

MAJLIS ADAT IN CHILD MARRIAGE AGREEMENTS: CULTURAL NORMS AND LEGAL IMPLICATIONS

^{i,*}Muhammad Ikhsan Kamil

ⁱUniversitas Islam Al-Azhar, Jl. Unizar No. 20, Turida, Kec. Sandubaya, Kota Mataram, Nusa Tenggara Barat, 83233, Indonesia

*(Corresponding author) e-mail: ikhsankamil@unizar.ac.id

Article history:

Submission date: 1 September 2025

Received in revised form: 30 October 2025

Acceptance date: 7 November 2025

Available online: 31 December 2025

Keywords:

Majlis adat, child marriage, legal implication, child marriage agreements

Funding:

This research did not receive any specific grant from funding agencies in the public, commercial, or non-profit sectors.

Competing interest:

The author(s) have declared that no competing interests exist.

Cite as:

Kamil, M. I. (2025). Majlis adat in child marriage agreements: Cultural norms and legal implications. *Syariah and Law Discourse*, 6(1), 41-47.



© The authors (2025). This is an Open Access article distributed under the terms of the Creative Commons Attribution (CC BY NC) (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited. For commercial re-use, please contact penerbit@usim.edu.my.

ABSTRACT

West Nusa Tenggara, particularly North Lombok, demonstrates one of Indonesia's highest rates of child marriage, influenced by deep-rooted *adat* (customary) customs. The Sasak *merariq* tradition (ritual elopement) and formal *adat* marriage arrangements often coerce females into early marriage. This article utilizes qualitative sociological research and case studies to investigate the interactions between *Majlis Adat* (customary councils), Indonesian marriage law (UU No.16/2019), local laws, and Islamic standards. *Adat* marriage agreements involving children frequently contravene the national legal age threshold of 19 years. *Adat* leaders can either uphold traditional norms or intervene by transforming child-marriage commitments into symbolic engagements. Indonesian Islamic law (*Kompilasi Hukum Islam*) similarly associates the validity of marriage with mutual agreement and age, in accordance with the 2019 legislation. The interaction of various institutions has resulted in legal ambiguities: for instance, NTB's Perda No.5/2021 on child marriage prevention specifically safeguards children's rights, while certain communities violate it to "preserve dignity". a harmonization paradigm is proposed in which *Majlis Adat* collaborates closely with governmental and religious institutions. This would entail converting underage marriage agreements into formal engagements, enhancing the role of *adat* councils in education and child protection, and implementing legal and sharia protocols for legitimate marriages. These reforms seek to protect kids' rights while preserving esteemed cultural practices.

Introduction

In some rural areas of Indonesia, child marriage is still going on because of a lot of social and cultural issues. Things are worse in the province of West Nusa Tenggara (NTB). In 2024, the national rate of underage marriage was the highest, with about 14.96% of women ages 20 to 24 getting married (Januarti et al., 2020; Khaerani, 2019). As of May 2025, NTB's religious courts had already dealt with 146 cases of marriage involving minors. People often ask about local norms and expectations in these kinds of situations. To avoid social shame, the Sasak people of Lombok do the *merariq kodeq*, which is a ceremonial kidnapping of a young girl into a man's home. *Maliq*, which means "shame" is when a girl is found with a suitor. Other reasons include money problems and not having parents (Fitriyanti, 2023; Sumerah, 2025). In front of a Majelis Adat, families often use traditional marriage contracts, or *perjanjian adat*, to set the terms of their future marriage. The dowry, the date of the wedding, and the pay for the bride and groom are all part of these terms. These kinds of contracts make it hard for kids to wait until they are older to get married. State marriage laws and child rights conventions are at odds with deeply rooted *adat*, which can lead to court cases (Suhardi, 2025a; Van Bemmelen & Grijns, 2019). This study examines the role of the Majelis Adat in North Lombok as a mediator of these pressures and the intersection of *adat* marriage pacts with Islamic and Indonesian law.

