

Reforming “*Merariq*”: Towards Harmonized Approach – Socio-culture, Islamic Law, and Biological Consequences

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Abstract

Research Objectiveness: The understanding of marriage is the process of binding, both physically and spiritually, between a man and a woman to become husband and wife aimed at forming a lasting, harmonious, and happy family based on the belief, this research aims to identify and analysis *merariq* culture in the aspects of socio-culture, legal, and health. **Methods:** This research is qualitative research using descriptive analysis. Qualitative study aims to explore the endogamous marriages in Mungkik, Pandan Wangi Village, Jerowaru Subdistrict, East Lombok, involved 24 women and girl (married, unmarried, and widower). **Research findings:** East Lombok’s marriages are primarily *merariq*, a deeply ingrained tradition in the *Sasak* community. Elopement often arranged by parents, demonstrating bravery and maintaining family relationships. However, endogamous marriages in *Merariq* families can lead to health issues and genetic disorders. Among them, 75% of participants were admitted to endogamous marriages among relatives, and some parents forbid their children from marrying relatives due to guilt. *Merariq* marriages are decreasing due to the rupture of family ties. Elopement is a traditional rational action, low-risk, and based on customs and traditions. However, the community is unaware of the health risks and lacks prior socialization.

Keywords

Merariq; Endogamy Marriage; Islamic Law; Socio Culture; Health Risk.

Introduction

Marriage has become a series of significant legal events in human life with various consequences in its law.^{1,2,3,4} Therefore, the law regulates marriage issues comprehensively and in detail.⁵ The understanding of marriage is the process of binding^{6,7,8}, both physically and spiritually, between a man and a woman to become husband and wife aimed at forming a lasting, harmonious, and happy family based on the belief in the God Almighty and must be registered according to the provisions of the prevailing laws and regulations in Indonesia^{9,10}. A marriage process

¹ Anne Barlow et al., *Cohabitation, Marriage and the Law: Social Change and Legal Reform in the 21st Century* (Bloomsbury Publishing, 2005).

² Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law* (Oxford University Press, 2012).

³ Marvin B Sussman, Suzanne K Steinmetz, and Gary W Peterson, *Handbook of Marriage and the Family* (Springer Science & Business Media, 2013).

⁴ Clare Huntington, "Postmarital Family Law: A Legal Structure for Nonmarital Families," *Stanford Law Review*, 2015, 167–240.

⁵ Clare Chambers, *Against Marriage: An Egalitarian Defence of the Marriage-Free State* (Oxford University Press, 2017).

⁶ bianca E. Bersani and Elaine Eggleston Doherty, "When The Ties That Bind Unwind: Examining The Enduring And Situational Processes Of Change Behind The Marriage Effect," *Criminology* 51, no. 2 (May 10, 2013): 399–433, <https://doi.org/10.1111/1745-9125.12008>.

⁷ Leslie A. Baxter, "The Dialogue of Marriage," *Journal of Family Theory & Review* 2, no. 4 (December 5, 2010): 370–87, <https://doi.org/10.1111/j.1756-2589.2010.00067.x>.

⁸ Warren Colman, "Marriage as a Psychological Container," in *Psychotherapy with Couples* (Routledge, 2018), 70–96.

⁹ June S Katz and Rondald S Katz, "The New Indonesian Marriage Law: A Mirror of Indonesia's Political, Cultural, and Legal Systems," *Am. J. Comp. L.* 23 (1975): 653.

¹⁰ Mariani Amberi, "Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 239–60.

can be considered a legal act^{11,12}, meaning that the marriage can have legal implications with the emergence of rights and obligations of each party¹³. Marriage sometimes has an impact on rights and obligations, starting from administrative matters that authorize the State to verify the validity of their status^{14,15}, including legal relationships with third parties, such as between in-laws and their children-in-law¹⁶. Legal norms in marriage, one of which regulates how the marital relationship must be approved, witnessed, and legalized in relation to its validity in daily life through rituals.^{17,18,19} Customary law interprets marriage as an important matter because it not only concerns the relationship between the spouses but also involves legal relationships between both parties' families and relatives, establishing new legal relationships.²⁰ It is even believed in customary law that marriage is not only important for the living but also as an important series for the ancestors of each party who have passed away.

Endogamous marriages in Indonesia, whether social endogamy, local endogamy, or familial endogamy, have the following objectives: 1. Maintaining social status, 2. Preserving familial ties, 3. Safeguarding

¹¹ Jean Porter, "The Natural Law and Innovative Forms of Marriage: A Reconsideration," *Journal of the Society of Christian Ethics*, 2010, 79–97.

¹² Rebecca Probert and Shabana Saleem, "The Legal Treatment of Islamic Marriage Ceremonies," *Oxford Journal of Law and Religion* 7, no. 3 (2018): 376–400.

¹³ Elizabeth S Scott, "Social Norms and the Legal Regulation of Marriage," *Virginia Law Review*, 2000, 1901–70.

¹⁴ John Eekelaar, *Family Law and Personal Life* (Oxford University Press, 2017).

¹⁵ Hans Kelsen, *General Theory of Law and State* (Routledge, 2017).

¹⁶ Pamela Laufer-Ukeles and Shelly Kreizer-Levy, "Family Formation and the Home," *Ky. LJ* 104 (2015): 449.

¹⁷ Sherif Girgis, Robert P George, and Ryan T Anderson, "What Is Marriage," *Harv. JL & Pub. Pol'y* 34 (2011): 245.

¹⁸ Heather Brook, *Conjugality: Marriage and Marriage-like Relationships Before the Law* (Springer, 2016).

¹⁹ Adriaan Bedner and Stijn Van Huis, "Plurality of Marriage Law and Marriage Registration for Muslims in Indonesia: A Plea for Pragmatism," *Utrecht Law Review*, 2010, 175–91.

