ṣaḥīh*' karena selaras dengan *maqāṣid al-syarī‘ah*. Sebaliknya, model yang lahir dari inisiatif sepihak, mengabaikan nafkah, atau membiarkan status istri tergantung dalam jangka panjang tergolong '*urf fāsid*' karena bertentangan dengan prinsip keadilan dan berpotensi disalahpahami sebagai talak di luar ketentuan syariat. Secara sosiologis *barambangan* diakui sebagai *living law*, namun secara yuridis formal tidak memiliki kekuatan sebagai perceraian yang sah sebelum diputus oleh Pengadilan Agama sesuai Pasal 39 UU No. 1 Tahun 1974 jo. UU No. 16 Tahun 2019 dan Pasal 115 KHI.

ABSTRACT

Fitriah: NIM. 230211050157. Models of Barambangan in Banjarese Society from the Perspective of *Al-‘Ādah Muḥakkamah*. Thesis, Master Program in Islamic Family Law, Postgraduate Program, Antasari State Islamic University Banjarmasin. 2026. Supervisor I: Prof. Dr. H. Ahmadi Hasan, M.H M.Hum., Supervisor II: Prof. Dr. Hj. Gusti Muzainah, S.H., M.H.

Keywords: Barambangan, Banjarese Society, *Al-‘Ādah Muḥakkamah*, Valid Custom, Invalid Custom

This research is motivated by the high divorce rates in South Kalimantan and the social phenomenon of barambangan, which is still preserved among the Banjar community as a mechanism for resolving domestic conflicts prior to divorce. Although regulated in Article 18 of the Sultan Adam Law (1835) and recognized as customary law, the legal status of barambangan from the perspective of Islamic law has not yet been comprehensively mapped. This study aims to: (1) identify and map the models of barambangan occurring within the Banjar community, and (2) analyze these models through the perspective of the *Al-‘Ādah Muḥakkamah* theory using the classifications of 'urf ṣaḥīḥ and 'urf fāsid.

This is an empirical legal research (yuridis-empiris/socio-legal research) employing anthropological and sociological approaches to law. Primary data were obtained through interviews with informants comprising married couples who have experienced barambangan, Islamic scholars (ulama), and mediators. Secondary data were gathered from a literature review consisting of books, journals, and legal documents such as the Sultan Adam Law, the Compilation of Islamic Law (KHI), and related statutory regulations.

The results of the study indicate that barambangan models can be classified into three main typologies: (1) based on the aspect of initiative, (2) based on the aspect of time, and (3) based on the aspect of conflict intensity. Conceptually, barambangan constitutes a "hanging" marital status—namely, a separation of residence without the legal dissolution of the marriage bond. From the perspective of *Al-‘Ādah Muḥakkamah*, the legal standing of barambangan is conditional. A low-intensity, short-term barambangan model accompanied by active mediation and the fulfillment of spousal maintenance (nafkah) is categorized as 'urf ṣaḥīḥ because it aligns with maqāṣid al-syarī‘ah. Conversely, a model born from unilateral initiative, neglecting maintenance, or leaving the wife's status hanging in the long term is categorized as 'urf fāsid because it contradicts the principle of justice and has the potential to be misunderstood as talak outside the provisions of Islamic law. Sociologically, barambangan is recognized as a living law; however, from a formal juridical standpoint, it holds no validity as a legitimate divorce until it is decided by the Religious Court in accordance with Article 39 of Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 and Article 115 of the Compilation of Islamic Law (KHI).