

The Dynamics of Marriage in the Modern Era: Between Tradition and State Law

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Manuscript ID	ICLR:05/2025
Type	Articles
Subject	Select one: Marriage Law
Keywords	<i>Dynamics, Marriage, Modern, Tradition, State Law</i>
Author(s) Origin	INDONESIA
Abstract	<p>Dinamika perkawinan di Indonesia mencerminkan pertemuan antara norma-norma tradisional, hukum agama, dan hukum negara yang diatur dalam Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan serta revisinya melalui Undang-Undang Nomor 16 Tahun 2019. Keberagaman sistem hukum ini menciptakan tantangan tersendiri dalam mewujudkan kepastian hukum dan keadilan bagi seluruh warga negara. Penelitian ini bertujuan untuk menganalisis sejauh mana hukum nasional mengenai perkawinan mampu mengakomodasi realitas sosial dan pluralisme hukum yang hidup di masyarakat. Pendekatan yang digunakan adalah yuridis normatif dengan analisis terhadap sumber hukum primer seperti peraturan perundang-undangan, putusan pengadilan, serta literatur akademik dan doktrin hukum terkait. Hasil penelitian menunjukkan bahwa meskipun hukum nasional telah memberikan ruang bagi keberagaman agama dan budaya dalam praktik perkawinan, implementasinya di lapangan masih dihadapkan pada kesenjangan antara norma hukum dan praktik sosial, terutama dalam pencatatan perkawinan dan perlindungan terhadap hak perempuan dan anak. Untuk itu, dibutuhkan pendekatan hukum yang lebih inklusif dan responsif terhadap konteks sosial budaya masyarakat, serta reformasi kebijakan yang menjamin perlindungan hak-hak dasar melalui kolaborasi antara negara, masyarakat adat, dan institusi keagamaan. Penelitian ini merekomendasikan mekanisme harmonisasi antara hukum adat dan hukum negara yang lebih partisipatif, serta penguatan pencatatan perkawinan sebagai dasar perlindungan hukum yang setara bagi seluruh warga negara.</p>
Abstrack	<p><i>The dynamics of marriage in Indonesia reflect the meeting between traditional norms, religious law, and state law regulated in Law Number 1 of 1974 concerning Marriage and its revision through Law Number 16 of 2019. The diversity of this legal system creates its own challenges in realizing legal certainty and justice for all citizens. This study aims to analyze the extent to which national laws on marriage are able to accommodate the social realities and legal pluralism that live in society. The approach used is normative juridical with an analysis of primary legal sources such as laws and regulations, court decisions, as well as academic literature and related legal doctrines. The results of the study show that although national law has provided space for religious and cultural diversity in marriage practices, its implementation in the field is still faced with gaps between legal norms and social practices, especially in marriage registration and the protection of women's and children's rights. For this reason, a more inclusive and responsive legal approach to the socio-cultural context of the community is needed, as well as policy reforms that ensure the protection of basic rights through collaboration between the state, indigenous peoples, and religious institutions. This study recommends a more participatory harmonization mechanism between customary law</i></p>

and state law, as well as strengthening marriage registration as a basis for equal legal protection for all citizens.

Submitted: -04-2025 | Reviewed: 04-2025 | Revised: - 05-2025 | Accepted: -05-2025

I. INTRODUCTION

Marriage is a social-legal institution that plays a central role in shaping the structure of society¹. In Indonesia, the practice of marriage is not solely understood as a private contract between two individuals, but also as an arena for negotiation between various value systems: state laws, religious norms, and local customs². The state through Law Number 1 of 1974 concerning Marriage, which was later amended by Law Number 16 of 2019, seeks to standardize legal arrangements related to marriage nationally³. However, in empirical reality, these formal norms are often confronted with the complexity of social practices and cultural diversity that continue to live in society. This creates a space of tension and compromise that makes marriage a multidimensional and dynamic subject of study.

