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Legal and Traditional Construction in Wedding Ceremonies: A Sociological Legal Perspective

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Abstract

Ideally, the construction of formal law and customary traditions in marriage ceremonies should mutually support and accommodate the cultural values of the community. Formal law is expected to provide universal legal certainty, while customary traditions function as social regulators that reflect local identities and values. However, in reality, there is often a misalignment between these two legal systems, which can lead to conflicts and tensions, especially when customary law contradicts national legal provisions. This misalignment presents a significant challenge in creating harmony between formal law and customary traditions, particularly in the context of customary marriages. The purpose of this research is to examine the interaction between the construction of formal law and customary traditions in marriage ceremonies and to identify the challenges that arise from the fundamental differences between the two. The research concludes that despite the gap between formal law and customary traditions, efforts to bridge the two through cultural dialogue and the recognition of customary law can create an inclusive and just legal system. An integrative approach is needed that involves indigenous communities in the legislative process to ensure that the law applied is not only legally relevant but also socially and culturally appropriate.

Keywords: Legal Construction, Customary Marriage, Sociology of Law

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Abstrak

Idealnya, konstruksi hukum formal dan tradisi adat dalam upacara adat perkawinan seharusnya saling mendukung dan mengakomodasi nilai-nilai budaya masyarakat. Hukum formal diharapkan dapat memberikan kepastian hukum yang universal, sementara tradisi adat berfungsi sebagai pengatur sosial yang mencerminkan identitas dan nilai-nilai lokal. Namun, dalam realitasnya, sering kali terjadi ketidaksesuaian antara kedua sistem hukum ini, yang dapat menyebabkan konflik dan ketegangan, terutama ketika hukum adat bertentangan dengan ketentuan hukum nasional. Ketidaksesuaian ini memperlihatkan tantangan besar dalam menciptakan harmoni antara hukum formal dan tradisi adat, khususnya dalam konteks perkawinan adat. Tujuan penelitian ini adalah untuk mengkaji interaksi antara konstruksi hukum formal dan tradisi adat dalam upacara adat perkawinan, serta untuk mengidentifikasi tantangan yang muncul akibat perbedaan prinsip dasar keduanya. Hasil penelitian menyimpulkan bahwa meskipun terdapat kesenjangan antara hukum formal dan tradisi adat, upaya untuk menjembatani keduanya melalui dialog budaya dan pengakuan hukum adat dapat menciptakan sistem hukum yang inklusif dan adil. Diperlukan pendekatan integratif yang melibatkan masyarakat adat dalam proses legislasi untuk memastikan bahwa hukum yang diterapkan tidak hanya relevan secara hukum tetapi juga secara sosial budaya.

Kata Kunci: Kontruksi Hukum, Adat Perkawinan, Sosiologi Hukum

Introduction

The interaction between formal law and customary traditions is an evolving phenomenon in multicultural societies like Indonesia. As a country with an extraordinary cultural wealth, Indonesia faces significant challenges in managing the diversity of local traditions amidst the demands of modernization and the development of formal legal systems. Customary traditions, which have become an inseparable part of social life, play a vital role in preserving social values, spiritual beliefs, and cultural identity (Pamadi & Gusnia R, 2017). On the other hand, formal law aims to establish legal certainty and universal justice for all members of society, regardless of their cultural background. The relationship between the two becomes a crucial point of interest in the study of sociology of law, particularly in the context of marriage customs.

In a more specific context, marriage customs reflect how customary law continues to exert a strong influence in regulating social life. Various marriage traditions, such as Wi'i Nggahi in Bima or Sebambangan in Lampung, not only serve as cultural rituals but also function as social mechanisms that govern relationships between families and communities. However, many of these customs often do not align with formal law, as outlined in Indonesia's Marriage Law (Amanda et al., 2021). The tension between customary traditions and formal law creates a complex dynamic, where both influence each other, but still have fundamental differences that are difficult to reconcile.

Ideally, formal law and customary traditions can coexist in a framework of social harmony based on mutual respect. Formal law is expected to accommodate

the diversity of existing traditions in Indonesia without disregarding the principles of justice, equality, and human rights protection. Conversely, customary traditions also need to adapt to developments in time and formal law to remain relevant and accepted in modern life (Febrianty et al., 2024). A harmonious integration of both can create a legal system that is more inclusive and responsive to the needs of local communities. However, the reality on the ground often shows otherwise. Many customary traditions conflict with formal law, especially on issues such as unregistered marriages or practices considered violations of human rights. For example, in the Samin community of Kudus, their marriage tradition often does not involve official registration at the Religious Affairs Office (Faradila et al., 2023).

