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Gender Equality among the Sasak Indigenous Community in the Practice of *Merariq Kodeq*

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Abstract: The practice of *merariq kodeq*, a form of child marriage commonly carried out through elopement or without the full and free consent of the parties involved, remains prevalent in West Nusa Tenggara and frequently results in violations of women's fundamental rights, particularly in the areas of education, health, and social participation. This study aims to examine the implementation of legal frameworks designed to reduce the occurrence of *merariq kodeq* and to evaluate the extent of legal protection afforded to women's rights within this practice among the Sasak indigenous community. The research employs a normative juridical approach, supported by interview data obtained from Sasak customary leaders. The findings reveal that the government has enacted several legal instruments intended to curb the practice of *merariq kodeq*, including Law No. 16 of 2019 on Marriage and the West Nusa Tenggara Regional Regulation No. 5 of 2021 on the Prevention of Child Marriage. The study finds, however, that the implementation and dissemination of these regulations have not been sufficiently effective, resulting in the continued prevalence of *merariq kodeq* within the community. With regard to the protection of women's rights, legal safeguards remain largely normative in nature, while customary norms frequently overlook the principle of women's free and informed consent. Women's access to education and reproductive health services also remains limited and inadequate. This study recommends greater integration between national legal frameworks and the transformation of customary law through the strengthening of the roles of customary leaders and local governments in mediation processes, the clarification of marriage dispensation mechanisms, and the provision of legal education aimed at empowering women as agents of social change. Future research is encouraged to adopt an empirical approach in order to assess the effectiveness of existing policies at the level of indigenous communities.

Keywords: Gender, Legal Protection, Merariq Kodeq, Sasak Indigenous Community.

INTRODUCTION

Indonesia is an archipelagic nation with a rich diversity of ethnic groups, races, and religions spread across the far corners of the country. This vast territory has provided the space for customary law to develop, be embraced, and be preserved as a set of norms that maintain

social order while regulating the legal lives of the communities within it. The term “customary law” was first popularized by Christian Snouck Hurgronje in 1894 in his book titled **De Aceher’s**, which introduced the term “adatrecht” or “customary law.” Snouck Hurgronje defined customary law as a system of *social control* that carries sanctions (Wiranata, 2005). Van Vollenhoven reaffirmed that “customary law” consists of rules applicable in the indigenous territories that carry sanctions (legal consequences) and are not codified (Abbas, 2011).

Pursuant to Article 131, Paragraph (6) of *the Indische Staatsregeling* (IS), customary law was recognized as valid by the Dutch colonial government. Following Indonesia’s independence, the 1945 Constitution of the Republic of Indonesia (UUD 1945) was enacted as the state’s constitution, replacing the IS and rendering it no longer in effect. Article 18B Paragraph (2) of the 1945 Constitution stipulates that as long as customary law remains in harmony with societal development and the principles established by law, the state recognizes and respects customary law as well as traditional rights. This has ensured that customary law remains in force as positive law to this day.

Customary law interprets marriage not merely as a legal bond between a man and a woman, but as a social event that unites two kinship groups and carries symbolic meaning, customary values, and local wisdom (Damayanti et al., 2025). The conduct of marriage must remain within the framework of human rights and gender equality, as mandated by Article 28B Paragraph (1) of the 1945 Constitution, which emphasizes that marriage is a fundamental right of every individual guaranteed by the constitution, while simultaneously positioning marriage within the legal framework as an institution that must be grounded in the principles of equality, justice, and the free consent of both parties.

Based on these provisions, the state has an obligation to guarantee every marriage, whether within the context of national law or customary law. Gender equality is one of the key aspects of achieving social justice in Indonesia. Gender equality, or gender justice, refers to the idea that every person has the right to equal treatment without experiencing discrimination based on gender identity.

The concept of gender addresses the positions of men and women in social interactions. Gender is not innate but rather a societal perspective on men and women and their respective roles. Gender discrimination has become a global issue that distinguishes the positions of men and women. This discrimination naturally drives demands and efforts to achieve gender equality between men and women in various aspects of life, such as in marriage (Judiasih, 2022).

Gender discrimination occurring within marriage generally stems from the patriarchal system. Patriarchal culture positions men as rulers, while women are viewed as second-class individuals who must follow men’s will. This gender-based discrimination often results in women facing various forms of treatment that lead to exploitation, thereby hindering their participation in public life.

