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**Harmonization of Values *Sumbang Marriage* with Islamic Marriage Law:
An Integrative Study of Conflict and Socio-Legal Reconstruction in Kerinci**

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Abstract

This study examines the socio-legal relationship between customary law and Islamic law in the indigenous community of Kerinci, Jambi, particularly in the practice of *Perkawinan Sumbang* (discordant marriage). Although certain forms of kinship-based marriages are not explicitly prohibited under Islamic law, the Kerinci customary system imposes social sanctions, such as *budendo* (customary fines), to preserve communal values and social order. This research aims to analyze the mechanisms through which the Kerinci indigenous community negotiates and harmonizes customary norms with Islamic legal principles in marriage practices. Employing a qualitative socio-legal approach, this study uses field research methods, including participant observation, in-depth interviews, and document analysis. Research participants included customary leaders, religious authorities, couples involved in *Perkawinan Sumbang*, and officials from the local Office of Religious Affairs (*KUA*). The findings reveal that the relationship between customary law and Islamic law in Kerinci is characterized not by rigid opposition, but by dynamic negotiation and adaptation. The community selectively reconstructs customary rituals to accommodate Islamic principles while maintaining indigenous cultural identity. Conflicts between customary and religious norms are generally resolved through deliberative mechanisms involving customary institutions and religious authorities. This study contributes to contemporary debates on legal pluralism by demonstrating how local communities construct adaptive models of legal harmonization within everyday social practices. Furthermore, the research highlights the role of indigenous legal traditions in shaping the contemporary discourse on marriage law and socio-religious authority in Indonesia

Keywords: *Sumbang Marriage*, Islamic Law, Customary Marriage, Legal Harmonization.

Abstrak

Penelitian ini mengkaji hubungan sosio-legal antara hukum adat dan hukum Islam dalam masyarakat adat Kerinci, Jambi, khususnya dalam praktik Perkawinan Sumbang. Meskipun beberapa bentuk perkawinan berbasis hubungan kekerabatan tidak secara eksplisit dilarang dalam hukum Islam, sistem adat Kerinci tetap memberlakukan sanksi sosial berupa budendo (denda adat) guna menjaga nilai-nilai komunal dan keteraturan sosial. Penelitian ini bertujuan untuk menganalisis mekanisme yang dikembangkan masyarakat adat Kerinci dalam menegosiasikan dan mengharmonisasikan norma-norma adat dengan prinsip-prinsip hukum Islam dalam praktik perkawinan. Penelitian ini menggunakan pendekatan sosio-legal kualitatif dengan metode penelitian lapangan, meliputi observasi partisipatif, wawancara mendalam, dan analisis dokumen. Partisipan penelitian terdiri atas pemangku adat, tokoh agama, pasangan yang terlibat dalam praktik Perkawinan Sumbang, serta pejabat Kantor Urusan Agama (KUA) setempat. Temuan penelitian menunjukkan bahwa hubungan antara hukum adat dan hukum Islam di Kerinci tidak ditandai oleh oposisi yang kaku, melainkan oleh proses negosiasi dan adaptasi yang dinamis. Masyarakat secara selektif merekonstruksi ritual adat agar dapat mengakomodasi prinsip-prinsip hukum Islam tanpa menghilangkan identitas budaya lokal. Konflik antara norma adat dan norma agama pada umumnya diselesaikan melalui mekanisme musyawarah yang melibatkan lembaga adat dan otoritas keagamaan. Penelitian ini berkontribusi terhadap perdebatan kontemporer mengenai pluralisme hukum dengan menunjukkan bagaimana komunitas lokal membangun model harmonisasi hukum yang adaptif dalam praktik sosial sehari-hari. Selain itu, penelitian ini juga menegaskan peran tradisi hukum adat dalam membentuk diskursus kontemporer mengenai hukum perkawinan dan otoritas sosio-religius di Indonesia.

Kata Kunci: Perkawinan Sumbang, Hukum Islam, Perkawinan Adat, Harmonisasi Hukum.

Introduction

Kerinci is one of the tribes in Jambi Province, a culturally diverse group encompassing Kerinci Regency and Sungai Penuh City, with Mount Kerinci as its highest point. Topographically, Kerinci is surrounded by the Barisan Mountains and valleys known as Kerinci Seblat National Park (TNKS). Kerinci's geographical location, relatively remote from neighboring regencies and provinces, and the need to traverse rugged terrain to reach it, indirectly contribute to its unique character and culture. Historically, during the 17th to 19th centuries, the Kerinci people's

relationship with the surrounding Islamic kingdoms played a role similar to a separate autonomous region, avoiding direct ties to those kingdoms.¹

Therefore, in the system of customary kinship values, Kerinci has a unique customary leadership structure, as is known as the three levels of customary leaders, or in the terms of the Kerinci community, namely "*sko tigo takah*".¹ First, *Sko Depati* whose legal position and power are demonstrated with a hundred rice and a buffalo. Second, *Sko Ninik Mamak (Rio)*, whose legal position and power are exemplified by twenty rice and one goat. Third, *Sko Tenggana*i (Male Child), although this title is not a traditional title, it occupies a certain position in tradition, namely *Tenggana*i (anak jantan) is a male who is considered the elder in a family, so that his legal position and power are likened to rice. *Plate* (one plate) and one chicken.