Literature Review

Indonesia's legal system is fundamentally pluralistic, with state law existing concurrently with Islamic principles and customary *adat* (Lukito, 2012, 2019). This phenomenon as a manifestation of "legal pluralism," wherein several normative frameworks influence societal dynamics (Zumbansen, 2010). Adat law, the unwritten customs of indigenous tribes, continues to serve as a significant source of social authority, particularly during the post-1998 decentralization that revitalized traditional institutions. In family law, this plurality is evident in the presence of civil statutes (Civil Code and Marriage Law), Islamic family codes, and local adat regulations often documented in *awiq-awiq* (Fadholi & Sari, 2022; Magnis-Suseno & Tri, 2006).

Indonesian national law governs marriage through the Marriage Act (UU No. 1/1974, revised by UU No. 16/2019), which stipulates a minimum age of 19 for both genders. The 2019 revision raised the age from 16 to 19, in accordance with Indonesia's commitments under the CRC. The KHI (1985, PP No. 1/1991) also establishes minimum ages (19 for men, 16 for women) based on academics' *ijtihad* for familial welfare. Islamic jurisprudence asserts that marriage necessitates the consent of both parties (KHI Art. 2) and that engagement (*khitbah*) is non-binding and subject to revocation (K. Ali, 2003; Banoo & Ahmed, 2024). Modern Islamic scholarship in Indonesia employs *maqasid* (higher purposes) to assert that any arrangement detrimental to a kid is unacceptable. Consequently, although classical *fiqh* permitted a wali *mujbir* (father) to arrange a marriage for a minor (subject to *khiyar al-bulugh* at puberty), contemporary jurists emphasize child rights, consent, and *maslahah* (public welfare) as paramount considerations (Mafiah & Hidayati, 2023; Wan Ismail et al., 2022; Rohman, 2019).

Adat marital customs may contradict these legal standards. For the Sasak, local *awiq-awiq* (customary codes) regulate familial ceremonies; however, many stipulations, particularly those related to betrothal and familial honor, conflict with child protection legislation. Adat rules should be maintained as cultural legacy, although "modified" when they conflict with formal legislation (Henley & Davidson, 2008; Li, 2001). In practice, legal reforms, both national and local, frequently conflict with community values. The West Nusa Tenggara provincial administration implemented regional regulation No.5/2021 to prohibit child marriage and safeguard children's rights; yet, cases continue due to parental resistance based on cultural justifications. This research indicates a conflict between national legislation and entrenched *adat* practices, emphasizing the necessity to comprehend how customary authorities interpret and enforce marriage standards.

Methodology

This research employs a qualitative sociological methodology. It refers to the systematic strategies, procedures, and tools used by sociologists to study social phenomena (Z. Ali, 2021; Johnny Ibrahim, 2005). The researcher performed a case analysis and document evaluation concentrating on North Lombok. Data sources comprise: (1) statutory texts (Indonesian Marriage Law, Islamic Law regulation,

regional regulations); (2) legal judgments and summaries of Religious Court dispensations; (3) secondary literature pertaining to Sasak culture and Indonesian family law; and (4) media reports and institutional publications (government, NGO) regarding local child marriage cases. Field interviews with stakeholders (legal aid workers, *adat* leaders, activists) were recreated by deriving insights from published interviews (e.g., news stories). A normative analysis was conducted to examine the treatment of *adat* agreements under civil and sharia law. The objective is to examine the interaction between *adat* customs and legal frameworks and to deduce ideas for harmonization, rather than to provide fresh field data.

Results and Discussion

Cultural Practice of Merariq

Traditional elopement rituals among the Sasak of Lombok, known as *merariq* (or *merarik kodeq*), often lead to the marriage of minors. Sometimes in a consensual dating environment, other times by surprise, a young man symbolically "takes" the girl to his home in a *merariq*, successfully pushing families to contemplate marriage. *Merariq* "often leads to early marriage" due to the girl being "taken from her home to the boy's family, creating strong social pressure to formalize the union," as pointed out by Suhardi (2025b). Traditions like *merariq* are "accepted as mechanisms to preserve family honor and reduce economic burden," according to one research, which explains why many people continue to practice them. Right after *merariq*, families often arrange the wedding date, dowry (*mahar*), and financial recompense. The *merariq*, in effect, becomes a marriage or engagement contract for minors.

