

**BETWEEN CUSTOMARY LEGITIMACY
AND STATE RECOGNITION: LEGAL
PLURALISM IN THE SETTLEMENT OF
INHERITANCE DISPUTES ARISING FROM
UNREGISTERED CUSTOMARY
MARRIAGE IN THE SASAK COMMUNITY
OF LOMBOK INDONESIA**

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Abstract: *Customary marriage remains a living institution among the Sasak community of Gadung Mas Village, West Sakra Subdistrict, East Lombok Regency, West Nusa Tenggara, even where such marriages are never registered with the state. This study examines how customary legitimacy and state legal recognition interact when an unregistered customary marriage later generates an inheritance dispute. Using empirical legal research with a socio-legal approach, data were collected through in-depth interviews with a customary leader, a religious leader, and the village head of Gadung Mas, supplemented by a systematic review of national legislation and Scopus-indexed comparative literature on legal pluralism and Indonesian inheritance law. The findings show that marital legitimacy in Gadung Mas rests on three interlocking pillars: adat procession as social legitimacy, religious solemnization (akad nikah) as normative validity, and state registration as administrative certainty; the third pillar is frequently deferred or omitted without the marriage being regarded, locally, as defective. Inheritance disputes are resolved through a multi-tier mechanism that begins with family deliberation (musyawarah keluarga), proceeds to mediation by a customary leader (tokoh adat) working alongside a religious figure, and escalates to the Religious Court only when consensus fails. Read through Griffiths' theory of legal pluralism, Ehrlich's (1936) and*

Soekanto's (1981) concept of living law, and Radbruch's triad of legal purposes, this pattern is best understood not as a competition between adat and state law but as a functional division of labor: adat law supplies social legitimacy and restorative resolution, while state law supplies evidentiary certainty when adat consensus is unattainable. The study's original contribution is a Social-Juridical Legitimacy Harmonization (SJLH) model that maps how these two forms of legitimacy combine across the marriage cycle and the stages of dispute resolution.

Keywords: *customary marriage; legal pluralism; inheritance dispute; unregistered marriage; Sasak adat law; living law.*

INTRODUCTION

Marriage is a social institution with legal, cultural, and religious dimensions all at once. In a pluralistic society such as Indonesia's, marriage practices are governed by state law alongside the customary and religious norms that continue to live within local communities (Judiasih & Fakhriah, 2018). This plurality regularly produces friction whenever a norm rooted in adat meets a requirement set by the national legal order.

Indonesia's Marriage Law formally resolves the question of validity by combining two conditions. Under Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, a marriage is valid if it is performed according to the law of each party's religion and belief, and every marriage must additionally be registered in accordance with prevailing regulations (Republik Indonesia, 1974, 2019). Registration is meant to give legal certainty to the husband, wife, and any children of the marriage, particularly with respect to inheritance (Faizal, 2016; Rani et al., 2025). In practice, however, many communities still treat the completion of the adat procession and religious solemnization as sufficient proof of a valid marriage, leaving state registration as an optional, sometimes indefinitely postponed, final step (Sujana, 2023).

This pattern is clearly visible in the Sasak community of Gadung Mas Village, West Sakra Subdistrict, East Lombok Regency, West Nusa Tenggara. Gadung Mas is an agrarian village whose social life continues to be organized around kinship, gotong royong, and musyawarah, and whose marriages are conventionally understood by residents to be legitimate once adat procession, family consent, and

community acceptance have occurred, whether or not the union has been recorded at the Office of Religious Affairs (Kantor Urusan Agama, KUA). Difficulties surface later, most acutely at the time of inheritance distribution, when the marital and filial status of a surviving spouse or child must be proven before family members, adat institutions, or, in contested cases, the Religious Court. An unregistered union does not necessarily void the underlying religious marriage, but it does complicate the evidentiary chain on which formal recognition of heirship depends (Sujana & Maruf, 2024; Meilinda, 2021).