²⁰ Celinhlanhla Magubane, "The Imposition of Common Law in the Interpretation and Application of Customary Law and Customary Marriages," *Pretoria Student L. Rev.* 15 (2021): 336.

family wealth, 4. Preserving lineage.²¹ Endogamy is a marriage conducted by someone within own group.²² In contrast to exogamy, which involves marriage outside one's own group²³. Endogamy is classified into three types: social endogamy, also known as homogamy, which is marriage within the same social group.²⁴ Social endogamy can take the form of marriage within the same caste, social status, religion, or profession²⁵. The second type is local endogamy, which is marriage within the same geographical region.²⁶ For example, due to geographical isolation, people marry each other. Another example is when there is a particular local custom or tradition in a certain geographic area, and individuals marry fellow inhabitants of that area due to societal pressure. The third type is familial endogamy, which is marriage between relatives, typically governed by customary rules. The most common form of endogamous marriage in customary contexts is cousin marriage.

In Indonesia, with its diverse ethnic groups and customs, each has its own customary rules regarding marriage.²⁷ One form of marriage that is still practiced and preferred is familial marriage, specifically cousin marriage²⁸. One such customary marriage is the *merariq* marriage, which is still practiced by the people of Lombok.²⁹ *Merariq* is a marriage custom involving elopement of a woman who will be married to a man from her

²¹ Ariane J Utomo and Peter F McDonald, "Internal Migration, Group Size, and Ethnic Endogamy in Indonesia," *Geographical Research* 59, no. 1 (2021): 56–77.

²² Utomo and McDonald.

²³ John W Adams and Alice Bee Kasakoff, "Factors Underlying Endogamous Group Size," in *Regional Analysis* (Elsevier, 1976), 149–73.

²⁴ Matthijs Kalmijn, "Intermarriage and Homogamy: Causes, Patterns, Trends," *Annual Review of Sociology* 24, no. 1 (1998): 395–421.

²⁵ Muhammad Rizwan Safdar et al., "Socioeconomic Determinants of Caste-Based Endogamy," *Journal of Ethnic and Cultural Studies* 8, no. 2 (2021): 39–54.

²⁶ Alan H Bittles, "Endogamy, Consanguinity and Community Genetics," *Journal of Genetics* 81 (2002): 91–98.

²⁷ Alison M Buttenheim and Jenna Nobles, "Ethnic Diversity, Traditional Norms, and Marriage Behaviour in Indonesia," *Population Studies* 63, no. 3 (2009): 277–94.

²⁸ Nancy J Smith-Hefner, "Courtship and Marriage in Indonesia's New Muslim Middle Class," in *Routledge Handbook of Contemporary Indonesia* (Routledge, 2018), 335–45.

²⁹ Sri Hariati, Sulistiyono Adi, and Jamin Mohammad, "The Implementation of Merarik Customs in Marriage," in *Proceedings of the Southeast Asian Conference on Migration and Development (SeaCMD 2023)*, vol. 16 (Springer Nature, 2024), 303.

village³⁰. According to a tour guide from the *Sasak* Tribe in the Sade Village, all residents of the Sade customary village participate in this *Merariq* marriage custom.³¹ As a consequence, the *Sasak* Tribe's customary society considers each other as siblings.³² The customs of Lombok recognize endogamy as follows: (1) Marriage of *betempub pisa*, which is a marriage between those who share the same ancestor. (2) Marriage of *sambung uwat benang*, which strengthens family ties. (3) Marriage between parties with no blood relation, known as *pegaluh gumi*, which expands territory.³³

In *Sasak* language, the term of “*merariq*” is a verb that generally refers to pre-marriage actions involved eloping with a girl (prospective wife) from the supervision of her guardian, and simultaneously making it the initial process of marriage.³⁴ There are various interpretations of “*merariq*” some view it as an elopement process (with the consent of both parties), while others see it as an act of abduction, referred to as “*memaling*” in *Sasak* language, meaning diverting a girl from the supervision of her parents.³⁵ “*merariq*,” in the sense of elopement or abduction of a girl from her guardian's supervision and social environment, has been established as a cultural heritage passed down

³⁰ Ulin Nadiroh and Muhammad Saeun Fahmi, “Reduce Conflicts in Traditional Merariq Traditions through the Long Tradition of the Tribal People of Sasak Lombok,” in *Journal of Physics: Conference Series*, vol. 953 (IOP Publishing, 2018), 12186.

³¹ Alam Mahadika and Viqri Rahmad Satria, “The Traditions of Sasak Tribe in Sade Village, Central Lombok, Indonesia,” *International Journal of Social Science and Religion (IJSSR)*, 2021, 285–96.

³² Hasim Asyari, “The Role of ‘Bale Langgak’ in the Implementation of Socio-Cultural Values in Sasak Community,” in *2nd Annual Conference on Education and Social Science (ACCESS 2020)* (Atlantis Press, 2021), 598–601.

³³ Lalu Hendri Nuriskandar, “Freedom of Marriage for Women Who She Want, Clashes Between Culture And Human Right Law. Lombok, West Nusa Tenggara. Indonesia,” *JATISWARA* 36, no. 1 (2021): 11–23.

³⁴ Mahyuni Mahyuni and Nur Ahmadi, “Linguistic and Cultural Demystifying of Sasak Merariq,” *SSRN Electronic Journal*, 2020, <https://doi.org/10.2139/ssrn.3743794>.

³⁵ Erwinsya Erwinsya, Eko Handoyo, and Thriwaty Aarsal, “Merariq Tradition of Sasak Tribe in Social Construction and National Law,” *JESS (Journal of Educational Social Studies)* 9, no. 1 (2020): 48–55.

through generations among the *Sasak* community in general.^{36,37}

Marrying young carries the risk of being unprepared to give birth and care for a child, and if they undergo an abortion³⁸, there is a potential for unsafe abortions that can endanger the safety of both the baby and the mother, even leading to death.³⁹ Child marriage also has the potential for violence by partners, and if an unwanted pregnancy occurs, there is a tendency to conceal the pregnancy, resulting in inadequate prenatal care services.⁴⁰ Sexual violence is prevalent, after being married off, the child marriage perpetrators are divorced, and the victims return to work in illegal prostitution houses around the port. In addition, cases were also found where underage mothers died because their reproductive organs were not yet ready. In addition, because they do not understand reproductive health, there are women who contract HIV/AIDS due to their partners (husbands or boyfriends) who have multiple partners.