Typical procedures include a covert "kidnapping" (often with the girl's unconscious agreement), a brief period of hiding, communication with her family, and finally, a *besembian* (*adat* meeting) to finalize the details (dowry, date). If both families are in agreement, a religious (*khatam nikah*) and traditional (*adat*) ceremony is performed. Social norms dictate that a marriage will continue regardless of whether the families involved expressly or tacitly want to wait until the bride and groom are older. *Merariq kodeq*, is "culturally sanctioned elopement that often results in child marriage" which goes against Indonesian legislation that stipulates that spouses must be at least 19 years old (Fitriyanti, 2023; Kusuma et al., 2025). Many juvenile marriages in North Lombok are attributed to *Merariq*, according to local data. An example involving a 14-year-old girl who was forced into marriage following a *merariq* in 2025 exemplifies how the practice coerces children into marriages.

Role of Majelis Adat

Majlis Adat (customary councils) exert considerable authority over Sasak matrimonial traditions. As guardians of *adat*, they adjudicate matters of familial honor and wedding traditions. In practice, *Majlis Adat* members may function as mediators, reconciling families following a *merariq* and formalizing the *adat* agreement. Nonetheless, their position may fluctuate. Suhardi (2025b) indicates that certain *adat* and religious authorities continue to endorse underage marriages based on traditional justifications, whilst a growing number have started to reinterpret *awiq-awiq* in accordance with modern health, educational, and religious factors. In other terms, some *Majlis Adat* officials persist in preserving tradition, while others utilize their influence to safeguard children. The Pengerakse Agung (head) of the *Majelis Adat Sasak* (MAS) openly declared that rituals such as *Merariq Kodeq* are nearly obsolete and incompatible with contemporary Sasak culture.

Consequently, *Majlis Adat* can assume dual roles: they may either perpetuate conventional pressure for child marriage or function as catalysts for change. Certain societies have redefined *perjanjian adat* or customary agreement, for minors as only symbolic betrothal rather than an actual consummated marriage. Village forums, frequently presided over by *adat* elders, have arisen to mediate between traditional customs and national legislation. *Adat* councils are essential; they interpret *adat* regulations, resolve conflicts, and determine whether families advance or postpone a child's marriage. Academic analyses advocate for utilizing this power by instructing *Majlis Adat* on legal stipulations and kid rights, promoting the facilitation of weddings through lawful sharia protocols, and dissuading any unions lacking mutual permission from both parties.

Interaction of Adat with Indonesian Marriage Law and Compilation of Islamic Law

The Indonesian legal system adopts a stringent position regarding child marriage. The amended Marriage Act (Law 16/2019) mandates that both spouses must be a minimum of 19 years of age to enter into matrimony. Marriage involving individuals below this age is unlawful unless a Religious Court provides an exemption (Aziz, 2024). The NTB provincial government has solidified its commitment to prevention: Perda No. 5/2021 clearly mandates the protection of children's rights and the reduction of underage unions. The Kompilasi Hukum Islam (KHI) similarly adheres to the national standard and considers underage relationships as revocable commitments. KHI Article 15(1) (1985) stipulates a minimum age of 19 for grooms and 16 for brides, while underscoring the necessity of free consent for validity (Muhsin & Huda, 2024). In summary, both civil and Islamic law concur on the notion that children do not possess full competence to enter into marriage.

In reality, *adat* standards always get around these rules. Many *adat* marriages with children are not registered with the government, and families may think that local customs are legally binding even if there is no formal marriage. The enforcement is further compromised by the historical ease of obtaining dispensation for underage marriage. Pinandhita (2025) observes that religious court rulings have been extensively utilized to sanction marriages that national legislation would otherwise forbid. The tension in North Lombok has been pronounced. Despite the regional regulation number 5/2021 prohibiting child marriage, parents have occasionally disregarded this regulation "to uphold dignity" necessitating intervention from NGOs and judicial adjudication of cases. An NTB official noted that legislative initiatives conflict with traditional norms, since families frequently rationalize underage marriage based on cultural reasons, notwithstanding its contravention of statute law.

The adat-law interface is problematic.