The tension is not unique to Gadung Mas. Comparable dynamics have been documented across Indonesia's plural legal landscape: in the recognition gap facing children of unregistered marriages generally (Faiz & Slamet, 2025), in the persistence of patrilineal customary inheritance among the Sasak alongside the proportional distribution mandated by Islamic *farā'id* (Yusmita et al., 2025), in Balinese customary courts' evolving treatment of extramarital children's inheritance claims (Sujana & Maruf, 2024), and in the long-running competition between adat and state forums documented in Indonesian courtrooms more broadly (Irianto, 2004; Bedner, 2019). What these studies share is a finding that Indonesian inheritance law is irreducibly plural, with customary, Islamic, and civil-code regimes operating simultaneously, and disputes are resolved through negotiation among them rather than through the automatic supremacy of any one system (Judiasih & Fakhriah, 2018). This pattern of negotiated coexistence is not confined to inheritance: Butt (2021) shows that Indonesian courts themselves treat marital legitimacy as a composite of religious, customary, and administrative elements rather than as a single threshold test, while Bedner and van Huis (2010) argue that, given how deeply adat and religious solemnization are embedded in marriage practice, registration policy is more likely to succeed as a pragmatic accommodation of that plurality than as an attempt to override it.

What remains relatively under-examined is the specific mechanism by which a community translates an unregistered customary marriage into a workable, locally accepted resolution of

inheritance disputes, and how that local mechanism relates, procedurally and normatively, to the state's own dispute-resolution forum, the Religious Court. Prior Lombok-focused scholarship has examined the tuan guru's social authority (Fahrurrozi, 2018; Muslim et al., 2022), the persistence of patrilineal inheritance bias against Sasak women (Yusmita et al., 2025; Makhrup, 2024), and the tension between customary marriage practice and child-protection law (Suhardi, 2025), but none has traced, at the level of a single village, the full sequence running from adat marriage practice, through its legal status, to the way in which inheritance disputes are settled.

This study addresses that gap through an empirical legal study of Gadung Mas Village. Two research questions guide the inquiry: first, how is customary marriage practiced in Gadung Mas and how is it positioned from the perspective of state law; and second, what mechanism does the community use to resolve inheritance disputes that arise from customary marriages not recorded by the state. The purpose of the study is accordingly twofold: to describe the practice and legal standing of unregistered customary marriage in Gadung Mas, and to analyze the dispute-resolution mechanism through which the community reconciles adat legitimacy with the state's requirement of legal certainty.

The article's original contribution is a Social–Juridical Legitimacy Harmonization (SJLH) model, developed inductively from the Gadung Mas material, which shows that adat legitimacy and juridical legitimacy are not competing claims to the same authority but complementary inputs into a single, sequential process of family-law governance: adat and religion establish social and normative validity at the point of marriage, while the state supplies evidentiary certainty at the point of an inheritance dispute. This reframes a familiar Indonesian legal-pluralism debate, usually cast as a question of which law "wins," into a question of how the two systems divide labor across the life of a family-law dispute, a framing with practical implications for how marriage-registration policies might be designed for adat communities such as Gadung Mas.

METHOD

This study uses empirical legal research (*penelitian hukum empiris*), which examines the written norms governing marriage and inheritance as well as how those norms are understood, applied, and departed from in social practice. An empirical approach was chosen because the central research problem, the gap between customary marital legitimacy and state legal certainty, is, by definition, a gap between text and practice that cannot be captured through normative legal analysis alone.

The study combines two complementary approaches. The socio-legal (*socio-legal*) approach treats law as a social phenomenon embedded in, and shaped by, the community's kinship structure and dispute-resolution habits, consistent with the empirical tradition described above (Fahrurrozi, 2018; Suhardi, 2025). A statutory approach supplements this by locating the community's practice against Law No. 1 of 1974 as amended by Law No. 16 of 2019, the Compilation of Islamic Law, and Law No. 7 of 1989 on Religious Courts as amended by Law No. 3 of 2006.

Location and informants. Fieldwork was conducted in Gadung Mas Village, West Sakra Subdistrict, East Lombok Regency. Informants were selected purposively for their direct authority over, or documented experience with, customary marriage and inheritance dispute practice in the village: a customary leader (*tokoh adat*), a religious leader (*tokoh agama*), and the village head (*Kepala Desa*) of Gadung Mas. Purposive selection privileged depth of institutional knowledge over sample size, consistent with standard practice in qualitative socio-legal fieldwork on adat institutions (Irianto, 2004). All three informants were briefed on the purpose of the study and gave verbal informed consent prior to interview, in accordance with the ethical research procedures of the authors' institution; given the sensitivity of family inheritance matters, no household-level identifying information beyond each informant's institutional role is reported. Because all three informants hold recognized authority positions (adat, religious, and village government), their accounts are likely to converge on an institutionally sanctioned narrative of how disputes are resolved; this elite-informant bias is treated as a limitation of the present design and is revisited in the Conclusion.