This results in the legal status of the marriage not being formally recognized, which ultimately impacts the protection of the rights of the spouses and children born from such marriages. The discrepancy between the ideal formal law and customary traditions raises several issues. One of them is the potential for legal conflicts that harm individuals and communities. On one hand, the indigenous community feels their traditions are violated by formal law, which is perceived as not understanding local values. On the other hand, formal law faces challenges in ensuring fair and equal legal protection for all citizens, without exception. This condition creates tensions that not only affect social stability but also hinder the development of an inclusive legal system.

This study aims to explore the interaction between formal law and traditions in marriage ceremonies through a sociological perspective of law. The research will analyze how both influences occur, the challenges faced in creating harmony between the two, and the impact on society. Through this approach, the study is expected to provide a deeper understanding of the social and legal dynamics in the context of customary marriage traditions in Indonesia. The contribution of this study lies in its efforts to provide an integrative solution to harmonize formal law and customary traditions. The results of this research are expected to provide not only academic benefits in the development of the sociology of law but also serve as a practical reference for policymakers in formulating inclusive and just policies. Therefore, this research could serve as an important foundation in creating a legal system that is more responsive to Indonesia's cultural diversity and the needs of its people.

Literature Review

Research on the legal construction and traditions in customary marriage ceremonies has long been a topic of interest for various scholars, particularly in the perspective of sociology of law. Several studies have examined how customary law interacts with positive law, especially in the context of marriage. This research is not a new finding, as many works have discussed the relationship between tradition, customary law, and state law. Huzaini Husin, in his work "*Implementasi Gelar Adat Dalam Perkawinan Masyarakat Lampung Perspektif Sosiologi Dan Antropologi*," discusses the implementation of customary titles in the marriage of the Lampung community, as well as how traditional values interact with customary law in determining social status in marriage (Husin, 2022). The similarity between this work and the author's research is that both highlight the

relationship between tradition and law in the context of customary marriage. However, the difference lies in the focus of the research, where Husin emphasizes the role of customary titles and social status in the Lampung community, while the author focuses on a broader legal construction, encompassing various elements in customary marriage ceremonies across different ethnic groups.

Salahuddin and Ufran, in their work "*Perspektif Sosiologi Hukum Islam terhadap Tradisi Wi'i Nggahi pada Pernikahan Suku Donggo Desa Rora Kecamatan Donggo Kabupaten Bima*," analyze the Wi'i Nggahi tradition in the marriage of the Donggo tribe. They examine how this tradition is influenced by the perspective of Islamic sociology of law (Salahuddin & Ufran, 2023). This work shares similarities with the author's research in the use of sociology of law to analyze traditions in customary marriage. The difference is that this work focuses more specifically on the tradition in the Bima region, while the author attempts to highlight a more general legal construction and discusses various legal elements involved in customary marriage ceremonies broadly.

Benedictus Julian Thomas, in his work "*Kedudukan Hukum Perkawinan Adat Dalam Sistem Hukum Perkawinan Nasional*," discusses the position of customary marriage in the Indonesian national marriage legal system. This work is relevant as it also looks at the interaction between customary law and positive law in marriage, but focuses more on the legal status of customary marriage in the national legal system (Thomas, 2023). This work is similar to the author's research in terms of discussing customary law in the context of marriage, but the author delves deeper into the relationship between law and tradition from the perspective of sociology of law, and how this affects the implementation of customary marriage ceremonies in the lives of society.

Based on the literature review, no work has comprehensively examined the legal construction and traditions in customary marriage ceremonies using a deep sociology of law perspective. This research aims to fill that gap by offering a broader perspective on the interaction between law, tradition, and social values in customary marriage ceremonies. This gap is crucial to fill because it will make a significant contribution to our understanding of the dynamics of customary law in marriage practices, as well as its implications for the communities involved. The position of this research is highly relevant and offers a new contribution to legal studies, as it connects customary traditions with the sociology of law perspective in the context of customary marriage. The novelty of this research lies in the sociology of law approach used to explore the social and legal dimensions of customary marriage ceremonies that have not been extensively explored in depth before.