In the midst of social transformation due to modernization, urbanization, and increasing awareness of individual rights, various new phenomena have emerged that show the clash between state law and traditional values⁴. Practices such as child marriage⁵, serial marriage⁶, and interfaith marriage show a discrepancy between formal regulations and social reality⁷. For example, Article 7 paragraph (1) of the Marriage Law stipulates that the minimum age of marriage is 19 years for both men and women, but data shows that the rate of child marriage is still high in a number of regions, which is often justified by customary

¹ Dedy Sumardi, "Islam, Legal Pluralism and Reflection of a Homogeneous Society," *Ash-Syirah Journal of Sharia and Law* 50, no. 2 (2016): 481–504, <https://doi.org/10.14421/ajish.v50i2.240>.

² Cermi City Mulyanti and Tias Febtiana Sari, "Contextual Interpretation of Hadith of Nikah Mut' Ah: A Case Study of Contract Marriage in Indonesia," *Al-Tadabbur: Journal of Qur'an Science and Tafsir* 6, no. 2 (2021): 375–84, <https://doi.org/10.30868/at.v6i02.2068>.

³ Ita Musarrofa, "Pierre Bourdieu's Thoughts on Masculine Dominance and Its Contribution to the Gender Mainstreaming Agenda in Indonesia," *Kafa'ab: Journal of Gender Studies* 9, no. 1 (2019): 34, <https://doi.org/10.15548/jk.v9i1.227>.

⁴ Winda Safrina, Tony Tampakeagus, and Agus Supratikno, "Marhata as a Reconciliation of Inter-Clan Heritage Land Conflicts in Hatinggian Village," no. 0341 (2024).

⁵ Base Gabrila Christy MumekFish, "PROTECTION AND LEGAL REMEDIES IN SUPPRESSING THE PREVALENCE OF CHILD MARRIAGE IN INDONESIA," *Lex Et Societatis* 8, no. 1 (2020): 33–40.

⁶ Ibnu Rusydi, "Juridical Review of the Inheritance Rights of Children Resulting from Siri Marriage," *Galub Justisi Scientific Journal* 7, no. 1 (2019): 49, <https://doi.org/10.25157/jigj.v7i1.2145>.

⁷ Zainal Arifin, "Interfaith Marriage," *Al-Insyirob: Journal of Islamic Studies* 2, no. 2 (2018): 150–69, <https://doi.org/10.35309/alinsyiroh.v2i2.3327>.

or economic reasons⁸. Similarly, Article 2 paragraph (1) of the Marriage Law states that marriage is legal if it is carried out according to the religious law of each party⁹, but does not provide legal certainty for couples of different religions who want to marry, so many choose to marry abroad or through informal channels that are not administratively recognized.

Various previous studies have attempted to address this problem through a normative-dogmatic approach, emphasizing the importance of harmonization between state law and religious or customary norms. A number of studies have encouraged regulatory reform or increased the effectiveness of marriage registration to ensure legal certainty and the protection of citizens' rights. In this context, several public policy programs have been directed at the elimination of child marriage and a nationwide marriage registration campaign. However, the dominant approach is still centered on a legalistic framework that does not fully reflect the social realities and cultural variations that exist in different regions.

The main limitation of previous studies lies in the lack of attention to the sociological and empirical dimensions of marriage practices in society¹⁰. Traditions and customs are often positioned as obstacles to the modernization of the law, without examining more deeply how these traditions adapt to the dynamics of the times and the demands of human rights. In fact, in many cases, people creatively negotiate customary norms and state laws in order to create social legitimacy for their marriage practices¹¹. This is where an important gap lies: the lack of understanding of legal pluralism in practice and the absence of an

⁸ Flat Syaripah; Miss; Ernita Prima Noviyani, "IMPLEMENTATION OF LAW NO. 16 OF 2019 CONCERNING AMENDMENTS TO LAW NO. 1 OF 1974 ARTICLE 7 PARAGRAPH (1) MARRIAGE AGE LIMIT: A CASE STUDY IN PASAR MONIN VILLAGE AND RANTAWAN VILLAGE," *CENTRI: Journal of Scientific Research* 2, no. 12 (2023): 1275--1289, https://www.researchgate.net/publication/381100251_HUBUNGAN_MOTIVASI_IBU_DUKUNGAN_KELUARGA_DAN_PERAN_BIDAN_TERHADAP_KUNJUNGAN_NIFAS_DI_PUSKESMAS_MARIPARI_KABUPATEN_GARUT_TAHUN_2023.

