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### The Harmonization of National and Customary Law in Regulating Marriage in Indonesia: A Comparative Analysis

*Harmonisasi Hukum Nasional dan Hukum Adat dalam Pengaturan Perkawinan di Indonesia: Suatu Analisis Komparatif*

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#### Abstract

Marriage law in Indonesia occupies a unique position at the intersection of national and customary legal systems. The country's cultural, religious, and value diversity makes marriage regulation not merely a matter of formal legality but also of social and moral legitimacy within communities. The tension between these two legal systems often raises issues concerning the validity, procedures, and legal consequences of marriage. This study aims to comparatively analyze the similarities, differences, and opportunities for harmonization between national and customary law in regulating marriage. Data were collected through library research involving statutory regulations, court decisions, and relevant academic literature, then analyzed using a normative juridical approach with a qualitative-comparative method. The findings indicate that national law emphasizes legal certainty and equality, whereas customary law focuses on kinship values and social balance. Despite their differences, both share the same goal of establishing a harmonious family. Therefore, their harmonization should be strengthened through adaptive legal reforms that respect cultural diversity and uphold justice and human rights principles.

**Keywords:** Comparative Analysis; Customary Law; Indonesia; Marriage; National Law

#### Abstrak

Perkawinan di Indonesia merupakan ranah hukum yang unik karena berada pada persimpangan antara hukum nasional dan hukum adat. Keberagaman budaya, agama, dan sistem nilai menjadikan pengaturan perkawinan tidak hanya persoalan legalitas formal, tetapi juga berkaitan dengan legitimasi sosial dan moral dalam masyarakat. Ketegangan antara kedua sistem hukum ini kerap menimbulkan persoalan mengenai keabsahan, tata cara, dan akibat hukum suatu perkawinan. Penelitian ini bertujuan menganalisis secara komparatif persamaan, perbedaan, serta peluang harmonisasi antara hukum nasional dan hukum adat dalam pengaturan perkawinan. Data diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, putusan pengadilan, serta literatur akademik yang relevan, kemudian dianalisis menggunakan pendekatan yuridis normatif dengan metode kualitatif-komparatif. Hasil penelitian menunjukkan bahwa hukum nasional menekankan kepastian dan kesetaraan hukum, sementara hukum adat berorientasi pada nilai kekeluargaan dan keseimbangan sosial. Meskipun berbeda dalam bentuk dan mekanisme, keduanya memiliki tujuan yang sama untuk membentuk keluarga yang harmonis. Karena itu, harmonisasi keduanya perlu dikembangkan melalui pembaruan hukum yang lebih adaptif terhadap keberagaman budaya dan berlandaskan prinsip keadilan serta penghormatan terhadap hak asasi manusia.

**Kata Kunci:** Analisis Komparatif; Hukum Adat; Indonesia; Perkawinan; Hukum Nasional



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## INTRODUCTION

Marriage is a social and legal institution that serves to form the family structure as the fundamental unit of society.<sup>1</sup> It not only regulates the relationship between two individuals but also determines their rights, obligations, and legal status before the state and the community. In Indonesia, the regulation of marriage is complex because it must accommodate the diversity of cultures, religions, and value systems that exist within society.<sup>2</sup> On one hand, the state enforces national law to ensure uniformity and legal certainty; on the other hand, customary communities continue to uphold traditional legal systems that emphasize kinship, social balance, and communal honor.

In practice, various problems arise due to differing views between national law and customary law. Many marriages are conducted according to customary traditions without being officially registered by the state, resulting in the absence of legal force in civil administration.<sup>3</sup> Conversely, some marriages are legally registered by the state but are not socially recognized because they have not fulfilled local customary rituals. This disharmony often creates issues related to inheritance, the legal status of children, and family dispute resolution. Such phenomena indicate that marriage law in Indonesia functions not only as a juridical domain but also as an arena where formal legal norms and living social-cultural traditions intersect.

Marriage practices in Indonesia remain strongly influenced by customary values and local traditions. Studies have shown that in several regions, customary law serves as the primary foundation for determining the social validity of a marriage and the regulation of family property.<sup>4</sup> Other studies reveal that although national law formally governs marriage, its implementation at the community level continues to follow local customary practices.<sup>5</sup> Several researchers have also highlighted the role of customary institutions in resolving family disputes through deliberation, which is often considered more effective than formal court proceedings. These findings demonstrate that customary law continues to hold a significant position in the practice of marriage law in Indonesia.

