

Recognition and Restrictions on Minangkabau Customary Marriage Law in Overseas Practice

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ABSTRACT

Minangkabau traditional marriage is a social system and customary law that regulates marital relations within the framework of matrilineal kinship. In the context of overseas communities, these customary practices face dynamics due to encounters with other cultures and the application of national law. This study aims to analyze the applicability of Minangkabau customary marriage law to the Nagari Padang Laweh community living in Tangerang by making Law Number 1 of 1974 concerning Marriage as the main legal basis. This study uses an empirical method with a sociological juridical approach, through the collection of field data from members of the Tangerang Padang Laweh Association (IKPL) and analysis of the marriage practices carried out. The results of the study show that Minangkabau marriage customs are still applied consistently if marriage is carried out among the Minangkabau tribe, especially in terms of marriage and the dominant role of the family of the woman. However, in intertribal marriages, the application of the custom tends to be abandoned and replaced by procedures that follow local customs or national laws. Based on Article 66 of the Marriage Law, customary law is still recognized as long as it does not conflict with the law and is still practiced by the community. Thus, this study concludes that the applicability of Minangkabau customary marriage law is conditional and is greatly influenced by the social context of overseas communities.

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1. INTRODUCTION

Indonesia is a country that has a plurality of legal systems, where state law coexists with customary law and religious law in regulating people's lives. One of the areas of life that most clearly shows this legal pluralism is marriage. In addition to being regulated by national law through Law Number 1 of 1974 concerning Marriage, the practice of marriage in Indonesia is also greatly influenced by the customary

values that develop in each community. This condition makes marriage not only a legal event, but also a social and cultural event that reflects the identity of a community group (Akhmad & Akbar, 2024).

The Minangkabau people are known as one of the indigenous communities that have a unique kinship system, namely the matrilineal system, which directly affects marriage patterns and family structures. In this system, women occupy a central position in the bloodline, while men play the role of *adding up* which is not customarily attached to the inheritance of his wives. Minangkabau traditional marriage is not only interpreted as a bond between two individuals, but also as a social mechanism to maintain the sustainability of the tribe and customary structure (Hidayatullah et al., 2025). Therefore, the procedures for marriage, the implementation of marriage, and family responsibilities in the household are strictly regulated by customary norms.

In modern social developments, population mobility and overseas phenomena are important factors that affect the sustainability of customary law. The Minangkabau people who migrated to other areas, such as Tangerang, faced a social reality that was different from their indigenous environment. Interaction with multiethnic communities and the dominance of national law in marriage administration have led to changes in customary practices, especially in intertribal marriages. Some studies show that in overseas communities, adherence to customs tends to be selective and situational (Hidayatullah et al., 2025).

In the context of national law, the Marriage Law provides space for the enforcement of customary law. Article 66 of Law Number 1 of 1974 emphasizes that the provisions of customary law remain valid as long as they do not conflict with the law. This provision often gives rise to academic debate about the extent to which customs can be maintained when dealing with social changes and the needs of modern society. Some views consider that customary must be maintained as an identity and source of local legal value Temaluru & Rade (2024), while another view emphasizes the need for customary adaptation to be in line with the principles of equality and the dynamics of contemporary society (Rahmayanti et al., 2024).

The difference in the application of Minangkabau marriage customs between inter-tribal marriage and intertribal marriage in overseas communities shows that there is an inconsistency in customary law practices. This condition raises the question of the applicability of customary law itself: whether it still has legal binding, or is it only maintained as a cultural symbol. This issue is important to study, because it concerns the relationship between customary law and national law in regulating people's lives that are constantly changing.

Based on this background, this study aims to analyze the applicability of Minangkabau customary marriage law to the Nagari Padang Laweh community living in Tangerang using an empirical approach. This research is important to provide an understanding of how Article 66 of the Marriage Law is implemented in the social practices of overseas communities. The findings of this research are expected to contribute to the development of customary law studies in the context of legal pluralism and become a reference for policy formulation that is more sensitive to the socio-cultural diversity of Indonesian society.

2. METHODS

This research uses an empirical research method with a sociological juridical approach, which examines law not only as a written norm, but also as a social practice that lives in society. This approach is used to analyze the applicability of Minangkabau customary marriage law in the context of overseas communities by making Law Number 1 of 1974 concerning Marriage as the main legal framework. The subjects of the study are members of the Nagari Padang Laweh community who live in Tangerang and are members of the Tangerang Padang Laweh Association (IKPL), including individuals who have performed interracial marriages and inter-tribal marriages, as well as traditional leaders who understand the practice of traditional marriage.