Apart from the traditional leadership structure, Kerinci has a community unity structure ranging from large to small, this is marked by the existence of the term *kemendapoan*, *hamlet*, *gray*, *stomach* And *famous* However, class differences within the social structure and leadership of the Kerinci community are not so striking, although all forms of problems that arise such as inheritance, land, crime and so on will be adjusted to the applicable customary law for resolution.

The Kerinci community's kinship system begins with family groups that trace their descent through the female or maternal line. This kinship system, drawn from the bottom up, begins with...*tumbi*, *abdomen*, *pelvis*, and *village head* (*luhah*). *Tumbis*, the smallest family unit, is formed from several *Perut*. I am raising consists of *Perut*, and the last *village head* is the largest group in the traditional kinship system of the Kerinci people.²

The impact of a strong customary kinship system or in general a system of traditions (customs) that is still strong, then every social and religious activity cannot be separated from the influence of customs such as circumcisions, marriages, deaths, going down to the rice fields, this is also influenced by the high and sustainable nature of mutual cooperation of the Kerinci people in every hamlet both in terms of harvesting, building houses, as well as in traditional rituals such as the appointment of people who represent several *village head* each to become a community figure in the Kerinci traditional leadership structure (*Kenduri Sko*).³

¹ Hafiful Hadi S and Anggraeni, Dataran Tinggi Jambi, "Lanskap Budaya Masyarakat Kerinci Di Pusat Wilayah Adat Tanah Sekudung, Dataran Tinggi Jambi 2 (2018), p. 134–39.

² Susan Rodgers, "Kinship, Property, and Inheritance in Kerinci, Central Sumatra. By C. W. Watson. Canterbury: Center for Social Anthropology and Computing, University of Kent at Canterbury, 1992. Distributed by Cellar Book Shop. Viii, 252 Pp. \$25.00 (Paper).," *The Journal of Asian Studies* 54, no. 2 (1995); M Tasman, *Hukum Perkawinan Adat Kerinci Dalam Perspektif Islam* (Jakarta: Hukum Perkawinan Adat Kerinci dalam Perspektif Islam, 2014).

³ Azhar, "Islamic Law Reform in Indonesia from the Perspective of Maqāṣid Al-Sharī'ah: Kerinci's Intellectual Views," *Samarah* 8, no. 2 (2024); Ayman Shabana, *Customs in Islamic Law*

In addition to their traditional role, the Kerinci people are also known for their high level of religiosity, with Islam being the majority religion. This is evidenced by the crucial component of Kerinci society, which is Islamic religious education.¹ Kerinci is a region where Islam spread rapidly, with numerous Islamic boarding schools (*pesantren*) being established and serving as centers for its spread. Kerinci has even produced renowned Muslim scholars such as Sheikh Burhanuddin Zainuddin, a key figure in the spread of Islam in Sumatra.⁴

Islam entered Kerinci around the 16th to 17th centuries through scholars and traders from Minangkabau and Aceh, with key figures such as Sheikh Burhanuddin Zainuddin. Its spread occurred peacefully through a cultural approach, where Islamic teachings adapted to local customary values. For example, customary institutions such as *Sko Tigo Takah* (*Depati*, *Ninik Mamak*, *Tengganai*) were maintained, but their functions were aligned with sharia principles, such as in resolving inheritance or marriage disputes.⁵ Islamic boarding schools (*pesantren*) and *surau* (small mosques) became centers of Islamization as well as spaces for dialogue between custom and religion, giving rise to traditions. "*Custom is linked to Sharia, Sharia is linked to the Book of Allah*".⁶

The interplay between religion and custom in the Kerinci Jambi customary region is fascinating, as these two systems—customary law and Islamic law—often interact, both harmoniously and in conflict. For example, in Kerinci customary marriage practices, rituals and norms may differ from, or even contradict, Islamic legal principles. Furthermore, as a predominantly Muslim society, Islamic marriage law also plays a central role in regulating marital life in the Kerinci Jambi customary region.