Data. Primary data consist of semi-structured, in-depth interviews with the three informants above, focused on marriage procedure, community perceptions of marital validity, and the sequence of steps used to resolve inheritance disputes. Secondary data comprise primary legal materials (the Marriage Law and its implementing regulation, the Compilation of Islamic Law, the Civil Code, and the Religious Courts Law), secondary legal materials (scholarly literature on adat law, family law, and inheritance law), and tertiary materials (legal dictionaries and reference works).

Systematic literature component. To situate the village-level findings within the wider Indonesian and international scholarship, the secondary-literature review followed a systematic search-and-screening procedure. Search terms combining "customary marriage," "unregistered marriage," "inheritance dispute," "legal pluralism," and "Sasak" were run against the Scopus, Google Scholar, and Garuda (Garba Rujukan Digital) indices, restricted to work published between 2004 and 2025. This search identified 63 candidate records; after removing 11 duplicates, 52 records were screened by title and abstract for direct relevance to Indonesian customary marriage, inheritance pluralism, or Sasak-specific legal practice, which excluded 31 records as off-topic or purely doctrinal with no empirical or comparative bearing on the present study. The remaining 21 records were assessed in full text for verifiable publication in an indexed, peer-reviewed journal with a resolvable digital object identifier (DOI); nine were excluded at this stage for lacking a resolvable DOI or independently verifiable indexing. Sources that could not be independently verified in this way were excluded from the final reference list rather than cited on the strength of a search snippet alone. This procedure yielded twelve internationally indexed journal articles cited throughout Sections 1, 2, and 4. A subsequent, targeted supplementary search, run specifically against Scopus to strengthen the study's engagement with comparative literature on Indonesian marriage registration, legal pluralism, and adat-state negotiation, identified seven further articles that met the same DOI-verification standard (Bedner & van Huis, 2010; Butt, 2021; Grijns & Horii, 2018; Horii, 2019; Wirastris & van Huis, 2021; van Huis,

2019; Ardhana, 2023), bringing the total to nineteen internationally indexed journal articles, alongside the primary legal instruments and classical adat-law texts that do not carry a DOI as a matter of publication era.

Analysis. Data were analyzed using a comparative-qualitative method that places the normative content of adat law and national law side by side with the empirical statements, perceptions, and practices reported by informants. This comparison serves two purposes: identifying points of correspondence and divergence between the two normative orders, and tracing how the community itself reconciles that divergence procedurally. The analysis is organized in Section 4 around the two research questions and interpreted, in Sections 4.6 and 4.7, through the theoretical frame set out in Section 2.3.

RESULTS AND DISCUSSION

Gadung Mas: An Adat Village within a Plural Legal Field

Gadung Mas is a predominantly agrarian village whose residents work chiefly as farmers, livestock keepers, and traders. Alongside this agrarian character, the village retains a strong Sasak adat identity: kinship ties remain close, and social problems are conventionally addressed through *musyawarah* before any formal channel is considered. As the customary leader explained, matters ranging from marriage to inheritance distribution to family disputes continue to follow customs inherited across generations, because adat is regarded locally not merely as tradition but as a way of life that maintains balance among community members, and it accordingly continues to command considerable respect. This description positions Gadung Mas as a site of active legal pluralism in Griffiths' (1986) sense: residents comply with state law as a matter of civic obligation while continuing to treat adat norms as the primary reference point for regulating family life.