Nevertheless, there remains a research gap in understanding the relationship between national and customary law in a balanced manner. Most previous studies have focused only on formal legality—such as marriage registration and the legal status of spouses—without exploring the potential for harmonization between the two legal systems.<sup>6</sup> In addition, empirical research

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- 1 Andrew J. Cherlin, “Degrees of Change: An Assessment of the Deinstitutionalization of Marriage Thesis,” *Journal of Marriage and Family* 82, no. 1 (February 5, 2020): 62–80, <https://doi.org/10.1111/jomf.12605>.
  - 2 Fitri Yanti Katili, Qisthy Leonarza, and Fadlan Fadlan, “Harmonization of Interfaith Marriage Law in Indonesian Legal System : Between Social Reality and Legal Certainty,” *International Journal of Social Welfare and Family Law* 2, no. 1 (January 9, 2025): 22–32, <https://doi.org/10.62951/ijsw.v2i1.155>.
  - 3 Mutia Cherawaty Thalib, “Implications of Mixed Marriage in the Perspective of Gorontalo Customary Law and Its Reality Based on International Private Law Principles,” *Jambura Law Review* 5, no. 1 (January 30, 2023): 179–98, <https://doi.org/10.33756/jlr.v5i1.16798>.
  - 4 Utama Wardi et al., “Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia,” *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (July 9, 2024): 13–25, <https://doi.org/10.57255/hakamain.v3i1.330>.
  - 5 Muhammad Suhardi, “Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok,” *Society* 13, no. 1 (March 31, 2025): 538–52, <https://doi.org/10.33019/society.v13i1.818>.
  - 6 Mies GRIJNS and Hoko HORII, “Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns,” *Asian Journal of Law and Society* 5, no. 2 (November 5, 2018): 453–66, <https://doi.org/10.1017/als.2018.9>.

discussing how customary and national law can complement each other is still limited.<sup>7</sup> Therefore, it is necessary to conduct a comparative study to analyze how these two systems interact and how principles of justice and individual rights protection can be realized within the context of Indonesia's legal pluralism.

This study seeks to address this gap by conducting a comparative analysis of the relationship between national and customary law in determining the validity, procedures, and legal consequences of marriage. Through a normative juridical approach and qualitative analysis, the study aims to describe the points of convergence and divergence between the two systems and to identify potential areas of harmonization. This approach is expected to provide a more comprehensive understanding of the interaction between state law and customary law in Indonesian society, particularly in the context of marriage as a social institution imbued with cultural and spiritual values.

## Method

This study employs a normative juridical research method, which focuses on examining legal norms, principles, and regulations in force.<sup>8</sup> This approach is appropriate for analyzing the relationship between national and customary law in the regulation of marriage in Indonesia. The data consist of primary legal materials, including Law Number 1 of 1974 on Marriage and its amendments, the Compilation of Islamic Law, and relevant court decisions. In addition, secondary sources such as books, academic journals, previous research, and legal commentaries were used to support the conceptual analysis. Tertiary sources, including legal dictionaries and encyclopedias, were also utilized to clarify key terms and legal concepts.

Data collection was conducted through library research, involving a review of legal literature and academic documents related to national and customary marriage law across various regions. The collected data were analyzed using a qualitative-comparative method, comparing the substance of national legal provisions with the principles and practices of customary law. The analysis aimed to identify similarities, differences, and potential areas of harmonization between the two systems. The results are presented in a descriptive-analytical manner to provide a comprehensive understanding of the interaction between national and customary law in the regulation of marriage in Indonesia.

## RESULTS AND DISCUSSION

### Definition of Marriage in National Law and Customary Law

Marriage is one of the most important social institutions in human life because it forms the foundation of family life and carries broad legal and social consequences. In Indonesia, the understanding of marriage cannot be separated from the context of legal pluralism recognized by the state. Indonesian society lives under the influence of three coexisting legal systems: national law, religious law, and customary law. Each provides a distinct perspective on the nature and purpose of marriage. In this context, national law regulates marriage formally and in written form, while customary law preserves cultural values and traditions handed down through generations as a social guide for forming a marriage recognized by the community.<sup>9</sup>

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7 Nany Suryawati and Martika Dini Syaputri, "Harmonization of the Application of Customary Law and Positive Law in Village Communities of Malang Regency," *International Journal of Applied Business and International Management* 6, no. 2 (August 20, 2021): 1–12, <https://doi.org/10.32535/ijabim.v6i2.993>.