Research Methodology

This article is classified as library research with a qualitative approach. The method used is descriptive-analytical, particularly to understand the interaction between legal construction and tradition in customary marriage ceremonies. The data sources for this research consist of primary data, which include relevant legal documents and literature on customary practices, as well as secondary data in the form of previous research and academic publications. Data collection techniques

are carried out through documentation studies and literature reviews to gather relevant information. The collected data is analyzed using content analysis techniques to identify patterns, themes, and relationships between formal law and customary traditions from the perspective of sociology of law.

Legal Construction from the Perspective of Sociology of Law

Legal construction is understood as the process of forming and applying law, influenced by the social, cultural, and political dynamics within society. From the perspective of sociology of law, law is not only seen as a set of static normative rules but as the result of a complex interaction between various social elements that continuously evolve. Satjipto Rahardjo states that sociology of law is the legal knowledge that studies the behavior patterns of society within its social context (Handoyo, 2021). This approach provides a deeper understanding of how law functions in practice, while also uncovering the influence of social factors in its formation and application.

In the context of Indonesia, law cannot be separated from local values that live within society. For example, customary traditions become one form of cultural expression that often interacts with formal law. In this regard, customary law practiced through marriage ceremonies demonstrates how traditions remain an essential element in shaping legal norms recognized by society. As an example, in Batak society, the martumpol ceremony not only strengthens customary bonds but also becomes a legal tool recognized by the local community (Tampubolon et al., 2023). Such interactions show that legal construction is closely linked to the social context and local traditions.

The view that law is a product of social processes is also reinforced by the theory of social solidarity proposed by Leon Duguit. Social solidarity forms the basis of legal construction by presenting two dimensions: the sense of social necessity and the sense of justice (Anand, 2024). The sense of social necessity reflects the belief in the need for law to create order within society, while the sense of justice ensures that law meets society's expectations for fairness. In reality, law often becomes an arena for negotiating various social interests, so its application is influenced by the dynamics of power and social relationships.

The sociology of law approach also emphasizes the importance of understanding the power context in the formation of law. Law is not a neutral instrument but a product of social processes involving negotiation, conflict, and consensus among groups within society. For example, regulations concerning the management of natural resources often reflect the interests of particular groups who have greater access to the legislative process. This condition demonstrates that law is not only normative but also a reflection of the existing power structure. From the sociology of law perspective, customary traditions also become important elements that shape the cultural identity of local communities.

Talking about customary traditions in Indonesia, especially in marriage ceremonies, reflects the social and spiritual values that have been passed down through generations. For example, in Javanese society, the siraman and midodareni ceremonies in a wedding have symbolic meanings related to the mental and spiritual readiness of the bride and groom (Sari, 2023). These

traditions not only strengthen social cohesion but also become a means of preserving customary legal values amidst the flow of modernization. It is important to recognize that legal construction is always in a process of adaptation to social changes. In the era of globalization, law faces challenges to remain relevant and responsive to the ongoing dynamics.

The sociology of law approach provides a more comprehensive insight into how law is created, applied, and interpreted in a particular social context. This understanding helps identify the social factors that influence the effectiveness of law in achieving its social objectives (Tjahjani, 2020). Furthermore, law also serves as a tool to realize justice in society. However, this justice is often relative, depending on the perspective and social conditions of each community. In a pluralistic society like Indonesia, law must be able to accommodate the diversity of values and norms without disregarding the fundamental principles of universal justice. This becomes the main challenge in building an inclusive and responsive legal system.

Customary Traditions in Marriage Ceremonies

Customary traditions in marriage ceremonies hold significant value, not only as representations of the cultural identity of a community but also as a means of preserving noble values passed down through generations. Every stage in a customary marriage ceremony carries symbolic meaning that reflects the hopes, prayers, and life philosophies of the local society (Hamdani & Fauzia, 2022). For example, the siraman ritual in Javanese culture symbolizes the purification of the bride and groom, while the martumpol tradition in Batak culture solidifies the bond between the families of the couple. Such traditions demonstrate that marriage is not just a personal matter but also involves the larger family and the community.

However, amid modernization and globalization, traditional marriage ceremonies face significant challenges. Changing lifestyles, urbanization, and foreign cultural influences often result in younger generations either misunderstanding or neglecting these traditions. In some regions, customary ceremonies have been simplified or abandoned in favor of time and cost efficiency. As a consequence, the cultural values embedded in each ritual begin to erode, and the essence of these traditions becomes increasingly obscured (Nofrima et al., 2021). This situation raises concerns about the potential loss of local cultural identity in the future.