The village's religious and customary authority structures reinforce one another rather than compete. As the religious leader in Gadung Mas put it, adat is not, in principle, regarded as opposed to religion so long as it does not depart from the principles of Islamic *shari'ah*; consequently, the practice of adat traditions, including marriage, is consistently accompanied by religious values, so that the

community treats the two as mutually reinforcing rather than as rival sources of authority. Religious and customary leaders accordingly occupy parallel strategic positions: the former offers guidance grounded in Islamic teaching, the latter grounded in prevailing adat norms, and their combined authority allows most communal problems to be resolved through *musyawarah* without setting aside either religious or customary values. This corroborates the broader Lombok literature on the *tuan guru*'s dual religious-customary standing (Fahrurrozi, 2018; Muslim et al., 2022).

Adat law's continuing function in Gadung Mas extends well beyond ceremony. It regulates the settlement of family disputes and the distribution of inheritance, and community compliance rests, according to the customary leader, on a shared conviction that these norms constitute an ancestral inheritance whose continuity must be safeguarded, since adat dispute resolution is seen as offering a kinship-oriented outcome that litigation cannot match: every dispute is first addressed through *musyawarah* involving family and adat leaders, so that the resulting decision stands a better chance of acceptance by all parties, an approach viewed locally as more effective at preserving social relations than a confrontational process. At the same time, the religious leader observed that residents increasingly appreciate the importance of state requirements, particularly marriage registration and the legal protection of family rights, even as day-to-day dispute resolution continues to privilege adat mechanisms wherever they do not conflict with religious teaching or statute, evidence that adat and state law in Gadung Mas run alongside one another as complementary, not competing, systems.

The Legitimacy Structure of Customary Marriage: Three Pillars

Interviews converge on a marriage practice built from three interlocking components, summarized in Table 2.

Table 1. The Three-Pillar Legitimacy Structure of Marriage in Gadung Mas

Pillar	Source of Authority	Function	Typical Sequence
Adat procession	Family and adat leaders	Social legitimacy: public recognition of the union by both extended families and the wider community	Introduction and family deliberation → exchange of customary symbols and gifts · public adat ceremony
Religious solemnization (<i>akad nikah</i>)	Religious leader / officiant	Normative-religious validity: satisfies the pillars and conditions required for a lawful marriage under Islamic law	Conducted according to Islam marriage requirements, often on the same occasion as, or shortly before, the adat ceremony
State registration	Office of Religious Affairs (KUA)	Administrative-juridical certainty: produces an authentic instrument evidencing the marriage for civil, custodial, and inheritance purposes	Frequently deferred, sometimes indefinitely, without being regarded locally as invalidating the marriage

As one informant described the sequence, the process begins with an introductory stage between families, proceeds through *musyawarah* on marriage plans, continues with the *akad nikah* performed according to religious teaching, and concludes with the customary procession that marks the community's acceptance of the couple, each stage carrying not only ceremonial meaning but also an implicit statement of responsibility, respect for family, and reinforced kinship. According to the customary leader, the entire adat procession carries philosophical meaning directed at building harmony between the two families and conferring social legitimacy on the couple, such that, in local perception, a marriage is not considered to have received full social acceptance until it has been conducted according to prevailing adat procedure. The religious leader qualified this by noting that adat practice does not, in principle, conflict with Islamic law so long as it avoids anything contrary to *sharī'ah*: the *akad nikah* remains the substantive determinant of a marriage's religious validity, while the adat procession functions as the vehicle for preserving culture, strengthening kinship ties, and reinforcing social responsibility within family life.

The village government, for its part, supports the preservation of adat as part of community identity while continuing to remind residents of the importance of registering marriages according to state law, so that couples obtain legal protection across a range of administrative and civil matters. This produces a *de facto* division of legitimizing labor:

adat supplies social recognition, religion supplies normative validity, and the state, when actually invoked, supplies administrative certainty. The friction documented in this study arises specifically because the third pillar is the one most frequently left incomplete.

The Legal Position of Unregistered Customary Marriage before the State

Article 2 of Law No. 1 of 1974 affirms that a marriage is valid if performed according to the religious law of the parties and must additionally be registered under prevailing regulation. This dual requirement means state law does not reject adat as part of how a marriage is performed; it withholds full administrative recognition of the marriage's civil consequences until registration has occurred. Adat procession, in other words, does not substitute for the statutory registration requirement.