8 Sugiyono, *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, Dan R&D*, 19th ed. (Bandung: Alfabeta, 2013).

9 Muhammad Adil and Syahril Jamil, "Interfaith Marriage in Indonesia: Polemics and Perspectives of Religious Leaders and Community Organizations," *Religion & Human Rights* 18, no. 1 (March 27, 2023): 31–53, <https://doi.org/10.1163/18710328-bja10031>.

According to national law, marriage is defined as a physical and spiritual bond between a man and a woman with the purpose of forming a happy and everlasting family based on the belief in Almighty God. This definition is stated in Article 1 of Law Number 1 of 1974 on Marriage. The law regards marriage as a legal act that is valid only if it fulfills the religious requirements of both prospective spouses and is registered by an authorized official.<sup>10</sup> This approach shows that the state seeks to ensure legal certainty, protect individual rights, and guarantee that marriage produces lawful consequences that are legally accountable, both in civil and administrative terms. Thus, national law places legality and formality as its central foundation.

Unlike national law, which emphasizes written and formal aspects, customary law views marriage as a social event with broader meaning than a mere legal relationship between two individuals. In customary understanding, marriage represents the union of two extended families or even two communities, involving moral, spiritual, and symbolic values. The validity of a customary marriage depends not only on the consent of the couple but also on the approval of their families and the performance of traditional rituals. For many customary communities, marriage is not considered valid until all ritual stages are completed according to local traditions. Therefore, social and cultural legitimacy becomes the key determinant in recognizing the validity of marriage under customary law.<sup>11</sup>

The meaning of marriage in customary law is also deeply influenced by the kinship system prevailing in a community. In patrilineal societies such as Batak or Balinese communities, lineage and family responsibilities follow the male line.<sup>12</sup> In contrast, in matrilineal systems such as the Minangkabau, women play a central role in determining family status and inheritance management. These variations show that customary law positions marriage as part of a complex social structure, where the rights and duties of spouses are determined by inherited customary norms. Each community expresses respect through symbols such as bridewealth, dowry, or traditional ceremonies that strengthen inter-family bonds and maintain social harmony.

Although both systems approach marriage differently, they share the view that marriage is a vital institution for maintaining social order and ensuring the continuity of community life. National law emphasizes legal certainty through formal registration and the fulfillment of legal requirements, while customary law prioritizes family values, consensus, and respect for tradition. In practice, many Indonesian communities combine both—conducting customary ceremonies to obtain social legitimacy and registering the marriage to obtain state recognition. This synergy reflects the reality of Indonesia's legal pluralism, where modern law and local traditions coexist in balance between legal certainty and cultural values.

### Differences in Marriage According to National Law and Customary Law

Marriage in the context of national law and customary law shows fundamental differences, both in philosophical foundations and in social or procedural aspects. National law is oriented toward creating an orderly and uniform society through written regulations, while customary law is rooted in cultural and spiritual values that live within communities.<sup>13</sup> These differences arise

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10 Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 1 Tahun 1974 Tentang Perkawinan," Pub. L. No. LN. 1974/ No.1 (1974).

11 Ani Purwanti and Aga Natalis, "Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, September 27, 2025, <https://doi.org/10.1007/s11196-025-10370-0>.

12 Setiati Widiastuti et al., "A Shift of Inheritance Tradition in Batak Migrant Communities in Yogyakarta," *Jurnal Civis: Media Kajian Kemasyarakatan* 21, no. 1 (April 30, 2024): 41–53, <https://doi.org/10.21831/jc.v21i1.71621>.

13 Ana Fauzia, Fathul Hamdani, and Deva Octavia, "The Revitalization Of The Indonesian Legal System In The Order Of Realizing The Ideal State Law," *Progressive Law Review* 3, no. 01 (April 1, 2021): 12–25, <https://doi.org/10.36448/plr.v3i01.46>.

because national law is universal and binding for all citizens regardless of their cultural background, whereas customary law develops from local traditions that are particular to each group. Consequently, the understanding of legitimacy, family responsibility, and the meaning of marriage often differs between the state legal system and customary systems.