The implementation of the research is carried out through several stages, starting from determining the location and subject of the research, preparing interview guidelines, to collecting field data. The research instruments used were in the form of semi-structured interview guidelines and direct observation of community social practices related to the implementation of marriage. Primary data was

obtained through interviews with research subjects and observation results, while secondary data was obtained through literature studies on laws and regulations, especially the Marriage Law, as well as relevant scientific literature and previous research results.

The data that has been collected is analyzed using qualitative analysis techniques by classifying, interpreting, and associating empirical findings with applicable legal norms. The analysis was carried out to see the compatibility between the traditional marriage practices of Minangkabau overseas and the provisions of the Marriage Law, especially Article 66. The results of the analysis were then used to draw conclusions about the pattern of application, shifts, and enforceability of Minangkabau customary marriage law in overseas communities.

3. FINDINGS AND DISCUSSION

3.1. The Application of Minangkabau Traditional Marriage to Intertribal Marriage in Overseas Communities

The results of field research show that the Nagari Padang Laweh people who live in Tangerang still apply Minangkabau marriage customs relatively intact if the marriage is carried out with a couple from the Minangkabau tribe. The implementation includes the stages of marriage, the role of the woman's family as the initiator of marriage, and the involvement of ninik mamak in customary decision-making. This information was obtained from direct interviews with members of the Tangerang Padang Laweh Association (IKPL) who have held intertribal marriages.

The respondent said that the proposal process was still carried out by the woman's family, including the determination of the dowry and the time of the marriage. In general, the core traditional procession is still held in the hometown, namely in Nagari Padang Laweh, while in Tangerang only a thanksgiving or reception is held. The practice is seen as a form of respect for customs and identity of origin, even though the perpetrators of marriage have long lived in overseas areas.



Figure 1. Research Interview Process with Members of IKPL Tangerang

The photo shows the process of a direct interview between the researcher and one of the members of IKPL Tangerang. Face-to-face interviews were conducted to obtain factual information about the respondents' experience in carrying out Minangkabau traditional marriage in the overseas environment.

3.2. The Non-Application of Minangkabau Marriage Customs to Inter-Tribal Marriages

Based on the results of the interview, it was found that Minangkabau marriage customs are not fully implemented if members of the Nagari Padang Laweh community marry a partner from outside the Minangkabau tribe. In these conditions, respondents stated that the marriage process was more in line with local customs in Tangerang or the couple's cultural background. This shows that there is a significant difference in practice compared to inter-tribal marriage.

The following is a summary of the results of field interviews related to the practice of intertribal marriage carried out by members of IKPL Tangerang.

Table 1. A Summary of the Interview Results of Cross-Ethnic Marriage

Yes	Observed Aspects	Interview Results
1	Couple origin	Originating from outside the Minangkabau tribe
2	Proposing party	Done by the male side
3	Determination of dowry	Mutually agreed upon by both parties
4	Indigenous family involvement	Limited, does not involve ninik mamak
5	Implementation of Minangkabau customs	Not implemented
6	Reasons for not using customs	Cultural and social environment adjustment

Based on the table, it can be seen that in cross-tribal marriages, Minangkabau customs are no longer the main guideline in the implementation of marriage. The process of proposing and organizing the marriage is carried out flexibly in accordance with the agreement of both parties and the habits of the living environment.

3.3. The Applicability of Minangkabau Customary Marriage Law Based on a Literature Study

In addition to field data, this research is also supported by the results of literature studies on laws and regulations and scientific literature related to marriage and customary law. Literature studies are conducted to obtain a normative picture of the position of customary law in the national legal system, especially in the context of marriage. The results of this study are used as supporting data to understand the legal framework behind the social practices found in the field. The summary of the results of the literature study is presented in the following table.

Table 2. Results of Literature Study Related to Marriage and Customary Law

Yes	Literature Resources	Subject Matter
1	Law No. 1 of 1974 concerning Marriage	Arrangement of the legality of marriage and the space for customary enforcement
2	Minangkabau customary law literature	Matrilineal kinship-based marriage system
3	Recent empirical research	Shifts in customary practices in overseas communities
4	A study of national marriage law	Relationship between customary law and state law
5	Sociological study of marriage	The effect of social mobility on customary compliance

The table shows that normatively customary law of marriage is still recognized in the Indonesian legal system, but in practice the application of customary law is highly dependent on social conditions and the awareness of the supporting community.