⁹ Mardalena Hanifah, "Interfaith Marriage Reviewed from Law No. 1 of 1974 concerning Marriage," *SOUMATERA LAW REVIEW* 2, no. 2 (2019): 297–308, http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTAR.

¹⁰ Rizal Al Hamid, Arif Sugitanata, and Suud Salim Karimullah, "Synchronization of Sociological Approaches with the Discovery of Islamic Law Sui Generis Kum Empiris," *Bertuah: Journal of Shariab and Islamic Economics* 4, no. 1 (2023): 48–60.

¹¹ Rike Luluk Khoiriah, "The Prophet Muhammad's Polygamy Becomes a Reason for Legitimacy for His People and the Response of Orientalists," *Journal of Living Hadith* 3, no. 1 (2018): 1, <https://doi.org/10.14421/livinghadis.2017.1374>.

interdisciplinary approach capable of capturing the complexity of the relationship between law, culture, and religion.

This paper seeks to fill this gap by proposing an alternative approach based on legal ethnography, which is an approach that combines legal doctrinal analysis with observation of community social practices. By observing how individuals and communities interact with formal laws and local norms in the context of marriage, this study offers a more holistic and contextual perspective. This approach is also important to assess the extent to which the national legal system is able to respond to evolving social dynamics without ignoring the cultural roots that are still strong in society.

Thus, the purpose of this paper is to critically analyze the dynamics of marriage regulation and practice in the modern era, focusing on the tensions and adaptations between local traditions and state laws. This research also aims to provide more inclusive policy recommendations, based on a deep understanding of legal pluralism in Indonesian society. Through this contextual approach, it is hoped that the formulation of marriage law in the future can be more responsive to social realities, without sacrificing the principles of justice and the protection of human rights.

II. METHODOLOGY

This study uses a qualitative approach with a combination of normative-dogmatic and sociological-empirical methods¹² to obtain a comprehensive understanding of the dynamics of marriage in the modern era, especially in the tension between state laws, local traditions, and religious norms. A normative-dogmatic approach is used to examine relevant laws and regulations, such as Law Number 1 of 1974 concerning Marriage and its amendments through Law Number 16 of 2019, Supreme Court Regulations, MUI Fatwa Compendium, as well as various court decisions related to cases of child marriage, serial marriage, and interfaith marriage. In addition, legal doctrines and literature that support the interpretation of these legal norms are also analyzed.

¹² Dadang Sumarna and Ayyub Kadriah, "Qualitative Research on Empirical Law," *Journal of Law Research* 16, no. 02 (2023): 101–13, <https://doi.org/10.59582/sh.v16i02.730>.

Meanwhile, a sociological-empirical approach¹³ is applied to understand how these legal norms are implemented and interpreted by society in daily practice. The data collection technique is carried out through literature review (library research)¹⁴ on various scientific sources such as journals, books, research reports, as well as relevant government policy documents and non-governmental organizations (NGOs). To support the secondary data, this study also refers to marriage statistics data from BPS, the annual report of the Religious Court, as well as the reports of institutions such as Komnas Perempuan and UNICEF on the phenomenon of child marriage and unrecorded marriage practices.

The data analysis method used is descriptive qualitative analysis, with a pattern of thematic analysis of the normative and empirical data found¹⁵. In normative analysis, a grammatical and systematic approach to legal texts is used, while in empirical analysis, an interpretation of the social and cultural context that influences the practice of marriage in society is carried out¹⁶. This analysis also utilizes the legal pluralism framework to explain the coexistence and relationship between the state legal system and the customary and religious law systems.