From a philosophical perspective, national law positions marriage as a formal legal bond between two individuals based on the principles of equality, humanity, and justice. Its main objective is to form a happy and everlasting family founded upon the belief in Almighty God, as stated in Law Number 1 of 1974 on Marriage. In contrast, customary law views marriage as a social event that maintains harmony and balance within the community.<sup>14</sup> For customary societies, marriage is not only a union between two people but also a means of strengthening ties between families and reinforcing social structure. Thus, customary law emphasizes moral and symbolic values more than formal legal requirements.

Differences are also evident in the aspect of marital validity. Under national law, validity is determined by two main elements: the fulfillment of religious requirements by both spouses and the official registration before an authorized officer. Without registration, a marriage has no legal force, even if it is religiously valid.<sup>15</sup> In contrast, under customary law, validity depends heavily on the performance of rituals and the approval of elders. A marriage is considered legitimate only when all customary ceremonies have been completed according to local traditions, regardless of state registration. In practice, many customary communities prioritize this social legitimacy, as it symbolizes communal acceptance of the married couple.

Procedural and administrative aspects also differ significantly. National law has a uniform and strict mechanism, setting rules such as minimum marriageable age, parental consent, and restrictions on polygamy except under certain conditions. These regulations aim to protect citizens' rights and ensure legal certainty. On the other hand, customary law is more flexible and depends on family consensus and local customs. In several communities, practices such as the giving of *belis* (bridewealth), dowry, or traditional ceremonies are essential prerequisites before a marriage is socially recognized. Consequently, customary law treats marriage as part of social tradition that must conform to local customs rather than national administrative procedures.

Regarding marital property and lineage, national law applies the principle of equality between husband and wife. Property acquired during marriage is considered joint property to be divided fairly in the event of divorce. However, customary law varies according to the prevailing kinship system. In patrilineal societies such as the Batak or Balinese, lineage follows the male line, and marital property tends to be controlled by the husband's family. Conversely, in matrilineal communities such as the Minangkabau, lineage and property rights follow the female line. This demonstrates that customary law aligns property arrangements with the social structure of the community rather than a uniform legal principle.

The final difference lies in dispute resolution mechanisms. Under national law, marital disputes—such as divorce or property division—must be resolved through authorized courts, whether Religious Courts or District Courts. The process is formal, based on legal evidence and judicial procedures. In contrast, customary law emphasizes peaceful settlement through family deliberation or customary mediation. The purpose is not merely to determine who is right or wrong, but to restore social balance disrupted by conflict. This approach reflects that customary law prioritizes kinship values and social harmony over rigid legal formalities.

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14 Awis Alhkarni and Novia Yuriska, "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law," *USRATY: Journal of Islamic Family Law* 2, no. 2 (December 20, 2024): 124–33, <https://doi.org/10.30983/usraty.v2i2.8834>.

15 Desimaliati Desimaliati, "Legality Of Registration For International Religious Marriage Based On Court Decisions According To Law And Regulations In Indonesia," *Cepalo* 6, no. 2 (November 15, 2022): 69–82, <https://doi.org/10.25041/cepalo.v6no2.2704>.

## Similarities of Marriage in National and Customary Law

Although national law and customary law differ in their legal foundations and procedures, both share several essential similarities that reveal a common perspective on the values of marriage. Both legal systems regard marriage as an important institution for forming a family, which serves as the smallest and most vital social unit. Marriage is seen as a means to achieve an orderly, harmonious, and civilized life. Each system treats the marital relationship not only as a physical or legal bond but also as a spiritual union that carries moral meaning and significant social responsibility toward the family and the broader community.

The first similarity lies in the ultimate goal of marriage — to establish a happy, prosperous, and lasting family. In national law, this objective is explicitly stated in Law Number 1 of 1974 on Marriage, while in customary law, it is reflected through traditions and social norms that maintain household harmony. Both systems emphasize mutual happiness, loyalty, and responsibility between husband and wife. Thus, marriage is not merely a legal or social event but a moral union symbolizing commitment and shared values between two individuals, intended to ensure the continuity and harmony of family life.<sup>16</sup>

Another similarity is the recognition of mutual consent between the bride and groom as a fundamental prerequisite for marriage. In national law, this requirement represents the principle of individual freedom in choosing a life partner. Similarly, in customary law, the agreement and readiness of both spouses are central to the marriage process, even when the involvement of extended families is significant.<sup>17</sup> While customary practices often include family discussions and community participation, the will and intention of the couple remain the most important elements. Therefore, both legal systems uphold human dignity and personal rights through the principle of free and conscious consent.