Some communities believe that by eloping or abducting the girl from her guardian's supervision, young *Sasak* men use it as a demonstration of masculinity, as well as a display of courage, seriousness, and a sense of responsibility in marriage and family life. The cultural phenomenon of "*merariq*" among the *Sasak* community is a manifestation of local wisdom, wherein there is a belief among its people to see it as a proof of a man's bravery to his prospective wife.⁴¹ Several reasons underlie why the *Sasak* community chooses to marry through "*merariq*." First, due to an existing customary practice that has been ingrained in the society, and is practiced by the majority of the people in

³⁶ (Adithia, 2010)

³⁷ Haryono et al., 2024)

³⁸ Frank F Furstenberg, Richard Lincoln, and Jane A Menken, *Teenage Sexuality, Pregnancy, and Childbearing*, vol. 25 (University of Pennsylvania Press Philadelphia, 1981).

³⁹ Jennifer J Frost and Selene Oslak, *Teenagers' Pregnancy Intentions and Decisions: A Study of Young Women in California Choosing to Give Birth* (Alan Guttmacher Institute New York, 1999).

⁴⁰ Sastro Mustapa Wantu et al., "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo," *Samarah* 5, no. 2 (2021): 780–803.

⁴¹ Suparman Jayadi, Abdul Rasyid Ridho, and Ratih Rahmawati, "Customary Law 'Merariq' Marriage in the Sasak Ethnic Society in Lombok Eastern Indonesia," in *International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (Atlantis Press, 2023), 1480–86.

Sasak. Second, due to conflicts with parents regarding the relationship, hence “*merariq*” is chosen as a solution.^{42,43,44} Another reason is the lack of knowledge on the part of the woman that she is being eloped with by her partner. Marriage between siblings is often understood from legal perspectives, both customary and religious. However, the biological implications of such marriages are not often comprehended. This research aims to provide understanding to the community about the biological impacts of endogamous marriages.

Method

This research is socio-legal and qualitative research using descriptive analysis. Qualitative study aims to explore the endogamous marriages in Mungkik Hamlet, Pandan Wangi Village, Jerowaru Subdistrict, East Lombok. This research is carried out on June 23-24, 2023. The form of research process is forum group discussion (FGD) with the output of providing initial understanding of the risks of cousin endogamous marriages. The target of this research activity is married women and young or adolescent women coordinated by the Pandan Wangi Women’s School. The selection of women as the target group in this research is because women are in a weak position in terms of mate selection regulated by custom. A total of 24 participants attended the activity. The program is held in a relaxed atmosphere so that mothers carrying their babies feel more comfortable and not worried about their babies falling. On the other hand, babies or toddlers also feel comfortable playing on a clean floor. To reduce disparities, an approach (report mentoring) to the participants carried out by getting acquainted, chatting, and asking about daily matters. When interaction has been

⁴² Lalu Nurul Yaqin et al., “Negotiating Price in the Elopement of the Sasak Culture: Politeness Acts in Disagreeing,” *GEMA Online Journal of Language Studies* 23, no. 4 (2023).

⁴³ Irfan Wahyudi et al., “Biosecurity Infectious Diseases of the Returning Indonesian Migrants Workers,” *Global Security: Health, Science and Policy* 9, no. 1 (December 31, 2024), <https://doi.org/10.1080/23779497.2024.2358756>.

⁴⁴ Sri Endah Kinasih et al., “Human Migration, Infectious Diseases, Plague, Global Health Crisis - Historical Evidence,” *Cogent Arts & Humanities* 11, no. 1 (December 31, 2024), <https://doi.org/10.1080/23311983.2024.2392399>.

established, socialization is then conducted.

The implementation of research process carried out by direct face-to-face meetings with the target group. In addition to lecture methods, socialization is conducted using visual aids such as leaflets and whiteboards. These leaflets are also distributed to all participants present, so that information can be followed in a structured manner. In socialization, simple language is used as much as possible to be easily understood by participants. When explaining scientific terms, equivalents or explanations understood by participants are used. Socialization begins with a brief explanation of the objectives of the activity. The first step is participants are given a questionnaire in the form to be filled out as a pre-test. This pre-test contains information related to the relationship of endogamous marriages with the target group's knowledge of its biological consequences, divided into questions about who they marry and the relationship with their husbands.

Target group can follow all the information through leaflets distributed to all participants. Further explanations are made using a whiteboard. This method creates interactive dialogue between participants and university representatives through direct Q&A. After the lecture/socialization event is over, participants are asked to fill out the research instrument again as post-test containing review information about what endogamy is, what its consequences are, and how to address it. The filling out of both pre-test and post-test on research instrument assisted by assistants. The results of all data are recorded and documented, both through audio recordings and those originating from research instrument. In-depth interviews are conducted with the Women's School administrators to obtain more in-depth information regarding the habits, traditions, knowledge, and attitudes of women in Pandan Wangi Village regarding cousin endogamous marriages.

Result and Discussion

The island of Lombok is one of the islands in the Nusa Tenggara region, sandwiched between Bali and Sumbawa islands. With an area of 5,435 km²⁴⁵, this island is inhabited by a majority of people from the

⁴⁵ Geoffrey Wall, "Bali and Lombok: Adjacent Islands with Contrasting Tourism Experiences," *Island Tourism*, 1997, 268–80.

Sasak ethnic group, who practice Islam⁴⁶. The origin of the *Sasak* people, who inhabit Lombok Island and are also known as *Gumi Sasak* or *Gumi Selaparang*, is still a subject of debate.⁴⁷ Based on studies conducted, it can be said that the first inhabitants came from Southeast Asia. Archaeological discoveries indicate that around the end of the Bronze Age (*Zaman Perunggu*) or about sixteen centuries ago, the southern region of Lombok was inhabited by a group of people with a culture similar to that of the people inhabiting the southern regions of Vietnam. Etymologically, the term “*Sasak*,” referring to the people, comes from the word “*Sahsaka*,” with “*sah*” meaning to go and “*saka*” meaning origin.⁴⁸ Thus, the *Sasak* people left their place of origin using rafts. West Nusa Tenggara Province consists of two islands, Lombok and Sumbawa, with ten cities/districts. The provincial capital is located on Lombok Island.⁴⁹ The *Sasak* people inhabit most of the area of Lombok Island and are scattered across several cities/districts. North Lombok Regency is one of the youngest regencies in West Nusa Tenggara Province and is one of the favorite tourist destinations.⁵⁰ In recent years, Lombok has been designated as the World’s Best Halal Tourism Destination at the prestigious World Halal Travel Summit 2015 held at The Emirates Palace Ballroom in Abu Dhabi, United Arab Emirates (UAE).⁵¹ This regency

⁴⁶ Erni Budiwanti, “Balinese Minority versus Sasak Majority: Managing Ethno-Religious Diversity and Disputes in Western Lombok,” *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 3, no. 2 (2014): 233–50.