The credibility and validity of research are maintained through triangulation of sources, namely by comparing data from legal documents, empirical reports, and cross-disciplinary academic studies¹⁷. With this combination of approaches, the research is expected to be able to provide a complete and in-depth picture of the dynamics of marriage in Indonesia and offer contextual and applicable legal policy recommendations.

III. RESULTS OF RESEARCH AND DISCUSSION

A. Forms of Tension and Adaptation Between Local Traditions and State Law in Marriage Practices in Indonesia in the Modern Era

¹³ Irwansyah, "Legal Research on the Choice of Methods & Practices of Article Writing" (Yogyakarta: Mirra Buana Media, 2022), p. 172.

¹⁴ Saharuddin Sahar et al., "Transfer of Land Rights in the Tayade System," *Petita: Journal of Legal and Sharia Studies* 10, no. 1 (2025): 195–210, <https://doi.org/10.22373/petita.v10i1.412>.

¹⁵ Lidwina Felisima Tae, Zulmi Ramdani, and Galih Albarra Shidiq, "Thematic Analysis of Factors Affecting Students' Success in Science Learning," *Indonesian Journal of Educational Assessment* 2, no. 1 (2019): 79, <https://doi.org/10.26499/ijea.v2i1.18>.

¹⁶ Kartini Kartini et al., "Historical Approaches and Philosophical Approaches in Islamic Studies," *Multidisciplinary Scientific Journal* 2, no. 03 (2023): 21–29, <https://doi.org/10.56127/jukim.v2i03.739>.

¹⁷ Andarusni Alfansyur and Mariyani, "The Art of Managing Data: The Application of Triangulation Techniques, Sources and Time in Social Education Research," *Historical* 5, no. 2 (2020): 146–50.

In the context of Indonesia's multicultural society and pluralistic legal system, the practice of marriage is not only governed by national positive laws, but also influenced by local religious norms and customs. The tension between state law and local traditions in marriage practice arises due to differences in basic paradigms in understanding the concept of marriage legality, the ideal age of marriage, the recording system, and the validity of interfaith marriage.

The Social Contract Theory put forward by figures such as John Locke and Jean-Jacques Rousseau views marriage as a form of agreement or contract between two individuals that is made consciously and voluntarily¹⁸. In this perspective, marriage is not merely an institution institutionalized by religion or custom, but is the result of the free will of the parties who agree to form a legal relationship with certain rights and obligations as husband and wife. This theory provides an important foundation in the development of civil law and modern marriage law, where the validity of a marriage depends heavily on the agreement of both parties and agreement on the legal consequences that arise. In the context of legal practice, this theory serves as a basis for assessing the validity of a marriage agreement (prenuptial and post-marital agreement), and is an important foothold in discussing issues such as the annulment of marriage, power imbalance, or violation of agreement in domestic life.

One of the most obvious forms of tension is in the case of child marriage. Traditionally, in a number of regions such as South Sulawesi, West Nusa Tenggara, and parts of Kalimantan, there is still a view that women can be married after experiencing their first menstruation, regardless of their biological age. This is contrary to the provisions of Article 7 paragraph (1) of Law No. 1 of 1974 jo. Law No. 16 of 2019, which stipulates the minimum age of marriage for men and women to be 19 years old. Although the law provides room for dispensation through religious courts (Article 7 paragraph (2)), this practice is often used as a loophole to legitimize child marriage, not as an instrument of protection.

Based on the data found on underage marriage over the past three years:¹⁹

Table 1. Trends in Child Marriage Rates in Indonesia (2021–2023)

¹⁸ John. Locke, "Two Treatises of Government." (Cambridge: Cambridge University Press, n.d.).