Indonesian law, endorsed by *Compilation of Islamic Law*, unequivocally nullifies marriages entered upon by minors without permission. Conversely, local *adat* organizations and beliefs impose significant pressure to adhere to traditional rituals. This legal pluralism indicates that a child marriage pact exists in an ambiguous area: under national law, any contract entered into by a juvenile is null and void (the Civil Code considers anyone under 21 as legally incapable), while the legal marriage age is set at 19. Nevertheless, *adat* councils frequently acknowledge these agreements as ethically obligatory. The outcome is a circle in which families utilize *adat* power and occasionally religious exemptions to legitimize partnerships that national law considers unacceptable.

Legal Implications of Child Marriage Agreements

Child marriage contracts established under *adat* possess considerable legal ramifications. According to Indonesian civil law, a youngster lacks the legal competence to enter into contracts (as stipulated by KUHPerdata Art. 330 prior to SEMA 7/2012); likewise, only individuals aged 19 and above are legally permitted to marry. Any marriage contract involving minors is null and void from the outset under the official legal system. If the families choose to marry under court dispensation, the union will be subjected to further scrutiny. Recent legislation categorizes forced child marriage as a manifestation of sexual assault. Indonesia's 2022 Child Protection Law and Criminal Code acknowledge that compelling a juvenile to marry is prosecutable abuse. The imposition of child marriage is now specifically categorized as sexual violence under legal statutes (Cordova-Pozo et al., 2023; Yasin et al., 2024; Efevbera & Bhabha, 2020).

This implies that those who facilitate child marriage, including potentially *adat* leaders who endorse it, may encounter legal repercussions. The legal consequences for the kid are significant: a girl married underage without appropriate permission possesses the right to terminate the marriage upon attaining majority (in Islamic terms, *khiyar al-bulugh*), and social services may intervene. Furthermore, due to the incompetence of minors, any written customary agreements they execute lack legal validity in a court of law. Nonetheless, the societal stigma and familial honor associated with violating such a commitment render its dissolution challenging. Consequently, numerous *adat* agreements are incorporated into legal marriage petitions, with elders use them to convince judges that the union is consensual and culturally endorsed.

Harmonization Model between Adat, Islamic Law, and National Law

Our findings and the literature indicate that a complete prohibition of *adat* is neither practical nor advantageous. A harmonizing paradigm is required one that honors cultural circumstances while protecting children's rights. This involves adjusting *adat* procedures to comply with legal criteria. For instance, *adat* councils could convert an underage marriage agreement into a formal engagement without proceeding to quick marriage. In this concept, the girl and boy publicly consent to marry in the future but defer the actual marriage until both reach adulthood and provide consent. Majlis Adat would serve an educational function, highlighting the significance of legal age and health considerations while maintaining the beneficial aspects of tradition, such as symbolic gift exchanges (Fadani & Adib, 2024).

Academics such as Suhardi (2025a) proposed an "integration model" based on community engagement and legitimacy. In this paradigm, village forums and adat councils would collaboratively establish norms, engaging with legal and religious authorities to formulate culturally appropriate by-laws (e.g., *desa*-level rules) that uphold national marriage mandates. Pinandhita (2025) contends for a methodology that "engages, rather than circumvents, customary and religious frameworks" in the execution of kid protection initiatives. Practically, policy recommendations from this perspective entail: amending local regulations to impose penalties on individuals facilitating child marriage; issuing formal guidelines or decrees delineating Majlis Adat's obligation to advocate for legal marriage procedures; offering training for *adat* leaders on the Marriage Law and KHI; and creating cross-sector monitoring teams (comprising government, religious courts, NGOs, and community representatives) to address pending child marriage cases.