⁴⁷ Dedy Wahyudin Sanusi, “The Genealogy Of Moderate Islam In The Sasak People’s Religious Experience,” *Khazanah: Jurnal Studi Islam Dan Humaniora* 20, no. 2 (2022): 245–62.

⁴⁸ Hubbi Saufan Hilmi and Nugraheni Eko Wardani, “Human and Nature Relations in Hooykaas Christiaan’s Enige Sasakse Volksvertelsels (Lombok): An Ecocritical Study,” *Research Journal in Advanced Humanities* 5, no. 1 (2024).

⁴⁹ M Khalilurrahman Ali Akbar, Firmansyah Firmansyah, and Orchidamoty Orchidamoty, “Strategies to Increase the Tourism Attractiveness of Lombok Timur, Indonesia through Smart City,” *English and Tourism Studies* 1, no. 2 (2023): 127–37.

⁵⁰ Cahyadi Kurniawan et al., “Sustainable Tourism Development Strategy in West Nusa Tenggara Province, Indonesia,” in *IOP Conference Series: Earth and Environmental Science*, vol. 1129 (IOP Publishing, 2023), 12022.

⁵¹ Riduan Mas’ud et al., “Tourist Satisfaction in Lombok Island as the World’s Best Halal Tourism Destination,” *Journal of Environmental Management & Tourism* 13, no. 1 (2022): 252–63.

Pandan Wangi Village, 47.48% are farmers or gardeners. Based on observations, the majority of the populations utilize their land to cultivate tobacco. Additionally, there are areas with corn and rice fields. Out of the 47.48% of farmers, 25.97% are female farmers. This fact is supported by statements from participants coming from various places in Pandan Wangi Village. About 18.45% of the populations of Pandan Wangi Village are students ranging from junior high to senior high school. Another prominent occupation, comprising 8.16%, is entrepreneurship. The distribution of various types of occupations in Pandan Wangi Village is shown in the following graph. Out of the 15 villages in Jerowaru Sub-district, Pandan Wangi Village is one of the villages with a Developed Village Index (IDM) categorized as independent since 2022. The categories in IDM are very underdeveloped, underdeveloped, developing, advanced, and independent. In other words, Pandan Wangi Village is a self-sufficient and self-reliant village, where its people have been able to utilize and develop natural resources and potentials in line with regional development activities.

Tabel 1. Respondents Information

No	Birth date	Birthplace	Domicili	Marriage Status*	Siblings	Child in Order
1	19 Oct 1996	Labuan Haji	Pandanwangi	1	2	2
2	6 Aug 2001	Embung raja	Mungkik	1	1	1
3	8 Oct 1995	Batubawi	Penyambak	1	5	3
4	9 Mar 1991	Pengkelak	Mungkik	1	6	6
5	17 Dec 1991	Batubawi	Penyambak	1	5	3
6	26 Mar 1991	Mungkik	Penyambak	1	3	1
7	31 Des 1980	Penyambak	Jerowaru	1	9	6
8	1 June 1981	Penyambak	Penyambak	3	13	9
9	31 Dec 1991	Penyambak	Penyambak	1	10	10
10	10 Nov 2003	Penyambak	Penyambak	2	2	1
11	30 Oct 1994	Penyambak	Penyambak	1	3	1
12	24 Dec 2001	Jurang	Mungkik	1	3	1
13	21 Mar 1996	Jurang	Penyambak	1	9	4
14	31 Dec 1975	Penyambak	Penyambak	3	9	4
15	15 Aug 2003	Poton bako	Penyambak	1	3	1
16	24 June 1972	Penyambak	Penyambak	1	13	4
17	10 Oct 1990	Teliah	Mungkik	1	4	2
18	30 June 1983	Ujung	Mungkik	1	6	5
19	25 Mar 1987	Palembang	Jerowaru	1	3	1
20	24 June 1970	Penyambak	Penyambak	1	13	1
21	31 Dec 2000	Mungkik	Jurang	1	2	1
22	31 May 2005	Mungkik	Mungkik	2	2	1
23	31 Mar 2005	Lendinangka	Lendinangka	2	2	1
24	1 July 2002	Mungkik	Mungkik	3	7	7

Addition Information (*)	
1.	Married
2.	Unmarried
3.	Widower

This research involved 24 mothers and young women in the Village of Pandan Wangi. It was chosen by age, gender, and marital status, with the main point is that the participants marriage experiences of *merariq*. Not all participants came from the Pandan Wangi Hamlet but also from surrounding villages. The data related to the participants' profiles are listed in Table 1. Based on recordings throughout the socialization event, it is evident that the target group was very enthusiastic about activity. This interaction was marked by numerous questions about early marriage, endogamous marriage, and even stunting. Openly, the target group expressed a need for knowledge about child health and even community health in general in the provided table. There is participant data covering information about age, place of birth, place of residence, marital status, number of siblings, and child order, covering 24 registered participants. Their ages vary greatly, ranging from the oldest born on December 31, 1975, to the youngest born on May 31, 2005.

The birthplaces of the participants are spread across several areas, including Labuan Haji, Embung Raja, Batubawi, Pengkelak, Mungkik, Penyambak, Jurang, Poton Bako, Teliah, Ujung, Palembang, and Lendinangka. The majority of participants live in Penyambak and Mungkik, indicating diversity in their geographical backgrounds. Most participants (18 out of 24) are unmarried, while the rest are married (4 participants) or divorced (2 participants). This data reflects variation in marital status among participants. The number of siblings among participants also varies significantly, ranging from 1 to 13, with participants have approximately 5 siblings. This indicates diverse family structures among participants. The child order of participants also varies, with the majority having 1 or 2 children. However, some have up to 10 children. This reveals variation in family size among participants. Overall, the data provides an overview of the demographic diversity of participants, including geographical origins, marital status, and family structure.