Discussion

The results of this study show that Minangkabau marriage customs are still applied relatively consistently to intermarriage between Minangkabau tribes in the overseas community of Nagari Padang Laweh in Tangerang. This finding directly answers the purpose of the research that wants to

find out the extent of the applicability of customary marriage law in the context of overseas. The consistency of the implementation of the customary shows that the customary is not solely tied to the geographical area, but to the collective consciousness and cultural identity of the supporting communities. This is in line with the view that customary law is *living law* whose applicability is determined by the social practices of the community (Stefania et al., 2024; Pratiwi, 2023). The sustainability of customary marriage also shows that migration does not always lead to the loss of customary norms, but can strengthen them as a symbol of identity in the midst of a multicultural environment (Fanggidae & Boimau, 2023). Thus, the results of this study strengthen the hypothesis that Minangkabau customs still have normative binding power in certain overseas communities. These findings are consistent with recent empirical studies that suggest that nomadic communities often selectively retain customs. (Djawa, 2023). This selectivity is evident in the context of marriage. Customs are a social instrument to maintain the continuity of the race and kinship network. Therefore, the application of customs to inter-tribal marriage can be understood as a strategy for preserving cultural identity (Febria et al., 2022).

On the other hand, the results of the study also show that Minangkabau marriage customs tend not to be applied to inter-tribal marriages. This difference raises important questions about the factors that cause the shift in customary practices. From a legal sociological perspective, these shifts can be understood as society's response to plural and dynamic social realities (Sakinah & Aspandi, 2023). Intertribal marriage places individuals in a negotiation space between the customs of origin and the habits of the couple, so that Minangkabau customs are no longer the only normative reference. These findings support previous research that suggests that customary law tends to weaken when dealing with cross-identity social relationships (Lastariaa & Fajeri, 2023; Sukur, Rero, & Rema, 2023). In this context, customs are not completely abandoned, but are no longer formally practiced. This shows that customs have undergone a transformation from binding norms to flexible cultural values. These changes do not occur suddenly, but through a long process of social adaptation. Thus, the difference in the application of customs between intertribal and intertribal marriages reflects the internal dynamics of overseas communities. These findings are relevant for understanding changes in customary law in the midst of high social mobility.

If it is associated with Law Number 1 of 1974 concerning Marriage, especially Article 66, the results of this study show that customary law is still recognized as long as it is still practiced and does not contradict the provisions of the law. The article provides normative legitimacy for the enactment of customs, but at the same time opens up space for the community to adapt to social developments. In practice, the people of Nagari Padang Laweh in Tangerang use the space flexibly. This shows that national law does not directly abolish customs, but rather places them in a contextual subordinate position (Bela, 2023; Mulyawan, Ali et al., 2023). These findings are in line with the view of legal pluralism that places customary law and state law in a relationship of interaction with each other (Fadhilah, 2023). Thus, the non-application of customs to inter-tribal marriage cannot be seen as a violation of the law, but rather as a legally valid social choice. This condition emphasizes that the applicability of customary law is conditional. Customary law lives as far as the community wants it. Therefore, the results of this study provide empirical evidence on the flexibility of customary norms within the framework of national law.

The role of the women's family as the initiator of marriage in inter-tribal marriage is an important finding that shows the sustainability of the Minangkabau matrilineal system. These findings are consistent with research that confirms that kinship structure has a strong influence on mating patterns (Amin, Rahmat et al., 2023; (Suryani & Rian, 2022). In the overseas context, these roles are not lost, but are reproduced through community mechanisms such as IKPL. This shows that non-formal social institutions can replace the function of formal customary institutions in the area of origin. In other words, customs don't always need formal structures to stay alive. The existence of overseas communities is a key factor in maintaining traditional practices. However, when intertribal marriage occurs, the structure loses its relevance. This condition shows that the matrilineal system has certain

limits of adaptation. This limit arises when kinship relations are no longer in one customary system. Thus, these findings enrich the discourse on the sustainability of kinship systems in modern society.