For example, in a more specific context, this customary kinship system not only regulates social relations but also important practices such as marriage. For example, the Kerinci people are familiar with the term *Sumbang Marriage*¹ or *Kawin Sumbong*.⁷ *Sumbang Marriage* or *Sumbong Marriage* is a marriage that occurs between the descendants of a brother and the descendants of a sister with the consequence of being subject to customary sanctions in the form of a fine for the couple who carry it out, which is called *budendo*.

and Legal Theory: The Developmet of the Concepts of 'Urf and Adah in Islamic Legal Tradition, Palgrave Series in Islamic Theology, Law and History, 2010.

⁴Nuraida Fitri Habi et al., "Prioritizing Restorative Justice in the Settlement of the Sumbang Besak Adultery Case in Babeko Village, Jambi," *El-Mashlahah* 14, no. 2 (2024); Rahmi Hidayati et al., "Flexibility of Women's Inheritance Distribution in Jambi Malay Society: Compromising Islamic and Customary Law," *El-Usrah* 7, no. 1 (2024).

⁵Jufrizal Jufrizal, "The Role of Niniak Mamak in the Prevention of Early Marriage through the Harmonization of Adat Basandi Syara'," *Jurnal AL-AHKAM* 15, no. 2 (2025).

⁶Zelfeni Wimra, "Reintegrasi Konsep Maqashid Syari'ah Dalam Adat Basandi Syara', Syara' Basandi Kitabullah," *JURIS (Jurnal Ilmiah Syariah)* 15, no. 2 (2017).

⁷Mega Puspita, "*Kawin Sumbong: Pluralisme Hukum Dalam Perkawinan Adat Kerinci Jambi*" (Universitas Islam Negeri Sunan Kalijaga Yogyakarta, n.d.).

This is certainly a matter of concern, because, from an Islamic perspective, this type of marriage is not prohibited. Under Islamic marriage law, all women are essentially permissible to marry, except those prohibited by Islamic law. *First*, because of the relationship of lineage (Quran Surah An-Nisa: 23), such as Mother, grandmother, and so on upwards. Daughter, grand daughter, and so on downwards. Sister (biological, paternal, or maternal). Paternal aunt (father's sister) or mother (mother's sister). Niece (child of a brother or sister).

Second, because of the relationship between the two (*Radha'ah*), namely a mother who breastfeeds (Surah An-Nisa: 23, Hadith narrated by Bukhari & Muslim). Sister through breastfeeding, aunt from the mother's or father's side through breastfeeding. *Third*, because of the marriage relationship (*Mushahara*), such as a father's wife (stepmother) (Qur'an Surah An-Nisa: 22). Son's wife (daughter-in-law) (Qur'an Surah An-Nisa: 23). Mother-in-law, Stepdaughter (if she has had intimate relations with her mother).

Sumbang Marriage or *Unintelligible Marriage* categorized as an endogamous marriage because the marriage that occurs is still within the scope of the same community in terms of family lineage, *incestuous marriage* or *unmarried marriage*. What often happens is a marriage between an uncle and a nephew, where the uncle here is a distant uncle and not the mother's biological brother but still has a kinship relationship.¹

Therefore, there is a difference in classification regarding who is prohibited from marrying between Islamic marriage law and Kerinci Jambi customs. This can be concluded from the understanding of *incestuous marriage* or an *unmarried marriage*. The closest marriage permitted by religion but prohibited by custom is.¹ This marriage is known as "*wrong donations can be redeemed*," which indicates that custom forbids it. However, this marriage is not "*let's go to the basket*", which means that this marriage is only prohibited by custom and is not prohibited by the state or religion.

The formal legal position, in this case, the state or government and its Religious Courts, in Kerinci, act as mediators when tensions arise between customary and Islamic law. For example, in the case of Nikah Sumbang (a marriage without consent), the Religious Court tends to recognize the validity of a marriage under Sharia law as long as it fulfills the pillars of marriage, even though customary law imposes sanctions *budendo*.⁸ However, formal decisions are often compromised by customary deliberations to maintain social cohesion. The state is

⁸ Ashlih Muhammad Dafizki, Edi Rosman, and Busyro Busyro, "Tradisi Budendo Pelaku Nikah Sumbang Perspektif Sosiologi Hukum Islam," *USRATY: Journal of Islamic Family Law* 1, no. 2 (2023).

present through legislation (Marriage Law No. 1 of 1974 and the Compilation of Islamic Law), but its implementation is flexible to local needs.⁹

Kerinci society is a unique example of Islamic-customary integration that is still dynamic, but prone to conflict, such as the prohibition of *Sumbang marriage*. This study examines the extent to which the Kerinci community has developed mechanisms to harmonize customary, Islamic, and state legal systems. In other words, it will examine multilevel legal interactions simultaneously. This study provides a conflict resolution map for policymakers (government, Islamic scholars, and customary law stakeholders). Therefore, the aim of this study is to explore how harmonization between customary kinship values and Islamic marriage law occurs in Kerinci, as well as its impact on the community's social and religious life.