A. *Merariq*: Traditional Marriage Practice and Cultural Significance in *Sasak* Community

Merariq and *mbait* are two terms with the same meaning, which is the process of marriage where a young man ‘kidnaps’ a girl to make her his wife.⁵⁵ This is often referred to as elopement, especially in the context of other cultures. In *Sasak* culture, this type of marriage is considered a chivalrous act, responsible, and brave enough to take risks for the one loved.⁵⁶ Chivalry holds a very high position in *Sasak* cultural philosophy, reflected in their popular traditional games, such as *peresean*.⁵⁷ In addition to this honorable marriage method, there is also a marriage process through the courtship process called *belakoq*. Usually, this process involves close family or kinship relationships, and sometimes it is arranged since childhood. *Merariq* is a very important customary event with complex consequences, both during and after the event.⁵⁸ The *merariq* process is usually carried out after sunset, between *Maghrib* and *Isya*’ prayer times. Performing *merariq* during daylight hours is considered inappropriate and will be penalized. The *merariq* must be attended by a woman, while the presence of the groom is optional. This is done to avoid suspicion from the community. Before entering the prospective husband’s house, the prospective bride usually washes her feet with a traditional tool called “a coconut shell water scoop”. However, the tradition of washing feet with this tool is no longer practiced. After the prospective bride arrives, preparations for cooking are made, starting with slaughtering a chicken to signal to the neighbors that the *merariq* is taking place. Neighbors who are aware will contribute various food items as a sign of support. After eating together, the Subang

⁵⁵ A Zahid, “Manifest And Latent Functions In The Merariq Tradition Of The Sasak Tribe, Lombok, West Nusa Tenggara,” *SANGKÉP: Jurnal Kajian Sosial Keagamaan* 6, no. 2 (2023): 193–214.

⁵⁶ Helen Creese, *Women of the Kakawin World: Marriage and Sexuality in the Indic Courts of Java and Bali* (Routledge, 2015).

⁵⁷ Etika Vestia, Era Wahyu Ningsih, and Nanda Saputra, “The Psychology behind Evaluting Value of Character Education in the Tradition of the Sasak Tribes in Peresean Game,” *Journal for ReAttach Therapy and Developmental Diversities* 6, no. 5s (2023): 791–98.

⁵⁸ Sasteri Yulianti, “The Influence of Merariq Culture on Early Wedding in East Lombok District, NTB,” *Science Midwifery* 9, no. 1, Oktober (2020): 173–80.

(ornament made of *lontar* leaves) is removed as a sign of leaving adolescence. The event concludes with a joint prayer, which may not have been done in the past.

B. *Merariq*: Between Culture and Biological Consequences

The marriages in East Lombok are divided into two^{59,60}: 1) through proposal or *soloh or belakoq*, 2) through elopement or *merariq*, the latter being the most dominant marriage practice used by the *Sasak* community. A customary leader holds a role related to the customs of their region, understanding the traditions and serving as a mediator in customary matters.⁶¹ *Merariq* is a tradition in *Sasak* society and has become their identity.⁶² The reasons behind eloping together in marriage process include: 1. Because *merariq* is a tradition deeply ingrained in their society, as stated by informant A:

“When getting married, I eloped with my future wife because it is a tradition and cultural practice here. Although some people propose traditionally, more often, men elope with the girl they love. By eloping with the girl we intend to marry, it shows the bravery of a man.”

Informant A similarly expressed that they married through elopement because it is a tradition that must be preserved, and the

⁵⁹ Maria Platt, “‘It’s Already Gone Too Far’: Women and the Transition into Marriage in Lombok, Indonesia,” *The Asia Pacific Journal of Anthropology* 13, no. 1 (February 1, 2012): 76–90, <https://doi.org/10.1080/14442213.2011.636063>.

⁶⁰ Mohamad Abdun Nasir, “Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia,” *Islam and Christian–Muslim Relations* 31, no. 2 (April 2, 2020): 131–50, <https://doi.org/10.1080/09596410.2020.1773618>.

⁶¹ Maria Platt, *Marriage, Gender and Islam in Indonesia: Women Negotiating Informal Marriage, Divorce and Desire*, 1st ed. (New York: Routledge, 2017), <https://doi.org/10.4324/9781315178943>.

⁶² Sri Hariati, Moh Jamin, and Adi Sulistiyono, “The Legal Status of Marriage (*Merariq*) Implementation Within The Indigenous People of Sasak Lombok,” *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (2024): 406–22.

elopement was actually arranged by the parents

“Actually, my marriage could be considered an arranged marriage, because I got married through an introduction intentionally arranged by our parents. My husband and I still have a family relationship. My parents wanted me to marry someone with the same social status, just like his parents. Because we both come from noble families. We dated for a year and finally decided to get married. I eloped, and both my parents knew about this escape but pretended not to know.”

From the statement above, we can see that the cultural values existing in society are still being practiced as they should be and are made into an identity for them, even amidst rapid modernization.

Other couples choose the elopement method due to disagreement with their parents, whether it be the parents of the man or the woman. It is different with informant F, who stated that she eloped with her partner because her parents and family wanted her to marry someone they had chosen for her, even though she did not like the chosen candidate.

“Actually, my parents didn’t disapprove of my relationship with my husband, but at that time, my parents and family didn’t know that I already had a boyfriend. Suddenly the family chose a candidate for me, because to keep my parents’ feelings, I agreed but only as acquaintances and just as friends. My parents thought we were serious about it even though we rarely met. Suddenly his parents wanted to come. Hearing that, I told my boyfriend, and we decided to elope.”

The same thing happened with informant S, where they eloped because of their parents’ disapproval since the prospective husband was not of equal status.