This gender inequality should be eliminated in accordance with the principles of *the Sustainable Development Goals* (SDGs), specifically the fifth Sustainable Development Goal, which relates to efforts to achieve gender equality and empower women and girls. The United Nations (UN) has adopted a convention as evidence of its commitment to gender equality, namely the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), issued in 1979; and has since been ratified by 189 countries, including Indonesia (Judiasih et al., 2018).

The United Nations Children’s Fund (UNICEF) reported in 2023 that there are 25.53 million women in Indonesia who were married before the age of 18. Indonesia ranks fourth globally in the highest number of child marriage cases, followed by India, Bangladesh, and China. Overall, 11.2% of women marry before the age of 18, and 0.5% of them marry at age

15. According to the Central Statistics Agency (BPS) in 2025, West Nusa Tenggara Province ranks first in Indonesia for the rate of marriage before the age of 18, with a percentage of 14.96%. The influence of traditions, customs, and religious beliefs appears to provide justification for the marriage of underage children. Customary practices are often used as a theological and social basis for formalizing the marriage of children who have not yet reached adulthood. It is this contradiction between on-the-ground practices and the age limits in the Marriage Law that subsequently gives rise to prolonged legal issues.

One customary marriage practice related to the issue of underage marriage is the *merariq kodeq* tradition among the Sasak indigenous community in Lombok. The Sasak people of Lombok Island in West Nusa Tenggara (NTB) have a traditional marriage custom called *merariq*. Etymologically, the word *merariq* derives from the Sasak word “lari” or “to run away,” specifically “*melai’ang*.” The first step taken by the man is to abduct the woman he desires and hide her in the home of a third-party male relative. The goal is to make the woman his wife with the consent of the woman and the parents of the woman who was eloped (Octavia et al., 2026). This traditional marriage is still practiced in Sasak society today, particularly through the *merariq* tradition, which is understood as part of a cultural identity passed down through generations in establishing marital relationships. The evolution of this traditional marriage does not only occur in forms consistent with the original customary values but also frequently manifests as “*merariq kodeq*” or child marriage, indicating that the custom remains strongly alive yet has deviated in its application (Sumerah, 2025).

“Merariq” means “to run away,” and “Kodeq” means “underage.” According to Mr. Lalu Sajim, in an interview conducted by the author on January 7, 2026, the concept of “*merariq kodeq*” in Sasak society is a contemporary term that has emerged due to shifts in social behavior, not a change in the traditional norms themselves. Maturity in marriage according to Sasak custom is not determined by biological age, but rather by an individual’s ability to shoulder responsibilities (Syaerozi, 2019).

Changes in the social patterns of the younger generation, which often escape parental supervision, lead to *merariq kodeq* by individuals who have not yet reached the legal age of marriage. According to prevailing customary law, a person who does not return home is automatically considered to have *eloped* regardless of age; thus, if that individual is returned to their family, the incident is perceived as a disgrace to their family and customary group (Hariati et al., 2024). Based on these considerations, even though it contradicts the ideal age requirement, the marriage is still conducted as a form of social and customary resolution, involving a recommendation from the Office of Religious Affairs. This situation highlights the tension between the persistence of static customary norms and the dynamic changes in social behavior, particularly in the context of child protection and marriage law.

The issue with the practice of *merariq* marriage arises when it does not meet the requirements of positive law under the Marriage Law, such as: Such unregistered marriages violate Article 2, Paragraph (2) of the Marriage Law; Underage marriage violates Article 7(1) of the Marriage Law, which sets a minimum age of 19 years for both men and women; Marriage without parental consent for those under 21 years of age violates Article 6 of the Marriage Law; and Criminal liability may arise if the *merariq* practice is conducted without the consent of the woman’s family or causes harm to the family, and may be prosecuted under the Criminal Code (KUHP) for violating Article 332 KUHP regarding the abduction of a woman.

The local Sasak indigenous village government notes that many women who seek marriage dispensations at a young age do not continue their education and ultimately find themselves in a vulnerable socio-economic position. This process reinforces male dominance justified by cultural norms often referred to as a patriarchal structure (Dewi, 2021). This is closely linked to the kinship system in West Nusa Tenggara (NTB), which follows a patrilineal

lineage, where in matters of marriage, men act as the primary decision-makers and determiners of the validity of a customary union (Horii, 2021).