According to the village head, village government frequently encounters residents who regard adat procession alone as sufficient to legitimize a marriage; the village accordingly continues to explain that registration matters because it underlies the issuance of population documents, children's birth certificates, joint-property division, and, critically for this study, inheritance-dispute resolution. The religious leader added that registration is not, from an Islamic perspective, in tension with religious teaching, since it can itself be understood as an instrument of *maslahah* (public benefit) through the protection it affords family rights; adat procession and state registration, on this reading, are capable of proceeding together rather than in competition.

Determining heirship first requires establishing the underlying legal relationship between claimant and decedent. Under Islamic inheritance law, a person may qualify as an heir through marriage, through blood lineage (*nasab*), or through another relationship recognized within the inheritance system; before any distribution can proceed, the status of the deceased, the marital relationship, family ties, and the persons with a legal right to inherit must first be established. In Gadung Mas, heirship determination customarily draws on kinship ties recognized within adat as well as on formal legal relationship; but once a dispute must be resolved through a formal mechanism, proving

the legal relationship between claimant and decedent becomes the decisive factor, and at that point the marital status of the parents, lineage, and administrative documentation directly affect how easily a person's heirship can be established.

The absence of registration does not automatically extinguish every civil consequence of the underlying religious marriage, but it does concentrate risk at exactly the moment a family can least afford it: when the marriage or filiation must be proven under adversarial or quasi-adversarial conditions, rather than accepted on the strength of community consensus. This finding is consistent with Sujana and Maruf's (2024) account of Balinese unregistered-marriage children, whose inheritance claims likewise hinge on the family's capacity to reconstruct proof of a relationship the community itself never doubted. Comparable compromises between religious-customary legitimacy and state legal obligation have been documented elsewhere in Indonesia: Horii (2019) finds that plural legal institutions in Bali leave families managing multiple, sometimes inconsistent, forms of legal status simultaneously, while Grijns and Horii (2018) show that a West Java community treats adat and religious legitimacy as sufficient for most practical purposes and turns to state mechanisms only when a specific administrative or legal need makes that turn unavoidable, a sequencing logic that closely parallels Gadung Mas.

Forms of Inheritance Disputes Linked to Unregistered Marriage

Inheritance disputes in Gadung Mas typically surface after the death of a family member who leaves land, a house, a garden plot, or other family assets. According to the customary leader, such disputes concern not only the size of each heir's share but also, at a prior stage, who is entitled, under both law and adat, to be recognized as an heir at all, a question that becomes considerably more complicated where the decedent's or an heir's marriage was never registered, because disagreement then arises over the validity of the marital relationship, the status of children born of it, and the inheritance rights attached to each. What begins as a dispute over property distribution can therefore widen into a dispute over the legal status of the persons involved.

The religious leader observed that most inheritance disputes are not, at root, driven by disagreement over the legal rules of distribution

but by psychological, economic, and relational factors: differing perceptions of fairness, dissatisfaction with a received share, or a sense that one heir has been treated more favorably than another. Conflicts that begin as economic disagreements not infrequently harden into emotional ones, especially where family communication is weak or where unresolved grievances predate the decedent's death. Consistent with this, the object of dispute in Gadung Mas is not confined to formal division; it also extends to physical control of undivided land, use of family assets pending distribution, and competing interpretations of the decedent's expressed wishes, a multidimensional character that mirrors the broader pattern Yusmita et al. (2025) describe in Sasak inheritance disputes more generally, where legal, economic, and kinship considerations are inseparable in practice.

Because an unregistered marriage complicates precisely the evidentiary question a formal forum would need answered, residents in Gadung Mas display a strong preference for resolving these disputes without first reaching that evidentiary threshold, that is, by keeping the dispute within a forum where social consensus, rather than documentary proof, can carry the resolution.

The Multi-Tier Dispute-Resolution Mechanism

The mechanism reported by all three informants follows a consistent, staged sequence, summarized in Table 2 and Figure 1.