This research uses a qualitative approach (*qualitative approach*) with a literature method (*library research*) to study, analyze, and interpret the interaction between customary law and Islamic law regarding customary practices. *Sumbang Marriage* In Kerinci, literature studies allow researchers to utilize academic references, customary documents, and laws and regulations without collecting field data.¹ This approach is suitable for identifying patterns, conflicts, and mechanisms of legal harmonization that have been documented in academic literature and other authentic sources. The nature of the research uses descriptive-analytical. The data set found was then analyzed and interpreted using authentic customary and religious document texts by considering the socio-cultural context of Kerinci.¹

Literature studies show that the practice of Nikah Sumbang in Kerinci is not only understood as a personal issue within the realm of marriage, but more broadly as a social problem concerning community cohesion. Traditional sources¹ view Nikah Sumbang as a "violation" of the kinship order that can undermine solidarity. *perut*, *kelbu*, and *luhah* (village head). Therefore, the community established the Budendo sanction as a form of affirmation of norms.¹⁰

Meanwhile, Islamic legal literature¹ emphasizes that the boundaries of marriage prohibition are narrower than those of Kerinci custom. A relationship between a brother's child and a sister's child, for example, remains permissible under Islamic law, as long as they are not considered mahrams, as mentioned in Surah An-Nisa verses 22–23. Thus, there are differing interpretations of validity: custom forbids it, while religion permits it.

Studies of legal pluralism show that the Kerinci community fosters a space for negotiation. This is evident in the mechanisms of customary deliberation and religious scholars' fatwas, which are often juxtaposed before decisions are made.

⁹Ashlih Muhammad Dafizki, Edi Rosman, and Kecamatan Air Hangat, "Tradisi Budendo," *Journal of Islamic Family Law* 1, no. 2 (2023), p. 140–47.

¹⁰Tasman, *Hukum Perkawinan Adat Kerinci Dalam Perspektif Islam*; Siti Dian Natasya Solin et al., "Batak Customary Marriage: A Study of the Prohibition of Same-Clan Marriage and Its Relevance in the Contemporary Era," *El-Usrah* 7, no. 1 (2024).

The state, through Marriage Law No. 1/1974 and the Compilation of Islamic Law, positions itself as an intermediary, recognizing the legality of marriage as long as the pillars of sharia are met, while still respecting customary decisions socially.¹¹

Other findings suggest that the prohibition on incestuous marriages in Kerinci has a strong basis of legitimacy in maintaining social balance.¹ noted that the customary sanction of budendo serves not only as punishment but also as a means of collective education to prevent the community from violating kinship norms. Thus, this sanction is seen more as a preventive mechanism than a repressive one, emphasizing that the function of custom is to maintain community cohesion.

The analysis also shows that although Islamic law clearly defines mahram (marriage) in Surah An-Nisa verses 22–23, the Kerinci community often prioritizes custom in daily practice. This aligns with Bowen's¹ findings, which describe how communities in Sumatra develop an understanding of Islamic law that is constantly negotiated with local customs. Thus, custom plays a dominant role even though it is not normatively aligned with Sharia texts.

On the other hand, insights into legal pluralism demonstrate that the interaction between custom and Islam is not always conflictual. Griffiths¹² and Merry¹³ emphasize that pluralism allows for space for negotiation. In the Kerinci context, this space is manifested in customary deliberation forums, where religious and customary leaders meet together to seek the best solution. This demonstrates a unique model of social integration within the archipelago.

Research also finds that the state cannot separate itself from local dynamics. According to Hooker,¹⁴ Religious Court judges often consider the customary context when deciding marriage cases. Field data supports this finding: even if a marriage fulfills the pillars of Islam, customary decisions remain a crucial factor in ensuring social relations are not disrupted. Thus, the legitimacy of state law is flexible to the cultural context.

¹¹Franz von Benda-Beckmann, "Who's Afraid of Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 34, no. 47 (2002), p. 37–82; Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within the Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah* 5, no. 1 (2021), p. 426–49; Ratno Lukito, "The Enigma of National Law in Indonesia: The Supreme Court's Decisions on Gender-Neutral Inheritance," *Journal of Legal Pluralism and Unofficial Law* 38, no. 52 (2006); Kirsty Gover, "Legal Pluralism and Indigenous Legal Traditions," in *The Oxford Handbook of Global Legal Pluralism*, 2020.

¹² John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 57 (2013), p. 1–55.

¹³Sally Engle Merry, "Legal Pluralism Author (s), p. Sally Engle Merry Published by: Wiley on Behalf of the Law and Society Association Stable URL: <http://www.jstor.org/stable/3053638>," *Journal of Law and Society Review* 22, no. 5 (1988), p. 869–96.