Various efforts have been made, such as the research by Iwa Kartiwa Karpi, Asep Sumaryana, and Achmad Buchari, which highlights how the “Gerakan Anti *Merariq Kodeq*” (GAMAQ) program was implemented in West Lombok. This public program reduces the incidence of child marriage through strategies that integrate diverse cultural elements and involve numerous organizations. The research findings reveal that GAMAQ has been quite successful in reducing child marriage cases through methods such as education, mediation, strengthening relationships, and support from local regulations. However, challenges remain, such as limited village funds, a strong patriarchal culture, and the potential for dispensations and unregistered marriages. Furthermore, Sumerah’s research analyzed legal violations in the practice of *merariq kodeq*, identifying offenses such as child abduction, violence, sexual violence, and child neglect (Karpi et al., 2024).

The novelty of this study lies in situating the issue of the *merariq kodeq* practice within the principle of gender equality. This study employs an analysis grounded in women’s rights through international policies and laws, and utilizes an understanding of gender relations theory. Unlike previous program evaluations such as GAMAQ, which focused more on program implementation and prevention strategies in the field, this study not only examines the effectiveness of the activities or policies implemented but also analyzes the issue of *merariq kodeq* from the perspective of gender equality and the experiences of affected women. It also differs from the research conducted by Sumerah; the author will critically examine the implementation of West Nusa Tenggara Regional Regulation No. 5 of 2021 on the Prevention of Child Marriage (Perda NTB No. 5 of 2021) from the perspective of women who have undergone or been affected by *merariq kodeq*, and propose concrete synergies that need to be established between customary law and national law to reduce gender inequality.

METHOD

This study employs a legal research method with a normative juridical approach, which focuses on the analysis of secondary sources or data related to the legal issues under investigation. This approach involves examining relevant legislation, legal doctrines, and legal literature pertaining to gender equality and the practice of *merariq kodeq* marriage within the Sasak indigenous community. The research specification used is descriptive-analytical, which aims to provide a systematic overview of applicable legal provisions and relate them to social phenomena occurring in society (Irwansyah, 2020).

The legal materials used in this study consist of primary, secondary, and tertiary sources. Primary legal materials include laws and regulations related to marriage and the protection of women; secondary legal materials consist of books, academic journals, research findings, and the opinions of legal experts regarding the issues under study; and tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources.

This study is supplemented with interviews as supporting data to obtain an empirical understanding of the practice of *merariq kodeq* in indigenous communities. The interviews were conducted online with a legal expert who also serves as a Sasak traditional leader, namely Lalu Sajim Sastrawan. The interviews were conducted to obtain an explanation of the practice of *merariq kodeq* as well as the social dynamics underlying it. The data obtained was then analyzed using qualitative analysis methods, specifically by systematically examining and interpreting legal materials to explain the relationship between applicable legal norms and the social practices occurring in the community.

RESULTS AND DISCUSSION

Legal measures that can be taken to minimize the occurrence of *Merariq Kodeq* marriages in the Sasak traditional community

Merariq Kodeq is a form of underage marriage; the term "*merariq kodeq*" essentially emerged due to deviations in community behavior and the progression of time. In the Sasak language, "*Merariq Kodeq*" refers to the pre-marital act of abducting a girl (*merariq*) from her parents' home or residence as a sign that the young woman has been released from her parents' or guardians' supervision serving as the initial stage of the marriage process and involving a minor. The practice of abducting the girl typically occurs in the late afternoon or at night. The return of a girl who has been abducted without proceeding to the marriage stage or due to the cancellation of the marriage is often perceived as a disgrace for the bride's family (Santi & Setiawan, 2025).

In principle, *merariq* is performed when the man and woman to be married are assumed to be adults based on their responsibilities and have been approved by both parties. A man is considered an adult when he is capable of taking responsibility for raising calves from cattle or buffalo until the herd reaches 25 head, plowing rice fields, planting rice, and so on, while a woman's maturity is measured by whether she can cook, plant rice, weave 144 pieces of cloth, and so on (Habibi & Bagiartha W, 2025). Generally, these responsibilities can only be carried out by men and women over the age of 22. The Sasak tribe's principle of maturity regarding marriage is not determined by a specific age but rather by responsibility. The passage of time has caused the concept of maturity among the Sasak people to shift toward a distorted understanding of marriage age, leading to the prevalence of *merariq kodeq* marriages within the Sasak community (Fajriyah, 2016).

Legislation provides a strong foundation for efforts to minimize the practice of underage marriage. Law No. 16 of 2019 on Amendments to Law No. 1 of 1974 on Marriage (Marriage Law) sets the minimum marriage age for both men and women at 19 years as an effort to ensure a successful marriage that does not end in divorce and to produce healthy and high-quality offspring (Kusmayanti & Mulyanto, 2020). The law considers 19 years of age to be appropriate for women to give birth, thereby reducing the risk of maternal and infant mortality, ensuring children's rights are fulfilled to maximize their development, and supporting parents in providing the highest possible level of education. Article 7, Paragraph (2) of the Marriage Law permits a minimum age difference for marriage; if both or one of the prospective spouses is underage, a marriage dispensation is considered an exception and allows for a conditional marriage to be conducted.