Table 2. Multi-Tier Inheritance Dispute Resolution in Gadung Mas

Tier	Forum	Role of Key Actors	Orientation	Escalation Trigger
1	Family deliberation (<i>musyawarah keluarga</i>)	All heirs; senior/influential family members	Consensus-seeking; each party states claims and objections	Moves to Tier 2 if no agreement is reached
2	Customary mediation	<i>Tokoh adat</i> as mediator, often coordinating with the religious leader	Persuasive, restorative; explains adat norms, proposes balanced alternatives	Moves to Tier 3 if mediation fails to produce a voluntary, accepted settlement
3	Religious Court (<i>Pengadilan Agama</i>) litigation	State judiciary	Binding, evidentiary; produces a legally certain and enforceable decision (<i>inkracht van gewijsde</i>)	Final tier; invoked only when Tiers 1 and 2 are exhausted

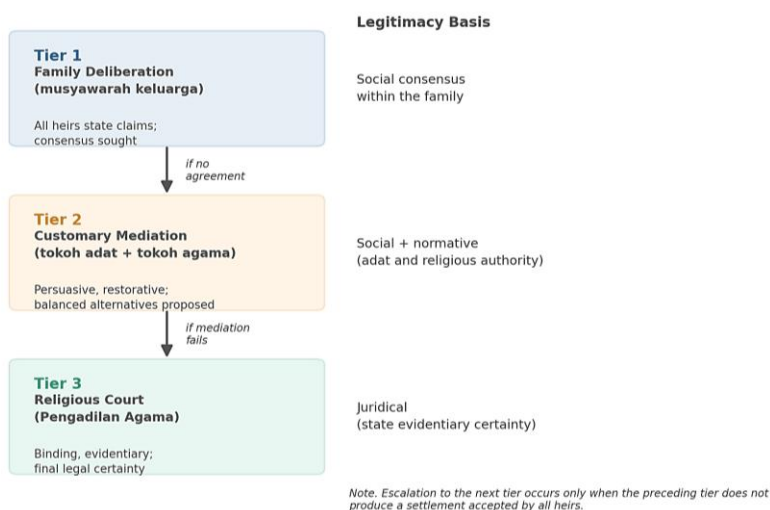


Figure 1. The multi-tier inheritance dispute-resolution ladder in Gadung Mas, showing escalation from family deliberation through customary mediation to Religious Court litigation, with the legitimacy basis and characteristic orientation of each tier

At the first tier, all heirs are given an equal opportunity to state their claim to the estate, explain the basis of that claim, and raise objections to any proposed division; according to the customary leader, this stage resolves the majority of disputes because parties still weigh the value of family relations more heavily than narrowly economic interest. Where family deliberation does not produce agreement, the matter proceeds to mediation led by a customary leader, who does not adjudicate in the manner of a judge but facilitates dialogue, explains applicable adat norms, hears each party, and proposes alternatives designed to preserve a balance of interests among heirs; the objective is not to declare a winner but to rebuild communication and reach a voluntarily accepted settlement. In practice, the customary leader frequently coordinates with the religious leader and, where relevant, village officials, so that a settlement carries religious as well as customary legitimacy and is correspondingly more likely to be accepted by all parties.

Only when both family deliberation and customary mediation fail to produce a settlement do residents turn to the Religious Court, which

holds absolute jurisdiction over Islamic inheritance matters. As the village head explained, village government continues to respect adat dispute-resolution mechanisms as an expression of local wisdom, while also making clear that litigation becomes important precisely where a dispute turns on proof of marital status, determination of heirship, or ownership of property requiring legal certainty and formal state recognition, that is, exactly the evidentiary questions an unregistered marriage leaves open. Adat mechanisms are accordingly not designed to replace the judiciary but to serve as a preferred first-line, persuasive, and restorative process before resort to formal legal instruments. This layered preference is consistent with a broader shift van Huis (2019) documents in Indonesian legal practice, in which traditional, informal fiqh-based mechanisms of dispute settlement have gradually given ground to the Religious Court as the forum of last resort, without disappearing from the earlier stages of a dispute.

This layered structure functions as a form of multi-tier dispute resolution characteristic of Indonesian adat law, prioritizing consensual settlement over adversarial litigation. Beyond preserving kinship and social harmony, the sequencing also reflects a harmonization between adat and state law: adat supplies a mechanism oriented toward peace, while the state supplies certainty where adat settlement can no longer adequately protect the parties' rights. The layered sequence itself, in other words, is the community's practical answer to the legal-pluralism question posed in Section 2.3, not which system governs, but in what order each system's distinctive value is brought to bear.