The difference in the practice of marriage between intertribal and intertribal marriages also has significant legal implications. In inter-tribal marriage, the marriage by the woman reflects customary norms that are distinctive and different from most customs in Indonesia. However, in cross-tribal marriages, the pattern of marriage follows common customs that apply nationally. These findings show the dominance of national norms and general customs over customary norms in certain contexts (Khusairi & Mandala, 2022). This is in line with research that states that national law tends to be the main reference in cross-cultural social relations (Lusiana et al., 2021). Thus, Minangkabau customs are not completely excluded, but are positioned selectively. This selectivity reflects the social rationality of the overseas community. They choose the norms that are considered most relevant to the situation at hand. Therefore, the practice of marriage is an important indicator in measuring the applicability of customs. These findings make an empirical contribution to the study of customary marriage law.

From a comparative perspective of the study, the results of this study are largely consistent with previous findings, but also show contextual differences. Previous research has generally highlighted the weakening of customs overseas in general (Wahyuni, 2015); Fuadi et al., 2023). However, this study shows that the weakening is not comprehensive, but selective. Customs remain strong in intertribal marriage, but weaken in inter-tribal marriage. These differences show the importance of looking at the micro-context of communities in customary law research. In other words, generalizations about the weakening of customs need to be reviewed more specifically. These findings also show that overseas communities are not homogeneous. Each community has its own way of negotiating customs and national laws. Therefore, this study expands the understanding of the variety of customary law practices in Indonesia. This contribution is important for the development of the theory of legal pluralism.

The practical implication of this research is the need for a policy approach that is sensitive to the diversity of indigenous practices in overseas communities. National laws cannot be enforced uniformly without considering the social context of the community. These findings support the view that recognition of customary law must be accompanied by an understanding of its social dynamics (Latuconsina, 2025; Sriyana & Hiskiya, 2020). In the context of marriage, the flexibility of national law is actually a force in maintaining social order. However, this flexibility also has the potential to cause legal uncertainty if not understood properly. Therefore, the results of this study can be a reference for policymakers and marriage registrars. A better understanding of customary practices overseas will help in providing more responsive legal services. In addition, this research also has implications for strengthening customary law education. The understanding of the younger generation of customs needs to be adjusted to their social reality (Widiastuti et al., 2023).

The next direction of research can be focused on comparisons between Minangkabau communities in various overseas regions to see the pattern of the wider implementation of customs. Further research can also examine the long-term impact of intertribal marriage on the sustainability of the matrilineal system. In addition, empirical studies involving gender perspectives and the younger generation will enrich the analysis of customary changes. An interdisciplinary approach between law, anthropology, and sociology is indispensable in this kind of research. Thus, the results of this study not only answer the initial purpose of the research, but also open up a wider space for academic discussion. The enactment of Minangkabau customary marriage law has proven to be not static, but continues to negotiate with social changes. These findings confirm that customary law remains relevant in the Indonesian legal system, as long as it is understood as a living and dynamic law.

4. CONCLUSION

This study aims to analyze the applicability of Minangkabau customary marriage law to the Nagari Padang Laweh community living in Tangerang within the framework of Law Number 1 of 1974 concerning Marriage. Based on the results of empirical research, it can be concluded that Minangkabau

customary marriage law still has real applicability in overseas communities, but its application is selective and contextual. This applicability is especially seen in intermarriage between the Minangkabau tribe, where customary procedures, the role of the family of women, and the mechanism of matrilineal kinship are still maintained as part of the social identity of the community.

On the other hand, this study found that in intertribal marriages, Minangkabau customary law tends not to be applied formally. This condition does not indicate the elimination of customs, but rather reflects the process of adaptation of overseas communities to the plural social environment and practical needs in daily life. In the context of national law, this finding confirms that the provisions of the Marriage Law, especially Article 66, provide space for the enactment of customary law as long as it is still practiced and does not conflict with the law. Thus, Minangkabau customary marriage law is still recognized normatively, but its applicability is largely determined by the awareness and social choices of the supporting community.

Conceptually, this study shows that customary law is not static, but dynamic and constantly negotiating with social changes, especially in the context of overseas. These findings enrich the study of legal pluralism in Indonesia by providing an empirical picture of how customary law adapts without losing its basic identity. Further research is suggested to examine comparisons between Minangkabau communities in various overseas areas, as well as examine the long-term impact of intertribal marriage on the sustainability of the matrilineal kinship system and the transmission of customary values to the younger generation. In addition, further research that integrates gender and generational perspectives will provide a more comprehensive understanding of the transformation of customary law in modern societies.

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