¹⁹ Ministry of Women's Empowerment and Child Protection. "Child marriage rates continue to decline." Retrieved 17 April 2025

Year	Percentage of Child Marriage (%)	Information
2021	9,23	Down from 10.35% in the previous year
2022	8,06	Shows a significant decrease
2023	6,92	Below the 2024 RPJMN target (8.74%)

Source: Ministry of Ppa Stranas Ppa 2024

The above data shows that the rate of child marriage in Indonesia has continued to decline consistently over the past three years. In 2021, the child marriage rate was recorded at 9.23 percent, down from 10.35 percent in the previous year. This decline continued in 2022 to 8.06 percent, and then decreased again to 6.92 percent in 2023. This achievement has exceeded the target set in the 2020-2024 National Medium-Term Development Plan (RPJMN), which is 8.74 percent in 2024.

This achievement reflects the effectiveness of various policy interventions carried out by the government and partner organizations, especially through the implementation of the National Strategy for the Prevention of Child Marriage (STRANAS PPA). One of the important steps is the launch of the Practical Guide for the Implementation of STRANAS PPA in the Regions which aims to provide a concrete framework to local governments to prevent and eliminate the practice of child marriage.

However, the figure of 6.92 percent still shows that child marriage remains a serious problem in various regions, especially in areas with low levels of education, limited access to services, and strong cultural values that still tolerate the practice. Therefore, collaborative efforts across sectors are still needed, not only in terms of law and policy, but also through educational and cultural approaches so that value change can take place in a sustainable manner.

Another tension appears in the practice of serial marriages or marriages that are religiously valid but not recorded by the state. In the context of certain customs and religions, state registration is considered insubstantial as long as the harmony and legal conditions of marriage according to religion are met. In fact, according to Article 2 paragraph (2) of the Marriage Law, a marriage only obtains

legal recognition if it is registered with the authorized state agency. This discrepancy has a serious impact on the legal status of wives and children born from the marriage, especially in terms of inheritance rights, maintenance rights, and legal protection against domestic violence.

In the face of these tensions, the community shows interesting forms of social adaptation. For example, some local communities began to organize traditional marriages that were then followed by state registration, as a compromise between maintaining tradition and fulfilling administrative obligations. On the other hand, the practice of document engineering such as falsifying the age in birth certificates also shows a form of negative adaptation due to cultural pressure that is contrary to the law.

In addition, there is also adaptation in the form of reinterpretation of traditional values. Young people in some communities are beginning to question the social legitimacy of early marriage or forced marriage in the name of custom. Legal awareness and access to education are important factors in transforming the way of looking at tradition. This creates a space for dialogue between customary norms and state law, although it has not yet fully resolved existing structural tensions.

Thus, forms of tension between state law and local traditions in marriage practices in Indonesia include differences in marriage age, registration status, and differences of opinion on whether or not a marriage is legal. However, society also shows the capacity to adapt, either through administrative compromise, cultural reinterpretation, or resistance to formal law. This dynamic shows that the success of the implementation of marriage law is determined not only by the content of the norms, but also by the sensitivity of the law to the social realities and local values that live in the society.

B. National laws on marriage are able to accommodate the social realities and legal pluralism that is developing in society

In the context of a multicultural Indonesian society, national laws on marriage are required to be not only normative-formal, but also able to accommodate the social realities and legal pluralism that live in society²⁰. The existence of various

²⁰ Meikel Kkaliks Leles Kancak, "Inseparable Marriage According to Canon Law," *Lex et Societatis* II, no. 3 (2014): 83–94.

legal systems such as customary law, religious law, and state law shows that the practice of marriage cannot be separated from diverse local cultural values and beliefs²¹. Therefore, laws and regulations such as Law Number 1 of 1974 concerning Marriage, and its successor, Law Number 16 of 2019²², are important to be studied in the framework of their flexibility in accepting customarily and religiously recognized forms of marriage, as long as they do not conflict with the basic principles of the state and the protection of human rights²³.