Theoretical Reading: Legal Pluralism, Living Law, and Radbruch's Triad

Read against Griffiths' (1986) framework, Gadung Mas exhibits legal pluralism in its strong, empirical sense: adat law, Islamic law, and state law operate concurrently within the same social field, and residents move between them according to need rather than according to a fixed hierarchy in which one system formally displaces the others (cf. Bedner, 2019; Irianto, 2004). Adat law supplies social legitimacy through musyawarah and peaceable settlement; Islamic law supplies moral and religious legitimacy through the *akad nikah* and *farā'id*

principles; state law supplies binding legal certainty through registration and, where necessary, adjudication. None of the three systems negates the others; each performs a function the others cannot fully substitute. This mirrors what Wirastris and van Huis (2021) describe, in their study of unregistered polygamous marriage, as the state's own ambivalence toward the marriages it does not fully recognize: rather than enforcing registration strictly, Indonesian institutions routinely accommodate unregistered unions through instruments such as *isbat nikah*, effectively legitimizing the very plurality Griffiths' framework predicts. The persistence of adat dispute-resolution mechanisms in Gadung Mas also illustrates the living-law concept advanced by Ehrlich (1936) and elaborated for the Indonesian setting by Soepomo (2003): the law that actually governs family life in the village is not exhausted by the text of the Marriage Law but includes the consistently observed, socially binding practice of *musyawarah* and adat mediation. This living law derives its authority not from formal sanction but from sustained social acceptance, precisely the criterion Soepomo identifies as the communalistic-religious basis of Indonesian adat law, oriented toward restoring equilibrium rather than vindicating individual right.

Finally, Radbruch's (1950) triad supplies a normative reading of why the layered mechanism persists rather than collapsing toward either pure adat settlement or pure litigation. Adat mediation delivers justice, understood locally as fairness consistent with community values, and expediency, understood as the social utility of preserved kinship and reduced conflict; the Religious Court delivers legal certainty where adat consensus cannot be reached, particularly on the evidentiary question an unregistered marriage leaves open. Neither value dominates the system as a whole; the multi-tier structure is precisely the mechanism by which Gadung Mas pursues all three simultaneously, each at the tier best suited to deliver it. This reading extends Hazairin's classical observation that Indonesian inheritance practice cannot be understood apart from the plurality of adat, Islamic, and national law operating together (as discussed in Judiasih & Fakhriah, 2018), by specifying the procedural sequence through which that plurality is actually operationalized at village level.

The Social–Juridical Legitimacy Harmonization (SJLH) Model

The preceding sections converge on a single structural finding: legitimacy in Gadung Mas is not a single, unitary property that a marriage or an heirship claim either has or lacks, but a composite built from social legitimacy (adat and community acceptance), normative legitimacy (religious validity), and juridical legitimacy (state registration and, where invoked, adjudication). Figure 2 formalizes this as the Social–Juridical Legitimacy Harmonization model.