In Indonesia, deviations from the minimum marriage age requirement can occur by filing a petition for a dispensation with the court. Petitions for dispensations to marry below the minimum age are permitted, but this has led to an increase in child marriage cases in Indonesia (Judiasih, 2023). In granting a request for a dispensation, it should be based on principles that prioritize the best interests of the child, which include the protection of the right to life, the right to develop properly, respect for the child's views, recognition of human dignity and worth, the principle of non-discrimination, gender equality, and the guarantee of equal treatment under the law. This ensures that the normative purpose of the dispensation is fulfilled to safeguard children's rights at every stage of the legal process rather than contributing to high rates of child marriage.

The percentage of child marriage cases in West Nusa Tenggara Province in 2024 reached 14.96 percent. This figure is above the national average of 5.6 percent. Meanwhile, according to the Department of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB), in 2025 child marriages reached 143 cases.

Based on an interview conducted by the author with Mr. Lalu Sajim, a traditional leader of the Sasak tribe, he stated that *merariq kodeq* marriages occur due to:

1. The factor of perceived maturity: in Sasak tradition, a person's readiness for marriage is not determined by their age but by their ability to fulfill functional responsibilities. For example, a man who is capable of cutting grass, plowing rice fields, or planting rice, and a woman who can cook, plant rice, and weave, are considered mature and ready for marriage even if they are still young;
2. Family factor: Active encouragement from parents or the extended family, where marriage is perceived as a solution to prevent family disgrace, particularly when a young woman is seen out late at night with a man a situation that may be viewed as violating local social norms of propriety;
3. Factors related to the development of information technology: Changes in how young people meet and interact in the modern era due to technological transformation and globalization. These changes mean that young people no longer meet through traditional ceremonies or family gatherings under parental supervision, but rather via *cell phones* or other media without their parents' knowledge, thereby weakening social control and intergenerational communication.

In response to the high rate of child marriage in NTB, the local government has established the *Anti-Merariq Kodeq* Movement, often referred to as "GAMAQ," to support the implementation of West Lombok Regency Regulation No. 9 of 2019 (West Lombok Regulation No. 9 of 2019), which regulates the raising of the minimum marriage age. GAMAQ is a well-planned, integrated, wide-reaching, and sustainable social campaign aimed at curbing and preventing the practice of *merariq kodeq*. This program is implemented throughout West Lombok Regency and actively disseminated down to the village and hamlet levels, in collaboration with the Religious Affairs Office (KUA) at the sub-district level, and then communicated to religious leaders and traditional figures. The objective is to urge parents not to marry off their children who are still considered underage (Busroh et al., 2024). As a result of this program, the KUA, as a government representative, has the direct authority to refuse marriage registration services if one of the prospective spouses is underage even if they are just one day short of the age of majority which ultimately complicates the process of obtaining a marriage dispensation from the Religious Court (Aulia et al., 2026).

Furthermore, the government has issued NTB Regional Regulation No. 5 of 2021 with the following objectives:

1. To realize and provide child protection and ensure the fulfillment of children's rights;
2. To improve the quality of life and health of mothers and children;
3. Reducing the rate of marriages that do not meet the age requirements;
4. To prevent the risk of death, particularly among mothers and children;
5. Preventing domestic violence;
6. Reducing poverty; and
7. Improving the quality of human resources.

Article 5 of NTB Regional Regulation No. 5 of 2021 states that child marriage must be prevented when the prospective groom and/or bride do not meet the age requirements for marriage as stipulated by law. This regulation mandates various prevention strategies, ranging from public awareness campaigns to the registration of prospective child brides and grooms. Akhdiansyah, Chair of the Regional Regulation Formulation Agency (Bapemperda) of the West Nusa Tenggara Regional People's Representative Council (DPRD NTB), stated that an evaluation of the regulation is necessary. Although the rate of underage marriages shows a decline, on-the-ground realities still reveal a high prevalence of child marriage, attributed to the absence of strict penalties for violators and the weak enforcement of existing legal provisions. The regional regulation indicates that it was designed to serve as a guideline aimed at guiding or shaping society without involving coercive elements as a form of law enforcement.