“My parents, especially Mom, opposed this marriage only because I am from a noble family and my boyfriend is an ordinary person. Mom wants a marriage with someone of the same status. Because of Mom’s disapproval, my husband suggested eloping. And Mom didn’t want to be the guardian at our wedding, and was replaced

by an uncle.”

Actually, the *Sasak* community always avoids marriages with people who have higher positions or nobility. They realize that marrying someone much higher in status will only diminish the meaning of their family. They believe that if a husband or wife has a much higher social status, the family of the wife or husband will be ashamed to visit them, thus the marriage will only isolate them from their extended family, and if the status is lower, they will be reluctant to help the family. The saying goes “*pedoq pada pedeq*” which means if a poor relative marries, marry someone of equal status.

Because of coercion from the male side. This was told by informant R, stated that he eloped with his fiancée because he was not ready and refused to marry.

“At that time, we had been dating for a year and a half. I asked her to marry me, but she refused because she was still in school. She gave me two years until she finished school. But within five months, I eloped with her. That night, I asked her to accompany me to a friend’s house, around 10 pm I asked her to come home with me, and it was during that opportunity that I hid her at my relative’s house”

As for the response from informant R’s fiancée, she said:

“At that time, I never thought I would be eloped, because our agreement was to marry in two years after I finished school. But that night, when we were coming back from his friend’s house, I thought I would be taken directly home, but I was taken to a house of someone I didn’t know, and it turned out to be the house of one of his relatives, and when we got there, he told me he wanted to get married. I was shocked to hear the words spoken, at first I didn’t want to, but he kept persuading me, and his family also persuaded me to agree to get married.”

The same goes for informant Y partner, where informant Y eloped with his wife without any notice or agreement between them. All this decision was made by informant 5 out of fear that his prospective wife

would be taken by someone else that it urged them to elope.

“At first, I asked her to go for a walk, yes, I did ask her to go for a walk. When we were on the way, I asked her to marry me. At that time, I thought she wouldn’t because this invitation was so sudden, but it turned out she agreed, and I immediately took her to hide at my relative’s house.”

Regarding health issues as a result of endogamous marriage, one participant stated:

“We didn’t know that our traditional Merariq marriage could lead to health effects (disorders).”

From the results of the research instrument distributed as a pre-test, it was found that 18 (75%) participants admitted that there were endogamous marriages among relatives in their families. When various genetic disorders were mentioned during the socialization, participants began to identify who within the village they knew had abnormalities or diseases due to genetic disorders. Some disorders mentioned by participants were *clubfoot* and *polydactyly*. Until now, they were unaware that *Merariq* marriage could result in diseases or abnormalities. There hasn’t been any socialization to the community explaining the effects of cousin endogamy.

“... But we realize that this Merariq marriage can lead to the breakdown of a family relationship if the marriage is not good or if there is divorce” (statement by Mother M).

Mother M’s statement was acknowledged and agreed upon by other participants. Some participants then shared their experiences when facing problems resulting in the rupture of a familial relationship. One participant stated:

“Because I am afraid of feeling guilty if something happens in a Merariq marriage, I forbid my child to marry a relative. Even though my child has already been proposed to by my relative’s child. I ask my child to choose someone outside the family instead. If something happens later, there will be no guilt because of the

rupture of family ties” (statement by Mother T).

Even though there is no accurate data on the number of endogamous marriages currently, based on participants’ statements, it is evident that *Merariq* marriages are decreasing due to the rupture of these family ties have descendants with genetic disorders.

According to interview with the informant, we can understand what they are doing as a form of action classified as social action. An action is considered a social action when it influences or is influenced by others. Social action is human action that can influence other individuals in society. Social actions are distinguished into four types: Instrumental Rationality, Value Rationality, Affective Action, and Traditional Action.

In analyzing the three reasons underlying the informant decisions to marry through the practice of “*merariq*,” the types of social action used are instrumental rationality and traditional action. To perform “*merariq*,” mature thinking is required between both parties, the man and the woman, on the steps they will take so that the parents do not suspect their elopement plans, and there must be agreement so that the “*merariq*” process can be realized, although in some cases, the decision to “*merariq*” is made solely by the man. In this case, “*merariq*” is used as a means to achieve specific goals, such as when parents do not approve of the relationship due to differences in their status or because of pressure from parents to marry someone they do not love. Thus, they choose to elope together to achieve that goal. This was done by couples like the other two, who eloped due to opposition from their parents, thus choosing “*merariq*” as a way out of their problems.

The act of eloping together is essentially done because of the opposition they face from their parents, encouraging them to make the brave decision to elope together. This practice of “*merariq*” can also be categorized as a traditional rational action as it is a custom that has been passed down through generations among the *Sasak* community, especially in *Sakra*, and has become a shared culture. Additionally, by eloping, it signifies that both individuals are capable of taking responsibility for independently starting their life together. Another meaning is that the male parent has consented, meaning that he is ready to take responsibility for his son’s actions. This decision is made with

careful consideration from both sides, including the male who wishes to elope with the girl he loves. This can be categorized as a traditional action because “*merariq*” is done based on customs and traditions that have been passed down in the village of Sakra. When a daughter is requested openly, her female parents might be offended, feeling as though their daughter is being equated to an object. Here, it can be regarded that the practice of “*merariq*” by some couples is done without the knowledge of their parents, or it is known but left unattended, or sometimes, parents even orchestrate their children’s elopement. There is a sense of pride for parents whose children are eloped by a young man. Elopement, as a form of “*merariq*,” appears to be a choice in attitude that utilizes customary legality as an instrument to achieve desires.

Because other options like marriage through formal proposal or “*belako*”^x are sometimes burdensome and require financial and psychological readiness on the part of the groom. The possibility of rejection or disapproval by the female guardian due to differences in social status, approval conditions, and other factors that must be met by the applicant can also weigh heavily on the male side, making elopement the right choice for some couples. In addition to being easy to resolve issues in the marriage process, it also facilitates the female guardian’s approval, as in the *Sasak* marriage customs, once two people have eloped, it becomes mandatory for the female guardian to approve it. If not, it would be a disgrace for the family, implying a violation of tradition. From these opinions, it can be concluded that in the practice of “*merariq*,” there are several conveniences in realizing the desire to marry a *Sasak* girl. With a little courage and boldness, a *Sasak* youth can elope with the girl he loves and desires as his companion in life.