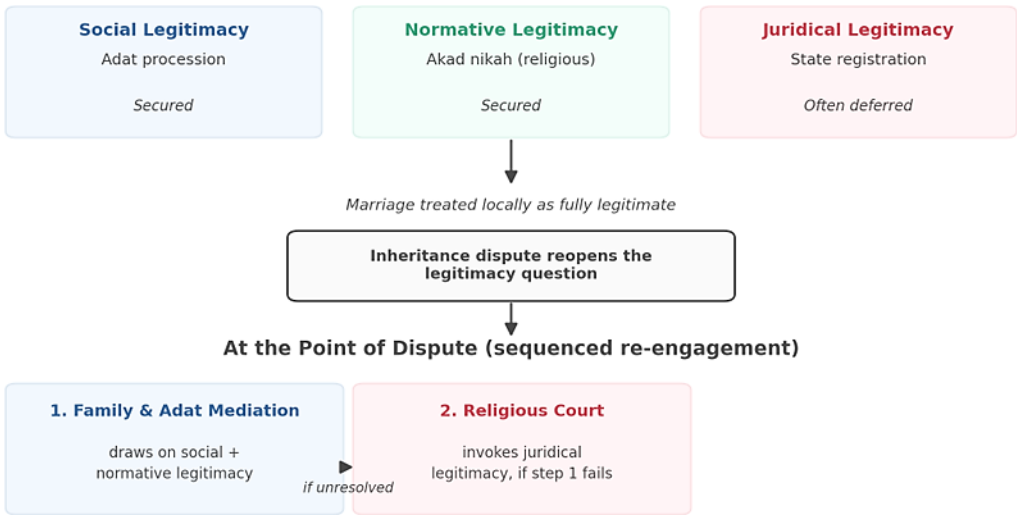


Figure 2. The Social Juridical Legitimacy Harmonization (SJLH) model, showing how adat, religious, and state legitimacy combine at the point of marriage and are re-engaged, in sequence, at the point of inheritance dispute.

The model has two linked components. At the point of marriage, social legitimacy (adat procession) and normative legitimacy (*akad nikah*) are consistently secured, while juridical legitimacy (registration) is frequently deferred; the marriage is nonetheless treated locally as fully legitimate. At the point of an inheritance dispute, the community first attempts to resolve the matter using the same resources that established the marriage's legitimacy in the first place, family consensus and adat mediation, drawing on social and normative legitimacy, before finally

invoking the juridical legitimacy that was left unsecured at the outset, through Religious Court litigation, if and only if the first attempt fails.

Framed this way, the unregistered-marriage phenomenon in Gadung Mas is not best described as a defect the community fails to correct, but as a rational allocation of effort under conditions where social legitimacy is cheap, socially rewarding, and almost always sufficient, while juridical legitimacy is comparatively costly, administratively remote, and needed only in the minority of cases that escalate to genuine dispute. The model's contribution is to show that harmonization between hukum adat and hukum negara in a setting like Gadung Mas does not require choosing one system over the other, nor does it require uniform, universal registration to be considered successful; it requires that the juridical pathway remain genuinely accessible for the cases that need it, precisely because the social and normative pathways will continue, appropriately, to carry the great majority of marriages.

This has a direct implication for policy, addressed further in the Conclusion: interventions aimed at closing the unregistered-marriage gap are more likely to succeed if they lower the practical cost of the juridical pillar, through mobile or village-based registration services, or through simplified *isbat nikah* (judicial confirmation of marriage) procedures, than if they attempt to displace the adat and religious pillars that the community, on the evidence of this study, has no wish to abandon. In Gadung Mas specifically, this could build directly on the outreach role the village government already performs: the village head and staff already remind residents of the importance of registration during routine administrative contact and adat events (Section 4.3), so pairing that existing outreach with a periodic, scheduled KUA visit to the village, timed to coincide with the adat ceremonies at which marriages are already publicly acknowledged, would lower the practical and travel cost of registration without requiring a new institution or asking the community to alter a sequence it already treats as legitimate.

CONCLUSION

This study set out to describe how customary marriage is practiced and legally positioned in Gadung Mas Village, and to analyze the mechanism by which the community resolves inheritance disputes arising from marriages left unregistered with the state. Two conclusions follow. First, customary marriage in Gadung Mas retains strong standing as a form of social recognition of the marital bond, resting on adat procession and religious solemnization as much as, and often instead of, state registration; from the state's perspective, however, an unregistered marriage lacks full administrative certainty, particularly regarding proof of marital status, the standing of children, and civil rights including inheritance. Second, the community resolves the inheritance disputes this gap produces through a consistent, non-litigious, multi-tier mechanism, family deliberation, then customary mediation led by an adat leader working alongside a religious figure, and only then, where necessary, Religious Court litigation, in which the customary leader functions as both mediator and interpreter of adat norms, oriented toward restoring social balance rather than declaring a formal winner.

Read together, these findings support the Social–Juridical Legitimacy Harmonization model advanced in Section 4.7: adat and state law in Gadung Mas function not as competing claims to authority but as sequentially complementary sources of legitimacy, each supplying what the other cannot. This reframes the policy question. Rather than treating unregistered customary marriage primarily as a compliance failure to be corrected through stricter enforcement, the Gadung Mas evidence suggests it is more productively treated as a predictable outcome of a legitimacy structure that already works well for the majority of marriages and needs to be supplemented, at low cost and without displacing adat authority, at exactly the point where it currently fails: the evidentiary gap that surfaces at inheritance.

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