Essentially, harmonization necessitates communication and common objectives. Majlis Adat need not forsake all traditions; in fact, some *adat* ideals, such as communal solidarity and familial support, can effectively deter detrimental practices when recontextualized. An *adat*-based compensation (a milder penalty to prevent rumor) may be proposed if a promise is violated, rather than imposing an unlawful marriage (Barlinti, 2011; Ritonga et al., 2024). By harmonizing *adat* customs with national and Islamic legal standards (age 19+, mutual consent, registration), communities can safeguard children's futures while maintaining their identity. This comprehensive method, which leverages local knowledge while adhering to legal frameworks, is essential for mitigating child marriage in Lombok and beyond

Conclusion

The conflict between long-standing cultural norms and contemporary legal structures is best shown by child marriage agreements in North Lombok. Underage partnerships have been mostly motivated by the *merariq* tradition and *adat* marriage contracts, with Majlis Adat authorities being torn between enforcing the law and maintaining custom. Our analysis reveals that although Islamic law and Indonesian marriage legislation (UU No.16/2019) explicitly declare weddings between children without the required permission to be void, the continued practice of *adat* beliefs undermines these laws. As representatives of the community, Majlis Adat have the power to either encourage child marriages or act as change agents. There are encouraging indications of a reinterpretation: new village forums have started negotiating between *adat* and law, and some *adat* leaders now admit that customs like *merariq* are out of date. Policy going forward must strike a balance between cultural sensitivity and child safety. "To protect children is not to reject *adat*, but to guide *adat* so that it aligns with justice, law, and community well-being." Accordingly, we suggest community strategies and legal reforms based on the aforementioned experiences. It is crucial to update regional laws to sanction unlawful unions, formalize the function of *adat* councils through official directives, and offer ongoing instruction on legal standards. Importantly, solutions should be community-led: involving parents, *adat* elders, religious leaders, and youth in dialogue to co-create protective social norms. As suggested in the literature, North Lombok can progressively lower its child marriage rate while maintaining the honor and cohesion of Sasak culture by balancing *adat* wisdom with governmental and Islamic rules.

References

- Ali, K. (2003). Progressive Muslims and Islamic jurisprudence: the necessity for critical engagement with marriage and divorce law. *Progressive Muslims: On Justice, Gender and Pluralism*, 163–189.
- Ali, Z. (2021). *Metode Penelitian Hukum*. Sinar Grafika.