The choice of marriage through elopement is very low-risk for not being approved by the parents of the female side. Unlike marriage through formal proposal, sometimes the female parents openly do not permit the marriage. Additionally, in marriage through proposal or engagement, usually, the family of the female side will request anything, and the male side must fulfill it, or in *Sasak* language, it is called “*begantiran*.” In the implementation of marriage through “*merariq*” or elopement, it seems that the female guardian does not have full authority to determine the eligibility of her daughter’s marriage due to the strong impression and message of tradition regarding the female guardian’s

consent. If after elopement, the female guardian does not approve the marriage, it would be a disgrace for the entire female family. If due to the lack of the guardian's consent, the eloped female is returned by the male, she might be considered a spinster. However, the implementation of “*merariq*” feared to be misused by irresponsible parties and the community was unaware of the health risks associated with traditional Merariq marriages until a pre-test revealed that 75% acknowledged endogamous marriages among relatives. Discussion on genetic disorders led to the realization that such marriages could result in diseases like *clubfoot* and *polydactyly*. Lack of prior socialization meant that they hadn't understood these risks. Participants agreed that *Merariq* marriages could strain family relationships, especially if they ended in divorce. One mother expressed fear of guilt and forbade her child from marrying a relative to avoid family ruptures. While exact data on endogamous marriages is lacking, participant accounts suggest a decline due to concerns about genetic disorders and family ties.

C. *Merariq*: Islamic Law Perspective

The Islamic Law (KHI) is a term used to refer to a set of principles or legal norms in Islam originating from the four schools of Islamic jurisprudence.⁶³ The opinions of all scholars in the field of jurisprudence are consolidated into a book structured in the form of legal regulations. In the KHI, there is no distinction between what is referred to as the pillars and/or the valid conditions of marriage according to Islam.⁶⁴ Both are inseparable. The Pillars of Marriage are regulated in Article 14 of the Compilation of Islamic Law (KHI), which stipulates that to perform a marriage⁶⁵, there must be: 1. Prospective wife (woman) and prospective husband (man) 2. Marriage guardian from the woman's side 3. Two marriage witnesses 4. Valid consent and acceptance performed by an

⁶³ Imran Ahsan Khan Nyazee, *Islamic Jurisprudence* (Lulu. com, 2019).

⁶⁴ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*, vol. 4 (Amsterdam University Press, 2010).

⁶⁵ Muhlis Adi Putra, Mahendra Wijaya, and Bagus Haryono, “Coexistence between Religion and Tradition; Lombok Community Studies in the Merarik Tradition,” *International Journal of Education and Social Science Research (IJESSR)* 6, no. 4 (2023): 127–43.

authorized marriage officiant. Additionally, marriage aims to unite both families/relatives, whether from the male or female side.⁶⁶ Therefore, marriage not only concerns the personal affairs of the two individuals getting married but also becomes the concern of both their families/relatives and even the surrounding community. The *Sasak* community, predominantly Muslim⁶⁷, views marriage as a religious command and an expression of gratitude for the presence of Allah SWT⁶⁸. As the majority of the *Sasak* tribe embraces Islam, marriage is considered a beneficial tradition and should be conducted promptly. Marriage is recognized if conducted according to the laws of each religion and belief, as stated in Law Number 1 of 1974 on marriage. To ensure the orderly conduct of marriages for the Muslim community, every marriage must be recorded in a marriage book by a Marriage Registrar Officer (*KUA*), as stipulated in Law Number 22 of 1946 jo Law Number 32 of 1954.

The implementation of marriage is regulated in Law Number 1 of 1974 on Marriage, Government Regulation Number 9 of 1975 on the implementation of Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law (KHI) disseminated through Presidential Instruction Number 1 of 1991. In this law, marriage is regarded as a physical and spiritual relationship between a man and a woman, with the aim of forming a happy and everlasting small family based on the belief in the Almighty God. This reflects the legislators' hope for a legitimate and stable family that can positively contribute to society at large. In the traditional marriage customs of the *Sasak* tribe in East Lombok, it is stated that although Law Number 1 of 1974 only regulates marriage in general, including its validity, the *merariq* marriage (elopement) is still

⁶⁶ Aktieva Tri Tjitrawati and Mochamad Kevin Romadhona, "Living beyond Borders: The International Legal Framework to Protecting Rights to Health of Indonesian Illegal Migrant Workers in Malaysia," *International Journal of Migration, Health and Social Care* 20, no. 2 (January 1, 2024): 227–45, <https://doi.org/10.1108/IJMHSC-04-2023-0038>.

⁶⁷ Budiwanti, "Balinese Minority versus Sasak Majority: Managing Ethno-Religious Diversity and Disputes in Western Lombok."

⁶⁸ M Maulana Kurnia Pratama, Mustari Mustari, and Abdul Karim, "Integration of Islamic Values and Modernization in Sasak Wedding Traditions in Lombok," *ELS Journal on Interdisciplinary Studies in Humanities* 7, no. 3 (2024): 450–61.

recognized in the traditional society of East Lombok. This is regulated in customary law *Rat Sasak* Article 1 paragraphs (18), (19), (20), (21), (22), (23), and (25). After the process according to the provisions of *Rat Sasak*, the *Ijab Kabul* ceremony can be conducted according to the beliefs of the Muslim community, and the marriage is considered valid according to the provisions of Law Number 1 of 1974 Article 2 paragraph (1).