¹⁴ Daniel S. Lev and M.B. Hooker, "Adat Law in Modern Indonesia.," *Pacific Affairs* 53, no. 1 (1980).

Another finding is the differentiation of attitudes between generations. The older generation is more strict in enforcing the prohibition on incestuous marriage, while the younger generation tends to be more accommodating of Islamic law. This aligns with research, which showed a shift in values among Kerinci youth, who are more open to religious interpretations. Thus, there is potential for changes in the structure of customary law through the new generation.

In social practice, incestuous marriage is not only seen as a violation of customary law but also as an act that threatens the reputation of the extended family. They emphasized that in Minangkabau society and its surrounding areas, the family's reputation is a crucial part of the social structure. Therefore, the prohibition on incestuous marriage serves to protect communal honor, not merely a personal matter.

Literature studies also show that local ulama play a dual role: as guardians of Islamic orthodoxy and social mediators. Nuzul Iskandar¹⁵ showed that regional ulama often prioritize the *maqasid al-shari'ah* approach to align Islamic teachings with social needs. In Kerinci, this approach is evident when ulama emphasize the benefit of maintaining kinship, even though the marriage is legally valid under Islamic law.

Data shows that legal harmonization in Kerinci is not final, but rather dynamic and contextual. Benda-Beckmann refers to this as a “legal arena” where various actors negotiate the meaning of the law as needed. Conjugal marriages serve as a concrete example of how legal pluralism operates in a multicultural society, allowing customary, religious, and state regulations to interact without negating each other.¹⁶

The research also reveals the strategic role of women in maintaining customary law. Because Kerinci adheres to a matrilineal system, women have significant authority in deciding the validity of marriages. Ratna's¹ study confirms that in matrilineal societies, women often serve as “*gatekeepers*” of kinship values. Thus, the prohibition on incestuous marriage also reflects women's social control over social reproduction.

Furthermore, the study results show that the practice of incestuous marriage has long-term social impacts. When customary prohibitions are violated, the consequences are not only the sanction of *budendo* but also social ostracism. This

¹⁵Nuzul Iskandar, “Hukum Islam Jurnal Islamic and Cultural Negotiations in Endogamous Marriage in Kerinci,” 1829; Fauzan et al., “Endogamous Marriage of Prophet's Descendants on the Perspective of Sociology of Islamic Law,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 1 (2023).

¹⁶ Franz von Benda-Beckmann and Keebet von Benda-Beckman, “Transnationalisation of Law, Globalisation and Legal Pluralism: A Legal Anthropological Perspective,” in *Hukum Yang Bergerak: Tinjauan Antropologi Hukum*, ed. Sulistyowati Irianto (Jakarta: Obor, 2009), p. 1–28.

confirms Ehrlich's¹⁷ thesis on "living law," that is, law that lives within a community is more effective than written law. In Kerinci, customary law has proven to be a stronger social bond than mere formal legal norms.

Another finding is the existence of legal syncretism in everyday practice. Bowen¹⁸ observed that local communities often do not view customary and Islamic law as separate entities, but rather as a unified set of values. This also applies in Kerinci, where people can accept the validity of sharia while still adhering to customs to maintain social balance.

This research also found a political dimension to the regulation of incestuous marriages. The local government, through traditional institutions, often uses this issue to strengthen Kerinci's cultural identity. This aligns with Santos'¹⁹ theory, which emphasizes that legal pluralism is often politicized for the sake of community identity. Thus, the prohibition on incestuous marriages functions not only socially but also as a cultural and political symbol.

Furthermore, there is a spiritual dimension to societal perceptions. The prohibition on incestuous marriage is often linked to the concept of the sanctity of blood relations and ancestral trust. This demonstrates that custom not only functions as social law but also has a cosmological foundation that is considered sacred by society. Thus, the violation of incestuous marriage is seen as a violation of both divine and social values.

The research findings demonstrate the existence of creative compromise practices in society. In certain cases, couples deemed to have engaged in an incestuous marriage are still married religiously, but not recognized by customary law. This compromise allows the couple to remain legally valid under state and religious law, while society maintains its customary norms. This model reinforces the concept of "selective accommodation" found in the literature on legal pluralism.

Ultimately, this study confirms that consanguineous marriages in Kerinci are not merely a legal issue, but a locus of social, cultural, religious, and political interaction. This demonstrates how legal pluralism operates in real life, where conflicts are resolved not through elimination but through negotiation and value reconstruction. Thus, consanguineous marriages serve as a rich social laboratory for understanding the dynamics of legal pluralism in Indonesia.

¹⁷ Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (Harvard: Harvard University Press, 1936).

¹⁸ John R. Bowen's, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003).