From a legal perspective, customary traditions often clash with formal legal provisions in Indonesia. According to Article 2, Paragraph 2 of Law No. 1 of 1974 on Marriage, every marriage must be officially recorded to be recognized as legally valid (Law No. 1 of 1974 on Marriage). However, in many customary communities, marriage is still conducted solely based on customary law without official registration. As a result, the legal status of these marriages becomes unclear, which can lead to legal issues such as inheritance rights or the status of children in the future. This highlights the need for better integration between customary traditions and formal law.

In the Islamic perspective, marriage is a sacred institution and is clearly regulated by Sharia law. The Qur'an emphasizes that marriage is a means to achieve tranquility, affection, and blessings in marital life (QS. Ar-Rum: 21). The Hadith of the Prophet Muhammad SAW also encourages Muslims to marry when they are capable, as marriage is a way to maintain morality and personal honor (Nasir et al., 2024). This view reinforces the importance of preserving noble values in marriage, including through customary traditions that do not contradict Islamic teachings. Customary traditions in marriage also serve as a medium for cultural education for the younger generation. Each ceremony contains local wisdom that teaches responsibility, togetherness, and respect for family (Uli et al., 2024). For example, in the Minangkabau tradition, the bainai night ritual teaches the bride-to-be the meaning of beauty, which is not only physical but also spiritual. Values like these become an important social capital for building a strong family unit.

However, adaptation to customary traditions is also necessary to ensure their relevance in modern times. Some communities have integrated modern technology into their customary ceremonies, such as using digital media to distribute invitations or document ceremonies virtually. This approach allows traditions to be preserved while meeting the demands for efficiency in the modern era. Thus, customary traditions can continue to live and evolve according to social dynamics. Another challenge is ensuring that these traditions are respected while also ensuring legal certainty. In this regard, the recognition of customary law within the national legal framework becomes crucial. Some regions, for instance, have adopted customary traditions as part of local regulations to ensure their continuation. This demonstrates that harmonizing customary law and formal law is a strategic step in preserving traditions.

Furthermore, the continuity of customary traditions requires active participation from both the community and the government. Education for younger generations about the importance of customary traditions, both through educational institutions and community activities, is key to preserving these traditions. This effort must be accompanied by policies that support the preservation of local cultures, including legal protection for customary traditions. The importance of customary traditions in marriage lies in their ability to strengthen cultural identity and social solidarity. In a society that is increasingly pluralistic, customary traditions can serve as a bridge to create harmony amid diversity (Rubama et al., 2024). For instance, the tumpengan tradition in Javanese culture is often used as a means to invite blessings and foster togetherness at a wedding ceremony. This tradition not only strengthens individual relationships but also builds harmonious ties within the community.

Interaction Between Formal Law and Customary Law

The interaction between formal law and customary law in the context of marriage in Indonesia reflects the complexity of the relationship between universal legal norms and diverse customary practices. Formal law, as regulated in Law No. 1 of 1974 concerning Marriage, requires official registration to ensure the legal validity of a marriage. However, in many indigenous communities, marriages are often based solely on customary rules without official registration, leading to

unclear legal status of such marriages (Fitrianti, 2017). Recognition of customary law within the national legal system is outlined in Article 18B, paragraph (2) of the 1945 Constitution, which affirms that the state respects indigenous peoples as long as their customs align with the principles of the Unitary State of the Republic of Indonesia (NKRI) and the development of the times.

However, the implementation of this article is often not optimal, especially when customary provisions conflict with national law, such as in issues related to human rights or gender equality (1945 Constitution of the Republic of Indonesia). The relationship between customary law and formal law in Indonesia is often seen as complementary, though challenges arise in reconciling the two. According to Muzakkir, customary law and Islamic law in Indonesia often support each other in many cases. However, obstacles emerge when customary law contains elements that contradict the principles of formal law, such as in cases of marriages without official registration.

In the context of customary marriage, various regions have unique traditions that are often not accommodated within formal regulations. For instance, customary marriage traditions in some rural communities frequently do not align with procedures outlined by national law. These discrepancies can lead to legal debates when the marital status needs to be examined in formal legal terms, such as in cases of divorce or inheritance (Natania & Lesmana, 2024). The conflict between formal and customary law can also affect the rights of women and children within marriage. In some customary traditions, women often occupy a subordinate position compared to men, which contradicts the principles of gender equality recognized both nationally and internationally. This presents a significant challenge in efforts to harmonize formal and customary law.