This study found that national laws on marriage in Indonesia, especially those regulated in Law No. 1 of 1974 concerning Marriage and the last revision to Law No. 16 of 2019, have sought to accommodate legal pluralism and the social realities of diverse communities²⁴. The Marriage Law regulates general principles that are national in nature, but provides space for the application of customary and religious law as long as it does not conflict with the provisions of national law.

In practice, the provisions of national law recognize the existence of customary law and religious law in the marriage process through Article 2 paragraph (1) of the Marriage Law, which states that "Marriage is valid, if it is carried out according to the law of each religion and belief²⁵." This is a form of official recognition of the legal pluralism that grows and lives in Indonesian society, however, the research also finds a number of challenges and imbalances in the accommodation of legal pluralism. For example, there is still a gap between state legal norms and customary practices that result in legal uncertainty, especially in terms of marriage registration and protection of the rights of women and children. Some customary and religious marriage practices that are not officially registered by the state often cause legal problems, such as difficulties in

²¹ Tengku Erwinsyahbana, "The Legal System of Marriage in a State of Law Based on Pancasila," *Journal of Law* 3, no. 2 (2013): 1–29, <https://doi.org/10.30652/jih.v2i02.1143>.

²² Titania Brintney Angela Mandey, Karel Yossi Umboh, and Deine R. Ringkuangan, "Child Custody Rights Due to Divorce According to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage," *Lex Privatum* Vol.IX, no. 9 (2021): 63–72, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/36568>.

²³ Saharuddin Dahlan, "The Legal Annalysis of Married Dispensation in The Perspective of Law Number 35 of 2014 Concerning Childhood Protection," *Jurnal Hukum Volkgeist* 5, no. 2 (2021): 186, <https://core.ac.uk/download/pdf/327176569.pdf>.

²⁴ Hilman Hadikusuma, *Indonesian Marriage Law* (Bandung : CV.Mandar Maju, 2007).

²⁵ Juliana Pretty Sanger, "The Legal Consequences of Valid Marriage Based on Article 2 of Law Number 1 of 1974 concerning Marriage," *Lex Administratum* 3, no. 6 (2015): 197.

recognizing marital status, inheritance rights, and legal protection against domestic violence.

In addition, legal pluralism often gives rise to conflicts of interpretation and the application of different norms between regions and communities. This requires a more effective harmonization mechanism to maintain legal certainty and human rights protection. Overall, national law has created a basic framework that is inclusive of the diversity of marriage laws in Indonesia, but needs to be supported by implementation policies that are more responsive to the local social context. An interdisciplinary and participatory approach from a wide range of stakeholders is essential to address the inequality between formal law and social practice on the ground.

Table 2: Forms of Marriage Pluralism in Traditional Marriage in Indonesia.

No.	Traditional Marriage Tradition Names	Tribe/Region of Origin	Key Features	Information
1	Bajapuik / Japuik	Minangkabau (West Sumatra)	The woman "proposed" to the man and paid the "japuik money"	According to the Minangkabau matrilineal system; Women play a major role in marriage.
2	Mapacci	Buginese-Makassar (South Sulawesi)	Purification procession before marriage contract with henna, prayers, and traditional ceremonies	It is usually done the night before the marriage contract.
3	Merarik	Sasaknese (Lombok, NTB)	The groom symbolically "fled" the bride-to-be with the family's consent	Accompanied by negotiations between families to determine the dowry and the date of marriage.
4	Ngunduh Mantu	Central Java/East Java	The bride welcomes the groom after the marriage contract	Part of a long series of Javanese traditional ceremonies.
5	Uang Panai'	Buginese (Sulsel)	High dowry as a form of appreciation to the future wife	The amount of the money depends on the social status and education of the bride-to-be.
6	Sinamot	Bataknese (North Sumatra)	Traditional dowry that must be handed over by the man to the woman's family	Involving inter-clan deliberation in the Dalihan Na Tolu custom.