¹⁹ Boaventura de Sousa Santos, "Law: A Map of Misreading: Toward a Postmodern Conception of Law," *Journal of Law & Society* 14 (n.d.), p. 279–302.

The Social Construction of the Legitimacy of Sumbang Marriage Practices: Perspectives of Kerinci Customary Law and Islamic *Sharī'ah*

The practice of *Nikah Sumbang* (discordant marriage) in Kerinci reflects a legal reality that is not monolithic, but rather characterized by the overlapping interaction of customary law, Islamic law, and state law. In this context, Griffiths' theory of legal pluralism emphasizes that legal systems operating within society often consist of multiple normative orders that simultaneously compete and interact with one another.²⁰ This phenomenon is clearly observable in the Kerinci community, where disputes concerning *Nikah Sumbang* are predominantly resolved through customary deliberation (*musyawarah adat*) and religious opinions (*fatwa ulama*), demonstrating the existence of *living law* embedded within society.²¹

Interview findings with Datuk H. M. Yusuf Gelar Depati Rajo²² reveal that the category of “sumbang” in Kerinci society is not limited solely to marriages explicitly prohibited by religion, but also encompasses kinship relations that are customarily regarded as belonging to the same ancestral lineage or “under one customary umbrella,” even when such relationships do not fall within the Islamic category of *mahram*. This indicates that the Kerinci community constructs social boundaries of marriage through a combination of religious norms and customary notions of propriety.

From the perspective of Snouck Hurgronje's *Receptie* theory,²³ Islamic law applies to indigenous societies only insofar as it is accepted within local customary structures. This theory helps explain that, in societies such as Kerinci, Islamic norms do not automatically function as binding social law; rather, they must first undergo a process of social acceptance within an established customary framework. In practice, Islam is not perceived as a wholly autonomous legal system, but rather as a “moral prescription” subsequently adapted to the social logic of Kerinci customary traditions. Interviews with customary leaders and community members further demonstrate that the values protected through the prohibition of *Nikah Sumbang* are not merely related to the distinction between lawful and unlawful marriages, but also concern shame, propriety, family honor, and the preservation of lineage continuity. Nurhayati,²⁴ one of the community informants, explained that

²⁰Griffiths, “What Is Legal Pluralism?”

²¹ Ratno Lukito and Marsya Salsabilla Az-Zahra, “Codification of Islamic Law in Comparative Perspective: Between Tradition and Modernity,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 10, no. 1 (2026), p. 70–104.

²² Interview with Datuk H. M. Yusuf Gelar Depati Rajo, Customary Leader in Air Hangat District, Kerinci, 12 February 2026.

²³ David M. Engel and M. B. Hooker, “Adat Law in Modern Indonesia,” *The American Journal of Comparative Law* 28, no. 2 (1980).

²⁴ Interview with Nurhayati, Community Member in Danau Kerinci District, February 19, 2026.

violations of customary marriage norms are perceived as acts of disobedience toward family history and inherited social boundaries.

The *Receptie* theory further suggests that the implementation of Islamic law in customary regions is conditional rather than imperative, depending largely upon communal acceptance. In the case of *Nikah Sumbang*, marriages may be recognized as theologically valid under Islamic law, yet remain socially contested because they conflict with customary kinship structures. Consequently, Islamic law undergoes a process of “localization,” as described by Bowen,²⁵ whereby universal religious teachings are transformed into social practices rooted in local cultural values. This dynamic is evident in the statement of Drs. H. Syafrizal,²⁶ who emphasized that the boundaries of *mahram* in Islam are fixed according to the Qur’an and Hadith, while Kerinci custom extends these boundaries in order to preserve social harmony and prevent communal discord. Therefore, although a marriage may be accepted religiously, its social legitimacy remains dependent upon customary recognition.

From the perspective of modern legal pluralism,²⁷ the Kerinci case represents not merely the application of *Receptie* theory, but rather its inversion. Islamic law no longer passively submits to custom; instead, it functions as a normative source guiding the reinterpretation of customary practices. However, this process is not confrontational, but dialogical, grounded in the principle of *maqāṣid al-sharī‘ah*, which prioritizes social welfare as the basis for legal acceptance. KH. Ahmad Ridwan, S.Ag.²⁸ explained that although Islamic law serves as the primary normative reference, its implementation must still consider social consequences in order to avoid greater harm within the community. Accordingly, harmony between custom and Islamic law is maintained through compromise, collective deliberation, and social negotiation.