The preventive legal measures mandated by Article 6 Paragraph (3) of NTB Regional Regulation No. 5 of 2021 are implemented in the form of policy strategies, namely:

1. Optimizing Children's Resource Capacity

Optimizing children's resource capacity is of utmost importance and serves as the first step in preventing child marriage. *Child marriage often* occurs due to children's limited understanding of their rights, as well as the legal and social consequences of child marriage. This optimization can be achieved through increased access to formal and non-formal education, adolescent reproductive health education, and legal education regarding the minimum marriage age and children's rights. Empowering children through the strengthening of *life skills* is also essential so that children have a broader future outlook and do not view marriage as the sole form of social recognition within the *Merariq* culture.

2. Creating an environment that supports the prevention of child marriage

Preventing *merariq kodeq* marriages depends heavily on efforts to foster a social environment in which the community collectively rejects the practice of early child marriage. The Sasak community recognizes *merariq* as a socially and culturally accepted custom, so deviations such as *merariq kodeq* are often viewed as acceptable. Consequently, the concrete steps needed are to strengthen a shared understanding among residents by informing parents, traditional leaders, and religious leaders that "*merariq kodeq*" violates legal regulations and harms children's well-being. Village officials must support the establishment of local regulations, which may include public awareness campaigns and strengthening the role of families in advocating for the importance of children's education and health over marriage—specifically by strictly prohibiting child marriage so that traditional customs can no longer be used to justify the practice of *merariq kodeq*. A supportive social structure will reduce the traditional pressures that have long sustained the occurrence of child marriage.

3. Improving Accessibility and Expanding Services

Most incidents of child marriage related to "*merariq kodeq*" go unrecorded in official records because they are based on local traditions without the enforcement of Indonesia's marriage laws. Given this situation, more accessible and expanded services are needed, such as youth counseling, legal aid, reproductive health services, and safe, child-friendly reporting mechanisms down to the village level. Reactive measures that can be taken for children involved in *merariq kodeq* marriages include providing safe houses and psychological support to prevent social exclusion from families and communities. This strategy aligns with the principle of providing special protection for children who have been subjected to *merariq kodeq* marriage practices.

4. Strengthening Regulations and Institutions

Strengthening the enforcement of regulations to make it clear that the practice of *merariq kodeq* cannot be tolerated as a customary tradition. Concrete actions that need to be implemented include better enforcement of NTB Regional Regulation No. 5 of 2021 by aligning it with national regulations, as well as maximizing the functions of relevant agencies such as the Department of Women's and Children's Empowerment, the Religious Affairs Office (KUA), and law enforcement officials. Strengthening institutional capacity also means tightening the requirements for marriage license exemptions and monitoring officials or traditional leaders involved in customary marriages. Through such governance, the *merariq kodeq* tradition can be prevented through firm legal channels while still respecting local cultural values.

5. Strengthening Stakeholder Coordination

Efforts to prevent the practice of *merariq kodeq* marriage are a shared responsibility that requires cross-sectoral coordination. Strengthening coordination involving the central government, local governments, educational institutions, traditional leaders, and indigenous

communities is crucial for creating synergy. The establishment of a task force to prevent underage marriage can be addressed swiftly and in an integrated manner. Strong coordination will prevent cases from being resolved solely through traditional means, which often disregard children's rights (Adnyani, 2016).

West Nusa Tenggara Governor Regulation No. 34 of 2023 on the Regional Action Plan for the Prevention of Child Marriage for the Years 2023–2026 (NTB Governor Regulation No. 34 of 2023) is a concrete manifestation of the local government's commitment to implementing NTB Regional Regulation No. 5 of 2021. This Governor's Regulation is designed as an implementing regulation that includes an action plan, the division of roles among local government agencies, mechanisms for cross-sectoral coordination, and budget allocation to reduce the rate of child marriage. The existence of this Governor's Regulation demonstrates that the local government is not merely a formulator of legal norms but is actively striving to promote the practical implementation of policies on the ground (Wafiroh et al., 2026).

NTB Regional Regulation No. 5 of 2021 does not address sanctions regarding child marriage. NTB Governor Regulation No. 34 of 2023 also does not address such sanctions. Both regulations focus on institutional strengthening and preventive measures to prevent child marriage. West Lombok Regional Regulation No. 9 of 2019 stipulates sanctions in its articles. The sanctions target violating agencies and parents. Sanctions range from written warnings, customary sanctions, administrative sanctions, to criminal penalties (Mardianingsih et al., 2025). This regulation applies only within the West Lombok region. The regulatory framework incorporates policy-oriented norms aimed at enhancing the roles of local governments, communities, and families—including through education, outreach, guidance, and empowerment. The approach employed is not a repressive one relying on punitive measures, but rather a preventive and collaborative approach to minimize the occurrence of child marriage.