Merariq, a customary marriage ritual of the *Sasak* people in Lombok, Indonesia⁶⁹, involves elopement when a man brings a woman to his family's residence as a sign of their willingness to marry⁷⁰. This tradition is deeply rooted in *Sasak* culture and is influenced by Islamic law (sharia) and customary law (*adat*).⁷¹ *Merariq* adheres to Islamic law when mutual agreement and appropriate marriage protocols are observed, but disputes can arise in cases of coerced elopements or unregistered weddings. Islamic jurisprudence emphasizes consent, equity, and mutual accord between the bride and husband. In *Merariq*, both bride and groom must agree to the elopement, and the marriage is formalized by an *akad nikah* (marriage contract) in the presence of a *wali* (guardian) and witnesses. However, there are situations where *Merariq* contravenes Islamic precepts, such as the absence of parental approval, coercion, forced marriages, and unregistered weddings. Islamic academics and local religious authorities often attempt to reconcile *Merariq* with Islamic principles by securing appropriate agreement, engaging family members, and formally recording weddings. Customary law (*hukum adat*) is essential in regulating *Merariq*, recognizing social norms, settling disagreements, following customary punishments, and protecting cultural identity. However, sometimes it conflicts with national and Islamic legal principles, especially with underage marriage, consent, and gender rights. Indonesia's national legislation integrates elements of both Islamic law and customary law while enforcing legal

⁶⁹ Erwinsya, Handoyo, and Aarsal, "Merariq Tradition of Sasak Tribe in Social Construction and National Law."

⁷⁰ Pudji Rahmawati et al., "Socio-Religious Aspects of the Sasak Community in Reading a Puspakarma Manuscript: Islamic Community Development Perspective," *Ulmuna* 28, no. 2 (2024): 710–37.

⁷¹ Ilyya Muhsin and Muhammad Chairul Huda, "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (2024): 27–52.

constraints on marriage. Significant regulations include Marriage Law No. 1 of 1974, Child Protection Law No. 23 of 2002, and the Religious Court System. Initiatives to align *Merariq* with Islamic jurisprudence and customary law include education and awareness, community participation, legislative changes, and alternative matrimonial practices.

D. *Marariq* in Legal Pluralism Analysis

Tabel 2. Legal Comparatives

Aspect	Customary Law	Islamic Law	Indonesia Law
Definition of <i>Merariq</i>	A customary marriage practice among the <i>Sasak</i> people involving elopement.	Marriage requires consent, <i>wali</i> , and witnesses, but elopement can complicate guardian consent.	Marriage must be officially registered and meet legal requirements.
Consent Requirement	Usually involves the consent of the couple, but family approval is also significant.	Mandatory mutual consent, with a guardian (<i>wali</i>) required for the bride.	Mutual consent is legally required.
Role of Guardian (<i>Wali</i>)	The involvement of the bride's family is significant but not always required beforehand	A <i>wali</i> is essential for a valid marriage.	Parental or guardian consent is required for minors
Marriage Registration	Not formally registered but recognized within the community.	Registration is encouraged but not always practiced.	Mandatory registration under Law No. 1 of 1974.
Legal Recognition	Recognized within the customary legal	Recognized in Islamic communities but	Legally binding only if registered.

	framework but not necessarily by the state.	may face challenges without proper documentation.	
Potential Conflicts	Can conflict with national laws if the marriage is not formally documented.	Issues arise if guardian consent is not obtained or if it contradicts Islamic principles.	Unregistered marriages face legal issues regarding inheritance, divorce, and child legitimacy.

Indonesia has a profound cultural variety, reflected in its legal traditions.⁷² A notable instance of legal pluralism is the *Merariq* tradition, a traditional marriage practice of the *Sasak* people in Lombok, West Nusa Tenggara. *Merariq* entails a male “eloping” with a lady, often with her consent, to start the marriage process. This practice exemplifies the intricate interaction of customary law (*bukum adat*), Islamic law (*bukum Islam*), and the Indonesian national legal framework (*bukum Indonesia*). From the standpoint of customary law, *Merariq* is intricately woven into the cultural and social framework of the *Sasak* society. It is regarded as a valid method of formalizing a marriage if it adheres to established conventions, involving family participation, and employs conventional conflict resolution methods. Under Islamic law, marriage requires mutual consent, the presence of a guardian (*wali*), and witnesses. When both sides agree, *Merariq* usually follows Islamic law. However, some matters might not follow Islamic law, like having no guardian’s consent. Indonesia’s national legal framework governs marriage via Law No. 1 of 1974 on Marriage, which requires official registration and mutual consent from both spouses. Marriages conducted outside official legal structures may result in legal challenges about marital legality, child legitimacy, and property rights. Maintaining a balance between honoring cultural traditions and ensuring legal clarity is essential to Indonesia’s legal diversity. Enhancing awareness, education, and mediation strategies

⁷² Ratno Lukito, *Legal Pluralism in Indonesia: Bridging the Unbridgeable*, 1st ed. (Routledge, 2012), <https://doi.org/10.4324/9780203113134>.

may facilitate the reconciliation of customary, religious, and national legal viewpoints, ensuring that traditions such as *Merariq* progress within a legally acknowledged framework.

Conclusion

In East Lombok, marriages are divided into proposal or *soloh or belakoq* and elopement or *merariq*. *Merariq* is a deeply ingrained tradition in the *Sasak* community, with reasons for eloping due to cultural value and parental arrangement. The *Sasak* community avoids marriages with people with higher social status, believing that marrying someone with higher status will diminish the meaning of their family and may lead to isolation. In a pre-test, 75% of participants admitted to having endogamous marriages among relatives in their families, which led to the identification of genetic disorders such as clubfoot and polydactyly. The text discusses the types of social action used in the elopement process: instrumental rationality, value rationality, affective action, and traditional action. Marriage through elopement in the *Sasak* tribe is popular and convenient for many couples, as it allows them to marry their loved ones without the burden of formal proposal or rejection by the female guardian due to differences in social status, approval conditions, and other factors. Once two people have eloped, it becomes mandatory for the female guardian to approve it, which would be a disgrace for the entire family and imply a violation of tradition. The practice of “*merariq*” offers several conveniences for *Sasak* youths to realize their desire to marry a *Sasak* girl with courage and boldness. However, the implementation of “*merariq*” is feared to be misused by irresponsible parties, and the community was unaware of the health risks associated with traditional *Merariq* marriages until a pre-test revealed that 75% acknowledged endogamous marriages among relatives. In the traditional marriage customs of the *Sasak* tribe in East Lombok, the *merariq* marriage (elopement) is still recognized in the traditional society, as regulated by customary law *Sasak* Article 1 paragraphs (18), (19), (20), (21), (22), (23), and (25).

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