Furthermore, the existence of customary law is often the primary reason for indigenous communities to maintain their cultural identity, even when faced with limitations imposed by formal law. Deeply ingrained customary practices are often difficult to change or replace with formal regulations that are perceived as incompatible with local values. Therefore, customary law plays an important role in preserving the continuity of local culture (Fitriani et al., 2024). However, customary law is not without weaknesses. Some customary rules are poorly documented, making it difficult to recognize and preserve them in the face of modernization. In many cases, customary law is passed down orally, which makes it vulnerable to changes and loss of authenticity.

A dialogical approach between the government and indigenous communities is a crucial step in addressing the differences between formal and customary law. This dialogue aims to find common ground that allows both systems to operate harmoniously without sacrificing cultural values or legal certainty. It also provides space for indigenous communities to be involved in the decision-making process regarding regulations. Efforts to harmonize formal and customary law can also be made by adjusting national regulations to accommodate local values. For example, the registration of customary marriages could be regulated more flexibly without losing the essence of official registration. This step will help reduce tensions between the two legal systems.

Additionally, educating indigenous communities about the importance of official marriage registration is also part of the solution. This education aims to

provide understanding that official registration is not only important legally but also essential for safeguarding the rights of individuals within a marriage, particularly the rights of children in the future (Zainuddin & Ulya, 2021). With an inclusive and flexible approach, the interaction between formal law and customary law can become a strength in maintaining cultural diversity while ensuring legal certainty. Collaboration among various stakeholders, including the government, indigenous communities, and legal institutions, will be key in achieving sustainable harmonization.

Challenges in Creating Harmony

Creating harmony between formal law and customary traditions in Indonesia is a complex effort because it involves two normative systems that often differ in principles. In the context of customary law, the values it encompasses tend to be community-oriented and rooted in local wisdom, while formal law is universal in nature and tends to be rigid in its application. This often triggers conflicts, particularly in matters of land ownership, where customary law recognizes collective land rights that contradict the concept of individual ownership in national law (Nurtresna et al., 2024). Modernization and globalization further add to the challenges for the continuity of customary law. The waves of modernization bring about shifts in societal values towards individualism, which is at odds with the communal principles of customary traditions. Younger generations are often more influenced by global culture, which tends to overlook local traditions. For instance, customary practices in dispute resolution in some regions have begun to be abandoned because they are seen as irrelevant in the modern world.

Moreover, the lack of recognition for customary law at the national level is also a significant obstacle. Although Article 18B, paragraph (2) of the 1945 Constitution acknowledges the existence of indigenous legal communities, the implementation of this provision in policy is often minimal or limited. In practice, national law is more frequently prioritized, so customary norms often become supplementary, lacking substantial legal force (Bramantyo & Setiono, 2022). Conflict dynamics also often arise in cases of natural resource exploitation in indigenous territories. Large companies operating with government permits often clash with indigenous communities that seek to uphold their customary land rights. This highlights the weak legal protection for indigenous communities, even though their rights have been constitutionally guaranteed.

To create harmony, participatory dialogue between the government, indigenous communities, and legal institutions is essential. This effort is not just about finding compromise but also about striking a balance between national interests and local wisdom. In some cases, resolving disputes through dialogue has proven effective in calming conflicts and reaching joint solutions (Saragih, 2022). An ethnographic approach can also be used to understand the characteristics of customary law in each region. By understanding the local context, the government can formulate policies that are more in tune with the needs of the community. Ethnography allows for in-depth analysis of indigenous traditions that could align with formal law without erasing local cultural identities.

Furthermore, strengthening the role of indigenous leaders in the legislative process is critical. They can act as intermediaries between indigenous communities and the government, ensuring that the interests of customary law are not overlooked in the drafting of regulations. Involving indigenous leaders can also enhance the legitimacy of formal law in the eyes of indigenous communities. Teaching customary law in formal institutions is also a strategic step in building harmony (Iksan et al., 2020). By providing understanding about the importance of customary law to younger generations, they can better appreciate the existence of local traditions and view them as an essential part of the national identity. This education can start from elementary schools and extend to higher education.

The challenge of harmonization also requires inclusive policy reforms. Regulations that accommodate local traditions, without sacrificing national legal principles, should be a priority. In this way, customary law can become an integral part of the national legal system, rather than just an optional supplement. International recognition of the uniqueness of Indonesian customary law can also help. By demonstrating to the world that customary law can contribute to conflict resolution and sustainable development, indigenous communities can gain a stronger position at the national level. This aligns with the global principles of justice and respect for human rights.