Mr. Lalu Sajim stated that prior to the implementation of NTB Regional Regulation No. 5 of 2021, the practice of "*merariq kodeq*" tended to be uncontrolled and was often resolved through customary mechanisms without any specific regulations governing traditional marriage in NTB. Following its implementation, there has been a national decline in the rate, but at the local level in NTB, the practice remains relatively high.

The effectiveness of NTB Governor Regulation No. 34 of 2023 has not yet been fully realized; this depends heavily on the consistency of its implementation. The practice of "*merariq kodeq*," which involves child marriage, is often resolved through customary mechanisms without state involvement, so that the goal of prevention is frequently not achieved. This situation demonstrates that the law cannot function on its own without the active involvement of government officials and law enforcement.

According to data from the NTB Department of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB), child marriage in 2023 reached 17.32 percent. Meanwhile, in 2020, child marriage cases stood at 16.61 percent. This percentage briefly decreased to 16.59 percent in 2021 and to 16.23 percent in 2022. This indicates that no significant change has occurred despite the regulation having been enacted and implemented.

The action plan established in this Governor's Regulation must be implemented with full commitment through monitoring, evaluation, and the courage of local governments down to the village level to enforce policies preventing child marriage. Without a strong commitment to implementation, the regulation risks becoming merely an administrative document and remains unable to address the ongoing issue of "*merariq kodeq*" in the community.

Legal protection of women's rights in the practice of *Merariq Kodeq* marriage within the Sasak indigenous community

Sasak customary law governs the *merariq* tradition based on values aimed at prioritizing the protection of women's rights. Philosophically, every stage of *merariq* is intended to respect and uphold women's rights; women are granted full authority to determine when and to whom they will marry (Nursalim et al., 2023).

The regulations governing *merariq* in the Sasak community of Lombok also adhere to the principle of *pade maik*, meaning "mutual benefit." Similarly, regarding *pisuke*—as the name implies—there must be no element of coercion; rather, there must be the consent of both families. The giving of *pisuke* in Sasak culture does not imply the sale of a daughter; rather, the provision of money or goods as *pisuke* is understood as a token of appreciation for the efforts made by the girl's family in raising and educating her over decades, until she reaches adulthood and is ready for marriage (Assaori et al., 2025). This tradition also serves to reduce the tendency toward divorce, as men are expected to consider the consequences before dissolving a marriage that has already taken place. In principle, Sasak custom emphasizes that customary norms must not conflict with religious and state laws, and the decision of any party refusing to marry through *merariq* must be protected by custom.

The author argues that the issue of gender inequality in the practice of *merariq* does not stem from the normative framework of Sasak customary law itself—which is fundamentally grounded in the protection and respect for women's rights—but arises due to deviations in behavior and shifts in societal attitudes when implementing these customary values, giving rise to the term "*merariq kodeq*."

These deviations result in the neglect of the principles of consent, willingness, and women's autonomy, so that *merariq* which is supposed to be protective actually has the potential to perpetuate gender inequality. The practice of *merariq kodeq* often leads to women who enter such marriages not continuing their basic education on the grounds that they have the obligation to manage household needs. This situation is inconsistent with the provisions of Article 31, Paragraph (1) of the 1945 Constitution, which states that "Every citizen has the right to education." Barriers to education arise because women in underage marriages must bear a double burden: the responsibility of directly managing the household and meeting the demands of culture and the extended family (Qadafi & Agustiningsih, 2021).

Indonesia has ratified the *Convention on the Rights of the Child* (CRC) through Presidential Decree No. 36 of 1990, which prohibits forced marriage and child marriage, or marriage of minors. Child marriage is a discriminatory practice, particularly against girls, and constitutes a violation of fundamental human rights that should not be permitted anywhere in the world. All children have the right to education for their personal development, to prepare for adulthood, and to contribute positively to society and their families in the future. Early marriage and forced marriage hinder the fulfillment of educational, health, and psychological well-being (Mardianingsih et al., 2025).

One of the complex issues in Indonesia is the practice of child marriage, such as the "*merariq kodeq*" marriage practice in West Nusa Tenggara (NTB). Marriage under the legal age or at a young age consistently gives rise to social problems that are often impossible to resolve. Social problems are an inseparable part of human life itself because they arise as a result of human culture, as a result of relationships with others, and as a result of human behavior. From a health perspective, women who engage in sexual activity before the age of 20 are at risk of cervical cancer because cervical cells are not yet fully mature (Nursalim et al., 2023).