7	Mamonto	Gorontaloese	Traditional proposal procession by the man by bringing traditional symbols	It usually involves the "mopotilolo" ceremony as an opening sign of matchmaking communication.
8	Batobo	Melayu (Riau)	Marriage was celebrated through mutual cooperation, residents participated in the implementation	Family and social values are very much emphasized in this traditional wedding.
9	Mandi Safar	Palembang (Sumsel)	Marriage is carried out after the ritual of bathing safar as a rejection of reinforcements	It is usually done in the month of Safar and is believed to bring blessings.
10	Rambu Tuka'	Torajanese (Sulsel)	A massive wedding ceremony accompanied by the slaughter of buffalo	It requires a large cost, showing the social status of the bride's family.
11	Bekawinan	Balinese	The traditional procession is integrated with Balinese Hindu rituals such as <i>mesaksi</i> , <i>madengen-dengen</i>	There are various forms: <i>nganten alit</i> , <i>nganten agung</i> , to <i>nyentana</i> (men join the wife's family).
12	Tendong Topong	Dayaknese (Kalimantan)	The traditional application process with the provision of symbolic items and ancestral rituals	The extended families of both parties were involved in all stages of the procession.
13	Seudati	Aceh	Accompanied by Islamic traditional poetry and dance during the proposal and marriage contract	Influenced by Islamic sharia and Acehnese customs at the same time.

Source: 2024 research results

Traditional marriages in Indonesia reflect the rich culture and local values that have been passed down from generation to generation by each ethnic group. Every wedding tradition is not just a ceremonial procession, but also contains deep philosophical, symbolic, and social meanings. From the Minangkabau matrilineal system with the Bajapuik tradition, to the magnificent Rambu Tuka' ceremony in Toraja, every form of marriage shows how close the relationship between family institutions, society, and customs is. Although modernization and national laws have influenced the way it is implemented, many indigenous communities have maintained the authenticity of the procession as a cultural identity and local pride. Therefore, understanding the diversity of these

traditional marriages is not only important in academic and legal contexts, but also as an effort to preserve the nation's cultural heritage.

IV. CONCLUSION

Based on the results of the research, it can be concluded that the national law on marriage in Indonesia has tried to accommodate the legal pluralism and social realities that develop in society through the recognition of marriage according to their respective religions and beliefs. Law No. 1 of 1974 concerning Marriage and the revision of Law No. 16 of 2019 are the main legal basis that provides space for the diversity of customs and religions in marriage practices. However, there is a significant gap between national legal norms and customary practices on the ground, especially regarding the official registration of marriages and the protection of the rights of women and children. This discrepancy causes legal uncertainty and has the potential to cause discrimination, especially in areas with high local cultural strength. Efforts to harmonize and reform the law through socialization and the involvement of customary and religious institutions still need to be improved so that the law can run effectively and fairly.

The suggestion in this study is Strengthening Regulation and Implementation: The government needs to strengthen the mechanism for officially registering marriages by involving customary and religious institutions as strategic partners to bridge differences in legal norms and social practices. Legal Socialization and Education: There is a need for massive and sustainable socialization on the importance of marriage registration and the protection of the rights of women and children, especially in areas with strong customary practices. Inclusive and Participatory Approach: Policy development must involve a wide range of stakeholders including indigenous leaders, religious leaders, and local communities so that the resulting solutions are acceptable and appropriate to the socio-cultural context. Development of Dispute Resolution Mechanisms: A marriage dispute resolution mechanism is needed that respects legal pluralism but still ensures legal certainty and human rights protection. Advanced Research: It is recommended that there be more in-depth follow-up research on the interaction between customary law, religious law, and state law in the context of marriage in various regions to produce more comprehensive and effective policies.

ACKNOWLEDGMENTS

The authors may recognize those who helped in the research, especially funding supporters of research. The acknowledgment can include individuals who have assisted you in your study: Advisors, Financial supporters, or other supporters, i.e., Proofreaders, Typists, and Suppliers who may have given materials.

COMPETING INTEREST

The authors will be asked to sign this statement once the submission has been accepted.

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