Social and Legal Implications

The social and legal implications of customary marriage ceremonies reflect the complex interaction between cultural traditions and formal legal systems. In Indonesian society, traditional marriage customs are not only a means of social regulation but also a deep representation of cultural identity. For example, the Wi'i Nggahi tradition in the Donggo community of Rora Village, Bima, is strictly upheld to ensure the preservation of customs, family values, and respect for elders (Salahuddin & Ufran, 2023). However, such traditions are not without legal implications that often clash with formal legal rules. For instance, in the case of violations of customary prohibitions in Semurup Village, Kerinci, customary fines or *budendo* are imposed as sanctions. This dualism of law often causes confusion among the community, especially when customary and national laws contradict each other.

Customary marriage traditions also have significant social impacts. On one hand, these traditions strengthen social solidarity and reinforce the bonds among community members. On the other hand, some customary practices may reinforce gender inequality or limit individual freedoms, such as in forced marriages. This raises ethical challenges related to preserving culture while respecting individual rights. Harmonization between customary law and national law becomes an important solution to bridge these differences. A sociological legal approach provides a framework for understanding the relationship between these two legal systems. With this approach, efforts to honor cultural traditions while ensuring human rights protection can be optimized.

In several communities, such as the Samin people in Karangrowo Village, Kudus, the tension between customary and formal laws becomes more evident. Their tradition of not registering marriages at the Religious Affairs Office (KUA)

impacts the legal status of the marriage and the legal protection of the rights of spouses and children born from these marriages (Faradila et al., 2023). Similarly, the Sebambangan practice in Lampung presents complex legal implications. This tradition involves a blend of customary law, national marriage law, and Islamic law, often creating challenges in determining the legal validity of a marriage. This case highlights the need for dialogue and agreement among the various involved parties.

Customary practices that intersect with formal law often test the boundaries of cultural respect. When customs are not aligned with modern legal principles or human rights, dilemmas arise about which should be prioritized. For example, in customary marriages involving high dowries or economic demands, social pressures on the groom can become burdensome, contradicting the principle of equality. The social implications of customary marriage traditions are also closely tied to their function in maintaining social hierarchies. In some communities, customary rules reinforce social stratification, where a person's rights and obligations in marriage are determined by their social status. This can obstruct social mobility or recognition of individuals outside the customary community.

Moreover, social changes due to modernization and globalization threaten the continuity of customary marriage traditions. Younger generations are often more attracted to modern values that are perceived as more practical or relevant to their current lives. As a result, traditional customs may face value degradation or even be abandoned altogether. At the same time, the formal legal system in Indonesia faces challenges in accommodating the cultural diversity that exists. For instance, the Marriage Law mandates marriage registration but does not fully understand or integrate certain customary practices that are still highly respected in specific communities (Jauhari et al., 2023).

Therefore, a more inclusive approach is needed in formulating legal policies that can accommodate customary values without compromising the core principles of national law. Involving indigenous leaders in the legislative process is a crucial step to ensure that the regulations produced are widely accepted by the community. Overall, the social and legal implications of customary marriage traditions reflect a complex dynamic. With a holistic approach that involves an understanding of local culture and respect for modern legal principles, it is hoped that a balance can be struck between preserving cultural heritage and respecting individual rights.

Conclusion

The construction of formal law and customary traditions in the execution of traditional marriage ceremonies reflects a dynamic interaction that influences one another. Formal law often seeks to accommodate the traditional values upheld by communities, while customary traditions also adjust themselves to remain relevant within the context of modern law. This interaction creates a negotiation process aimed at achieving harmony between the two, despite their differing nature and purposes. Formal law, being universal and objective, contrasts with customary traditions, which are flexible and subjective. Therefore, harmonizing

both requires an integrative approach based on dialogue, ensuring that traditional values remain relevant amidst modernization.

The implications of this interaction are significant for social harmony and legal development in Indonesia. A wise integration of formal law and customary traditions not only strengthens the national cultural identity but also fosters inclusive social justice and enhances the legitimacy of the law. On the other hand, an imbalance between the two can trigger social conflict, cultural tensions, and weaken public trust in formal law. Hence, legal development in Indonesia must be capable of respecting cultural diversity while upholding the principles of justice and equality, ensuring that harmony between tradition and modern law is preserved.

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