In the practice of *merariq kodeq*, there is a gap between positive law and evolving social realities. Based on interview findings, the author discovered that the practice of *merariq kodeq* marriage often involves girls who lack autonomy over their own marriage decisions and feel

compelled by pressure from family and society, thereby creating a conflict with Indonesia's positive law. Sasak customary law (village awig-awig) also plays a role in regulating preventive protection for women and children in the practice of *merariq kodeq* marriage; for example, the Awig-Awig on the Protection of Children and Women in Labuapi Village, NTB (Labuapi Village Awig-Awig) (Muslim et al., 2023).

Article 15 of the Labuapi Village Awig-Awig regulates *merariq kodeq*, stating that *merariq* may be performed if both the man and woman are at least 21 years old. When a young man elopes with a minor or a girl still in school without meeting these requirements, customary law mandates the "separation" of the couple and imposes a fine of Rp.2,000,000 (Two Million Rupiah). This provision demonstrates that customary rules can include sanctions against men who elope with minors; however, the enforcement of village regulations varies from village to village, and some village regulations still do not address marriage rules or sanctions for underage marriage, resulting in uneven preventive protection provided by village regulations.

This highlights legal uncertainty that can create loopholes for the occurrence of child marriage practices that are not fully protected. To address this issue, it is necessary to clarify the minimum marriage age and penalties for perpetrators of underage marriage in every village awig-awig that regulates the practice of *merariq* (Ansharah et al., 2025).

A woman who has been eloped with is considered to have been "taken" and must be married immediately to avoid bringing shame upon the family. A family that refuses to allow their daughter to marry after she has been eloped with is viewed as a family disgrace. This practice demonstrates how culture legitimizes patriarchy. The 1948 Universal Declaration of Human Rights does not explicitly state that human rights must be guaranteed for women, but Article 2 of the Declaration asserts that everyone is entitled to rights and freedoms without discrimination, including protection against discrimination based on sex.

Articles 28A–J of the 1945 Constitution, as amended, and Law No. 39 of 1999 on Human Rights govern human rights. Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women mandates that the state make every effort to eliminate all forms of discrimination against women. This provision is also set forth in CEDAW, which requires member states to guarantee equal rights for husbands and wives to enter into marriage with their own consent. Women in marriage must be granted the right to choose a partner, give free consent, manage both separate and joint property, and receive equal legal obligations and protections.

Criminal law prohibits the practice of "*merariq kodeq*" marriage, as addressed in Article 454 of the Criminal Code (KUHP), which imposes a criminal penalty on anyone who intentionally abducts a minor girl from the custody of her parents or legal guardian with the intent to marry her; such an act is punishable by imprisonment for a maximum of 7 (seven) years. Article 454 of the Criminal Code is a complaint-based offense, meaning that proceedings can only be initiated when the entitled party files a report with law enforcement authorities. The entitled parties referred to are the abducted woman, her parents, and her legal guardian. In practice, *however*, many families are reluctant to report the abduction of their child. This is due to strong social and cultural pressures within the Sasak community, where families often consent to the marriage even if the child is underage and without the girl's full consent.

Normatively, the prevention of child marriage has a strong and multi-layered legal foundation, ranging from the constitutional level to local regulations. Article 28B Paragraph (2) of the 1945 Constitution, international commitments through the CRC and CEDAW, as well as Law No. 16 of 2019 amending Law No. 1 of 1974 on Marriage, affirm the state's obligation to protect children's rights and establish a minimum marriage age of 19 years for both men and women. These provisions are further reinforced through administrative regulations, including Minister of Religion Regulation No. 30 of 2024, which clarifies the role of the KUA in regulating marriage registration (Assaori et al., 2025; Octavia et al., 2026).

At the regional level, these regulations are implemented through NTB Regional Regulation No. 5 of 2021 on the Prevention of Child Marriage and NTB Governor Regulation No. 34 of 2023 as its implementing regulation. However, neither of these regulations explicitly addresses sanctions against perpetrators or parties involved in child marriages. The substance of the regulations focuses more on strengthening cross-sectoral coordination, involving local governments, educational institutions, community leaders, and families, as well as promoting preventive efforts such as education, outreach, and support.

Life after child marriage encompasses the specific situations and needs of children following marriage, whether to an adult or another child. These needs become more complex in cases of violence or divorce. Following child marriage, individuals who have experienced it need to be equipped with various services that support them as they face socioeconomic changes, household responsibilities, physical readiness, and social challenges—particularly discrimination—especially for women who fall into vulnerable groups. Married children retain the right to education, social protection, and health services, which are most effectively fulfilled through inclusive programs.