Both systems also acknowledge the existence of rights and obligations between husband and wife that must be fulfilled in balance. National law defines these responsibilities explicitly in legal provisions, while customary law instills them through moral teachings and social customs passed down across generations. In both frameworks, the husband is seen as the protector and head of the family, whereas the wife plays a vital role in maintaining domestic harmony and well-being. Although the division of roles may vary according to cultural context, the underlying principles of shared responsibility, cooperation, and mutual respect remain universally recognized.

In addition, both national and customary law view marriage as a means of maintaining social harmony within the community. From the perspective of national law, a stable and harmonious family is the foundation of social order and national welfare.<sup>18</sup> In customary law, the family serves as the nucleus of social relations, strengthening solidarity and unity within the community. Traditional wedding ceremonies often reinforce this sense of belonging and cooperation. Thus, both systems perceive marriage not only as a private contract between individuals but also as a social event that contributes to the stability and cohesion of society at large.

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16 Suryawati and Syaputri, “Harmonization of the Application of Customary Law and Positive Law in Village Communities of Malang Regency.”

17 Syafira Amalia Hulukati, “Legal Implications of Prenuptial Agreements in Marriage in Indonesia: Between Protection of Rights and Justice,” *Estudiante Law Journal* 6, no. 2 (June 20, 2024), <https://doi.org/10.33756/eslaj.v6i2.27783>.

18 Khudzaifah Dimiyati et al., “Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis,” *Heliyon* 7, no. 8 (August 2021): e07865, <https://doi.org/10.1016/j.heliyon.2021.e07865>.

Another key similarity lies in the recognition of moral and religious values as the foundation of a valid marriage. National law ties the legality of marriage to compliance with the couple’s respective religious teachings, while customary law embeds spirituality within each ritual and symbol of the wedding process. Both systems affirm that marriage is not merely a worldly matter but also a sacred union guided by moral and spiritual dimensions. Consequently, in both national and customary perspectives, marriage represents an institution that unites legal, social, cultural, and spiritual aspects — forming a harmonious whole that reflects the richness of Indonesia’s pluralistic society.

### Efforts to Harmonize National and Customary Law in the Regulation of Marriage

The harmonization between national and customary law in regulating marriage has become an essential endeavor amid Indonesia’s plural legal landscape. Each community possesses distinct values in defining marriage, making it difficult to apply uniform national regulations.<sup>19</sup> Therefore, the state must adopt a legal approach that not only prioritizes certainty but also ensures social justice aligned with local wisdom. Law should be seen as *living law*—a dynamic system that grows within society rather than a static text. A comparative overview of national and customary law approaches and their harmonization directions is presented in Table 1 below.

**Table 1.** Direction of Marriage Law Harmonization in Indonesia

Aspect	National Law Approach	Customary Law Approach	Harmonization Direction
Philosophical Basis	Legal certainty and formal regulation	Kinship and social balance values	Integrating social justice into statutory law
Marital Validity	Based on religion and official registration	Based on customary blessing and ritual performance	Recognition of customary registration through local certification
Procedure	Formal and administrative	Flexible and tradition-based	Parallel synchronization of adat and administrative procedures
Property & Lineage	Equality and shared marital property	Determined by kinship system	Custom-based family agreement adjustments
Dispute Resolution	Through formal courts	Through adat deliberation and mediation	Layered dispute resolution (custom → state)
Individual Rights Protection	Emphasizes human rights and gender equality	Upholds family honor and dignity	Applying human rights principles contextually in adat practice

*Source: by Author*

As shown in the table, harmonization is not intended to uniformize laws but to balance two complementary systems. National law provides certainty and protection, while customary law offers flexibility and cultural proximity. The aim is to humanize the law so that it reflects both legal order and social meaning. Legitimacy of marriage, therefore, should be viewed not only through formal recognition but also through social and cultural acceptance within communities.

<sup>19</sup> Masykurotus Syarifah and Muhammad Mujib Karim, “The Impact of Marriage Harmonization on Gender Equality in Indonesian Society,” *The Indonesian Journal of Islamic Law and Civil Law* 5, no. 1 (April 28, 2024): 34–53, <https://doi.org/10.51675/jaksya.v5i1.758>.