- Aziz, A. (2024). Characteristics of The Compilation of Islamic Law In Indonesia: A Study of Marriage Law From The Perspective of Political Law. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(4), 1882–1903.
- Banoo, S., & Ahmed, T. (2024). Rules of marriage in Islam: A comprehensive analysis. *Journal of Emerging Technologies and Innovation Research (JETIR)*.
- Barlinti, Y. S. (2011). Harmonization of Islamic Law In National Legal System: A Comparative Study Between Indonesian Law And Malaysian Law. *Indon. L. Rev.*, 1, 35.
- Cordova-Pozo, K. L., Anishettar, S. S., Kumar, M., & Chokhandre, P. K. (2023). Trends in child marriage, sexual violence, early sexual intercourse and the challenges for policy interventions to meet the sustainable development goals. *International Journal for Equity in Health*, 22(1), 250.
- Efevbera, Y., & Bhabha, J. (2020). Defining and deconstructing girl child marriage and applications to global public health. *BMC Public Health*, 20(1), 1547.
- Fadani, F., & Adib, M. A. A. (2024). The Harmonization of Customary, State, and Islam in the Practice of Dayak-Muslim Senganan Customary Inheritance in Sintang, Indonesia. *Al-Mazaahib: Jurnal Perbandingan Hukum*, 12(2), 137–164.
- Fadholi, H. B., & Sari, S. D. (2022). Hukum Negara dan Hukum Adat: Dua Kutub yang Saling Memperkuat. *Jurnal Mengkaji Indonesia*, 1(1), 18–31.
- Fitriyanti, T. F. (2023a). Analysis of Merariq Kodeq Tradition Practiced by Sasak Indigenous People in Lombok Based on Max Weber and Georg Simmel's Theory. *Eduvest-Journal of Universal Studies*, 3(6), 1177–1185.
- Fitriyanti, T. F. (2023b). Analysis of Merariq Kodeq Tradition Practiced by Sasak Indigenous People in Lombok Based on Max Weber and Georg Simmel's Theory. *Eduvest-Journal of Universal Studies*, 3(6), 1177–1185.
- Henley, D., & Davidson, J. S. (2008). In the Name of Adat: Regional Perspectives on Reform, Tradition, and Democracy in Indonesia. *Modern Asian Studies*, 42(4), 815–852.
- Januarti, A., Syafruddin, S., & Masyhuri, M. (2020). Pola Asuh Orang Tua Dan Pernikahan Usia Dini Di Desa Jurit Kabupaten Lombok Timur. *Jurnal Pendidikan Sosial Keberagaman*, 7(1).
- Johnny Ibrahim. (2005). *Teori dan Metode Penelitian Hukum Normatif*. Bayumedia Publishing.
- Khaerani, S. N. (2019). Faktor ekonomi dalam pernikahan dini pada masyarakat Sasak Lombok. *QAWWAM: Journal for Gender Mainstreaming*, 13(1), 1–13.
- Kusuma, A. S. H. M., Putri, H., Putri, L. P. S. S., Murthi, I. W. A. A., Hadawiyah, L., & Arofah, Z. (2025). The Ethnobiology of Merarik Kodeq in Lombok. *Jurnal Ilmiah Profesi Pendidikan*, 10(2), 1881–1888.
- Li, T. M. (2001). Masyarakat adat, difference, and the limits of recognition in Indonesia's forest zone. *Modern Asian Studies*, 35(3), 645–676.
- Lukito, R. (2012). *Legal pluralism in Indonesia: Bridging the unbridgeable*. Routledge.
- Lukito, R. (2019). Shariah and the Politics of Pluralism in Indonesia: Understanding State's Rational Approach to Adat and Islamic Law. *Petita*, 4, 1.
- Mafiah, Y., & Hidayati, T. W. (2023). The Significance of Al-Ghazali's Maslahah Concept to the Development of Usul Fiqh and Islamic Law. *AN NUR: Jurnal Studi Islam*, 15(1), 34–48.
- Magnis-Suseno, F., & Tri, I. (2006). *Hubungan struktural masyarakat hukum adat, suku bangsa, bangsa dan negara: ditinjau dari perspektif hak asasi manusia*. Komisi Nasional Hak Asasi Manusia.
- Muhsin, I., & Huda, M. C. (2024). The interplay of Fiqh, Adat, and state marriage law: shaping legal consciousness of Sasak women. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 27–52.
- Ritonga, R., Wahyuni, S., Karim, S., & Yunaldi, W. (2024). Islamic Law Strategy in the Context of National Law: Harmonization and Adaptatio. *Islamic Circle*, 5(2), 69–81.
- Rohman, A. N. (2019). The existence of maslahah mursalah as the basis of islamic law development in Indonesia. *Krtha Bhayangkara*, 13(2), 251–260.
- Suhardi, M. (2025a). Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok. *Society*, 13(1), 538–552.
- Suhardi, M. (2025b). Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok. *Society*, 13(1), 538–552.
- Sumerah, S. (2025). Penyimpangan Hukum Dalam Praktek Merariq Kodeq (Kawin Lari dibawah Umur) Pada Masyarakat Sasak Di Lombok Nusa Tenggara Barat (Legal Deviations in the Practice of Merariq Kodeq (Underage Elopement) in Sasak Society in Lombok, West Nusa Tenggara). *Indonesia Berdaya*, 6(2), 485–502.

- Van Bemmelen, S., & Grijns, M. (2019). Child marriage contested, from colonial to present java: Adat, religion and the state. Anything new under the sun. *Marrying Young in Indonesia: Voices, Laws and Practices*, 287–329.
- Wan Ismail, W. A. F., Mamat, Z., Abdul Mutalib, L., Baharuddin, A. S., & Alias, M. A. A. (2022). Perwalian dan isu berkaitan dengannya menurut syarak dan perundangan Islam di Malaysia. In *Proceedings of SWAN*, (pp. 1-13).
- Yasin, R., Abdul Rahman, N. H., Ab. Ghani, S., & Belal, M. (2024). Guardian's responsibility for the welfare of children in marriage: A study according to Islamic law. *Malaysian Journal of Syariah and Law*, 12(3), 778-789. <https://doi.org/10.33102/mjssl.vol12no3.765>
- Zumbansen, P. (2010). Transnational legal pluralism. *Transnational Legal Theory*, 1(2), 141–189.