Thus, within the Kerinci context, the *Receptie* theory has transformed into *Receptie a Contrario*, whereby customary law submits to Islamic values insofar as they do not disrupt social order. This reality illustrates a receptive dynamic in which Islamic law is embraced because it is perceived to reinforce customary values. The principle “*adat bersendi syarak, syarak bersendi Kitabullah*” (“custom is founded upon Islamic law, and Islamic law is founded upon the Book of God”) constitutes a local manifestation of this reinterpretation of Snouck Hurgronje’s

²⁵ John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (New York: Melbourne Cambridge University Press, 2003).

²⁶ Interview with Drs. H. Syafrizal, Religious Leader in Siulak District, Kerinci, February 14, 2026.

²⁷ Franz von Benda Beckmann Beckmann and Keebet von Benda, “Who’s Afraid of Legal Pluralism,” *Journal of Legal Pluralisme and Unofficial Law* 47 (2002), p. 37.

²⁸ Interview with KH. Ahmad Ridwan, S.Ag., Religious Leader in Gunung Kerinci District, February 15, 2026.

theory. Datuk H. M. Yusuf²⁹ further affirmed that, in principle, Kerinci customary law remains aligned with Islamic teachings, although in practice customary interpretations have evolved through the community's social experiences, causing customary norms in certain cases to become stricter than formal Islamic law itself.

Living Law, Social Sanctions, and Interlegality in the Resolution of Sumbang Marriage

From an anthropological perspective, the practice of *Nikah Sumbang* demonstrates how the Kerinci people construct law through symbols and meanings. Clifford Geertz³⁰ explains that the law in traditional societies functions as a system of meaning institutionalized through rituals and social practices. In this context, the *budendo* sanction is not merely punitive, but symbolizes the restoration of moral and spiritual equilibrium. Interview data indicate that sanctions imposed upon individuals involved in *Nikah Sumbang* are predominantly social in nature, including exclusion from communal activities, public gossip, strained family relations, and social alienation. One participant identified by the initials AR³¹ acknowledged that social pressure and family rejection constituted the most severe consequences, surpassing formal legal issues. Similar experiences were also reported by another participant identified as NL.³² Therefore, the enforcement of customary law possesses symbolic and moral dimensions that transcend the function of written law.

A socio-historical approach further reveals that the relationship between custom and Islam in Kerinci was shaped through a long process of peaceful Islamization during the sixteenth and seventeenth centuries.³³ Islamic teachings entered Kerinci through Minangkabau and Acehese ulama who did not abolish local customs, but instead adapted them to the principles of *sharī'ah*. This process produced a form of "legal hybridity" in which custom and Islam function not as opposing forces, but as mutually reinforcing systems through mechanisms of cultural compromise. This is reflected in the conflict-resolution process, which generally proceeds gradually through family deliberation, customary authorities, religious leaders, and ultimately state institutions such as the Office of Religious

²⁹Interview with Datuk H. M. Yusuf Gelar Depati Rajo, Customary Leader in Air Hangat District, Kerinci, 12 February 2026.

³⁰Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973). Thomas Reinhardt, "Geertz, Clifford: The Interpretation of Cultures," in *Kindlers Literatur Lexikon (KLL)*, 2020.

³¹Interview with AR (initials), Practitioner of *Sumbang Marriage* in Kerinci Regency, 21 February 2026.

³²Interview with NL (initials), Practitioner of *Sumbang Marriage* in Kerinci Regency, 21 February 2026.

³³Jambi, "Lanskap Budaya Masyarakat Kerinci Di Pusat Wilayah Adat Tanah Sekudung, Dataran Tinggi Jambi Hafiful Hadi S, Dr. Anggraeni, M.A."

Affairs (KUA). Interview findings with M. Fikri, S.H.I.,³⁴ a KUA official, demonstrate that many community members seek confirmation of the religious and legal validity of marriage while simultaneously being encouraged to resolve social disputes through customary channels in order to prevent prolonged communal conflict.

The role of local ulama remains crucial in maintaining equilibrium between religious texts and social values. Ulama function as cultural brokers who interpret Islamic law in accordance with societal needs. The *maqāṣid al-sharī'ah* approach allows legal reinterpretation by taking social context into account. In Kerinci, this is evident when ulama affirm the religious validity of *Nikah Sumbang* while simultaneously emphasizing that social harmony must be maintained through customary deliberation. Drs. H. Syafrizal³⁵ explained that religious authorities cannot prohibit what God has permitted, yet they remain morally responsible for preventing social conflict and communal discord.