A key step toward harmonization is strengthening the normative foundation through legislative reform. For instance, revising Law No. 1 of 1974 to explicitly acknowledge customary marriages—provided they respect gender equality and child protection—would make the law more inclusive.<sup>20</sup> Meanwhile, customary law should evolve with modern human rights principles to remain relevant. This dual adaptation fosters a symbiotic relationship where both legal systems reinforce each other in maintaining fairness and legitimacy.

Beyond normative reform, harmonization requires practical implementation. Legal education that includes customary law awareness can create culturally sensitive legal practitioners. Judges, prosecutors, and marriage officers must understand regional diversity to ensure decisions reflect substantive justice, not just procedural compliance. Community outreach based on local wisdom can also help people comply with national registration requirements without abandoning traditional practices.<sup>21</sup> This balanced awareness strengthens both legal obedience and cultural respect.

Collaboration between customary institutions and state authorities is equally vital. Customary councils can serve as mediators in resolving family conflicts before formal litigation begins. The layered resolution model illustrated in the table demonstrates how customary mediation can precede judicial proceedings. This approach not only reduces court burdens but also preserves social harmony rooted in kinship values. By assigning proportional roles, both systems can coexist in mutual reinforcement.

The future of legal harmonization in marriage should emphasize strengthening equitable legal pluralism. The government, academia, and indigenous communities must collaborate to build a more inclusive and adaptive legal system. Harmonization does not mean eliminating differences—it means managing them constructively. When national and customary law interact with mutual respect, Indonesia's marriage system will embody the true balance between legal certainty, social justice, and cultural diversity.

## CONCLUSION

This study shows that marriage, viewed through the lenses of national and customary law, reflects Indonesia's dynamic legal pluralism. National law emphasizes certainty, equality, and protection of individual rights, whereas customary law prioritizes kinship, social harmony, and communal values. Both share a common goal—to establish a harmonious and prosperous family—though they differ in terms of validity, procedures, and dispute resolution mechanisms. The findings also highlight that harmonization between national and customary law is essential to build a marriage legal system that is not only formally valid but also socially accepted and culturally meaningful within Indonesia's plural society.

Based on these findings, it is recommended that policymakers strengthen the synergy between national and customary law through adaptive legal reforms responsive to social diversity. The government should consider revising the Marriage Law to explicitly recognize customary practices that align with gender equality and child protection principles. Meanwhile, customary institutions are encouraged to adapt their marital norms to reflect human rights values and contemporary realities. Cultural legal education, professional training for law enforcers, and cooperation between customary and state institutions represent strategic steps toward achieving a fair, inclusive, and sustainable harmonization of marriage law in Indonesia.

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20 Yenny Febrianty et al., "Legal Reform in Customary Marriage Law in Indonesia and South Africa for Inclusive Justice," *Journal of Law and Legal Reform* 6, no. 3 (July 31, 2025): 1027–1242, <https://doi.org/10.15294/jllr.v6i3.20896>.

21 Arsyad Aldyan et al., "Local Wisdom-Based Environmental Management Policy in Indonesia: Challenges and Implementation," *Journal of Law, Environmental and Justice* 2, no. 3 (December 30, 2024), <https://doi.org/10.62264/jlej.v2i3.100>.