The state, meanwhile, operates through the formal legal system as a mediator between these competing normative forces. Although religious courts uphold Islamic law, they frequently take customary norms into consideration in practice. The state positions custom not as a formal legal system, but as a source of social morality. This creates a mechanism of “selective accommodation,” whereby the legitimacy of state law adapts to local social norms in order to avoid alienating itself from society. In practice, KUA officials emphasize that marriages remain legally valid as long as the pillars and conditions of marriage are fulfilled and no *mahram* relationship exists. Nevertheless, KUA authorities also acknowledge that social pressure from the community often significantly affects the domestic lives and social acceptance of married couples.³⁶

In social practice, the Kerinci community perceives violations of the *Nikah Sumbang* prohibition as threats to the sanctity of lineage. Such violations are regarded as a form of “blood contamination” capable of damaging the honor of the entire extended family. This perception was reinforced by community informants such as Junaidi³⁷ and Nurhayati,³⁸ both of whom viewed *Nikah Sumbang* as “improper” and potentially damaging to family reputation. Consequently, customary prohibitions function preventively to preserve communal identity. In Islamic legal terminology, this aligns closely with the *maqāṣid* principle of

³⁴Interview with M. Fikri, Marriage Registrar at the Office of Religious Affairs (KUA) of East Air Hangat District, February 17, 2026.

³⁵Interview with Drs. H. Syafrizal, Religious Leader in Siulak District, Kerinci, February 14, 2026.

³⁶von Benda-Beckmann, “Who’s Afraid of Legal Pluralism?”

³⁷Interview with Junaidi, Community Member in Koto Tengah Village, Kerinci, 18 February 2026.

³⁸Interview with Nurhayati, Community Member in Danau Kerinci District, 19 February 2026.

protecting lineage (*hifz al-nasl*), demonstrating that custom and Islam share substantial ethical common ground.

The involvement of women within Kerinci's social structure further reinforces the resilience of customary norms. Within the matrilineal system, women function as guardians of values and inheritors of lineage continuity. Women in both Minangkabau and Kerinci societies possess considerable authority in determining the social legitimacy of marriage. Consequently, violations of customary prohibitions are also perceived as violations of women's honor as symbols of family sanctity. This is reflected in the testimony of female participants involved in *Nikah Sumbang*, who reported experiencing greater social pressure than men, particularly in the form of public gossip and reduced participation in communal activities.

At the same time, younger generations in Kerinci demonstrate a shift in legal paradigms. They increasingly regard Islamic law as the primary normative reference while continuing to respect custom as a source of cultural identity. This tendency produces a more rational and text-oriented acceptance of Islamic law without completely negating the role of custom. Such changes are reflected in the testimonies of *Nikah Sumbang* participants who chose to prioritize religious and state legitimacy through the KUA while simultaneously attempting to preserve harmonious relations with their families and customary communities. This shift may be understood as part of the internalization of modern legal consciousness influenced by education, social mobility, and the expanding authority of state institutions in marital affairs.

From the perspective of *living law* theory,³⁹ harmony between custom and Islam in Kerinci is not the result of state domination, but rather the outcome of continuous social negotiation. Effective law is not merely what is codified in statutes, but what is internalized by society itself. Therefore, Kerinci customary law continues to coexist with Islamic law because both possess strong moral and social legitimacy. Family deliberation, customary leadership, religious fatwas, and the formal legitimacy provided by the KUA collectively function as social instruments maintaining equilibrium between formal law and communal acceptance.

Within the broader framework of global legal pluralism, the *Nikah Sumbang* case in Kerinci represents a form of *interlegality*, wherein the boundaries between legal systems become increasingly blurred. Custom, Islam, and the state no longer operate independently, but rather penetrate and shape one another. This interaction produces a flexible and contextual legal construction that may serve as an alternative paradigm for the development of national law grounded in local wisdom.

In conclusion, Snouck Hurgronje's *Receptie* theory, within the Kerinci context, has undergone significant reinterpretation. It is no longer Islam that

³⁹ Ehrlich, *Fundamental Principles of the Sociology of Law*.

submits to custom; rather, both systems continuously adapt to one another within the framework of social harmony. The Kerinci model demonstrates how customary law, Islamic law, and state law dynamically interact in order to preserve social stability without eliminating the authority of any single legal order.

Conclusion

This research found that the practice of Nikah Sumbang in Kerinci is a concrete representation of harmonious legal pluralism. The community does not reject Islamic law but adapts it within a strong matrilineal customary framework. Any conflicts that arise are resolved through deliberation, religious fatwas, and flexible state recognition. Snouck Hurgronje's *Receptie a Contrario* theory, which initially placed Islam as subordinate to custom, transformed into *Receptie a Contrario*, where custom adapts to Islamic values as long as it does not damage the social structure. Thus, Islam functions as normative legitimation, custom as the guardian of harmony, and the state as the facilitator of social legality. The Kerinci legal harmonization model demonstrates that pluralism is not always synonymous with conflict, but can instead foster legal coexistence rooted in moral, social, and spiritual values. These findings contribute theoretically to the development of studies on Indonesian legal pluralism and offer a new paradigm for reconstructing marriage law based on local values and the *maqāsid al-sharī'ah*.

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