## BIBLIOGRAPHY

- Adil, Muhammad, and Syahril Jamil. "Interfaith Marriage in Indonesia: Polemics and Perspectives of Religious Leaders and Community Organizations." *Religion & Human Rights* 18, no. 1 (March 27, 2023): 31–53. <https://doi.org/10.1163/18710328-bja10031>.
- Aldyan, Arsyad, Kartika Asmanda Putri, Rizal Akbar Aldyan, and Abdelrahman Alasttal. "Local Wisdom-Based Environmental Management Policy in Indonesia: Challenges and Implementation." *Journal of Law, Environmental and Justice* 2, no. 3 (December 30, 2024). <https://doi.org/10.62264/jlej.v2i3.100>.
- Alhkarni, Awis, and Novia Yuriska. "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law." *USRATY: Journal of Islamic Family Law* 2, no. 2 (December 20, 2024): 124–33. <https://doi.org/10.30983/usraty.v2i2.8834>.
- Amalia Hulukati, Syafira. "Legal Implications of Prenuptial Agreements in Marriage in Indonesia: Between Protection of Rights and Justice." *Estudiante Law Journal* 6, no. 2 (June 20, 2024). <https://doi.org/10.33756/eslaj.v6i2.27783>.
- Cherlin, Andrew J. "Degrees of Change: An Assessment of the Deinstitutionalization of Marriage Thesis." *Journal of Marriage and Family* 82, no. 1 (February 5, 2020): 62–80. <https://doi.org/10.1111/jomf.12605>.
- Desimaliati, Desimaliati. "Legality of Registration for International Religious Marriage Based on Court Decisions According to Law and Regulations in Indonesia." *Cepalo* 6, no. 2 (November 15, 2022): 69–82. <https://doi.org/10.25041/cepalo.v6no2.2704>.
- Dimiyati, Khudzaifah, Haedar Nashir, Elviandri Elviandri, Absori Absori, Kelik Wardiono, and Arief Budiono. "Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis." *Heliyon* 7, no. 8 (August 2021): e07865. <https://doi.org/10.1016/j.heliyon.2021.e07865>.
- Fauzia, Ana, Fathul Hamdani, and Deva Octavia. "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law." *Progressive Law Review* 3, no. 01 (April 1, 2021): 12–25. <https://doi.org/10.36448/plr.v3i01.46>.
- Febrianty, Yenny, Nadya Restu Ryendra, Asmida Ahmad, and Ariyanto Ariyanto. "Legal Reform in Customary Marriage Law in Indonesia and South Africa for Inclusive Justice." *Journal of Law and Legal Reform* 6, no. 3 (July 31, 2025): 1027–1242. <https://doi.org/10.15294/jllr.v6i3.20896>.
- GRIJNS, Mies, and Hoko HORII. "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns." *Asian Journal of Law and Society* 5, no. 2 (November 5, 2018): 453–66. <https://doi.org/10.1017/als.2018.9>.
- Katili, Fitri Yanti, Qisthy Leonarza, and Fadlan Fadlan. "Harmonization of Interfaith Marriage Law in Indonesian Legal System : Between Social Reality and Legal Certainty." *International Journal of Social Welfare and Family Law* 2, no. 1 (January 9, 2025): 22–32. <https://doi.org/10.62951/ijsw.v2i1.155>.
- Pemerintah Pusat Indonesia. Undang-undang (UU) Nomor 1 Tahun 1974 tentang Perkawinan, Pub. L. No. LN. 1974/ No.1 (1974).
- Purwanti, Ani, and Aga Natalis. "Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia." *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, September 27, 2025. <https://doi.org/10.1007/s11196-025-10370-0>.

- Sugiyono. *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, Dan R&D*. 19th ed. Bandung: Alfabeta, 2013.
- Suhardi, Muhammad. "Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok." *Society* 13, no. 1 (March 31, 2025): 538–52. <https://doi.org/10.33019/society.v13i1.818>.
- Suryawati, Nany, and Martika Dini Syaputri. "Harmonization of the Application of Customary Law and Positive Law in Village Communities of Malang Regency." *International Journal of Applied Business and International Management* 6, no. 2 (August 20, 2021): 1–12. <https://doi.org/10.32535/ijabim.v6i2.993>.
- Syarifah, Masykurotus, and Muhammad Mujib Karim. "The Impact of Marriage Harmonization on Gender Equality in Indonesian Society." *The Indonesian Journal of Islamic Law and Civil Law* 5, no. 1 (April 28, 2024): 34–53. <https://doi.org/10.51675/jaksya.v5i1.758>.
- Thalib, Mutia Cherawaty. "Implications of Mixed Marriage in the Perspective of Gorontalo Customary Law and Its Reality Based on International Private Law Principles." *Jambura Law Review* 5, no. 1 (January 30, 2023): 179–98. <https://doi.org/10.33756/jlr.v5i1.16798>.
- Wardi, Utama, Yaswirman Yaswirman, Ismail Ismail, and Gafnel Gafnel. "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia." *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (July 9, 2024): 13–25. <https://doi.org/10.57255/hakamain.v3i1.330>.
- Widihastuti, Setiati, Iffah Nurhayati, Puji Wulandari Kuncorowati, and Chandra Dewi Puspitasari. "A Shift of Inheritance Tradition in Batak Migrant Communities in Yogyakarta." *Jurnal Civics: Media Kajian Kewarganegaraan* 21, no. 1 (April 30, 2024): 41–53. <https://doi.org/10.21831/jc.v21i1.71621>.