Rehabilitation efforts for victims of child marriage occurring within the "*merariq kodeq*" marriage practice must prioritize fulfilling their rights in the areas of health, education, psychological well-being, and socioeconomic improvement. Regarding physical and reproductive health, children married at a young age are at risk of unsafe pregnancies. Data from the 2023 Central Lombok District Nutrition Report notes that 13.2% of pregnant women face chronic energy deficiency (CED) and 10.81% suffer from iron-deficiency anemia, making the nutritional status of adolescent pregnant women a cause for concern. Local authorities are addressing this situation by intensifying strict monitoring through family registration by the National Population and Family Planning Board (BKKBN), which has designated "children married without a marriage certificate" as a special category requiring monitoring for pregnancy care, stunting prevention, and access to family planning services.

The NTB Provincial Agency for Women's Empowerment and Child Protection (DP3AP2KB) serves as a protective mechanism for victims of "*merariq kodeq*" marriages, functioning as an implementing agency to carry out various protections for children and women and manage programs directly related to rehabilitation for victims. One concrete example of this function is the provision of services through the Family Education Center (PUSPAGA), including safe housing, psychological counseling, and legal assistance for young girls who have married at a young age. DP3AP2KB has a special unit dedicated to the protection of women and children, tasked with providing services such as public complaints handling, victim outreach, case management, temporary shelter, mediation, and victim accompaniment. The role of DP3AP2KB NTB needs to be disseminated to the Sasak indigenous community to foster awareness that these services are crucial for helping victims regain their self-confidence and protecting their fundamental rights, which are often overlooked due to structural and cultural injustices.

In practice, legal protection for women affected by the *merariq kodeq* practice remains far from being implemented equitably. Although there is a foundation of customary regulations, national laws, and international regulations, their implementation is often hindered by cultural factors, unequal access to services, and weak coordination among institutions. The recovery efforts carried out by DP3AP2KB NTB and counseling from PUSPAGA NTB do provide a safe space and psychological health support, but their coverage has not yet reached villages that still maintain the deviant *merariq kodeq* practice. Village awig-awig, which are supposed to serve as a means of protection for indigenous communities, often have differing rules and applications, creating legal uncertainty; therefore, it is necessary to expand the outreach of DP3AP2KB and PUSPAGA counseling throughout the NTB region.

In the context of legal pluralism in Indonesia, marriage practices cannot be separated from the interplay between national law, customary law, and the social norms that exist within society. In indigenous communities such as the Sasak people of Lombok, the application of law is simultaneous; a marriage is not only evaluated from the perspective of state law but must also comply with customary law and religious law to be considered socially valid. This situation indicates that the prevailing legal systems are not always harmoniously integrated, as each possesses distinct standards and orientations.

In line with Mochtar Kusumaatmadja's theory, law should not merely be understood as a collection of written norms but as a tool for social renewal (*Law as a tool of social engineering*). The existence of law must drive social change, including in addressing discriminatory practices such as child marriage grounded in customary law. Law is not sufficient merely in a normative sense; rather, it must serve as the foundation for transformation capable of shaping new awareness within society (Wiranata, 2005).

National law, through the Marriage Law, establishes a minimum age limit, a registration requirement, and principles for the protection of women and children. This law creates a unification of marriage norms in Indonesia. Customary law preserves local practices, yet these practices still allow for child marriage. The interaction between the two is dynamic, encompassing harmonization, compromise, or conflict. Harmonization depends on aligning customary values with national provisions; disharmony in norms weakens legal protection for children.

The implementation of gender equality in Lombok society, in reality, still faces various structural and cultural barriers; this is evident in the strong dominance of patriarchal culture, which places women in a subordinate position in social, economic, and legal life. These issues must be addressed by reinforcing customary values that support equality, strengthening legal capacity through the integration of customary law with national law, and enhancing women's roles within customary institutions as agents of social transformation. Implementing education through indigenous communities and empowering women economically are strategic steps toward creating a more just and equitable social structure. A participatory and collaborative approach will facilitate the Sasak indigenous community's transition toward a social order that upholds women's rights and dignity equitably (Horii, 2021; Judiasih, 2022).

Regional regulations should bridge the disconnect between customary values and national legal standards. However, NTB Regional Regulation No. 5 of 2021 and Governor's Regulation No. 34 of 2023 have not optimally fulfilled this function. Both regulations place greater emphasis on preventive and coordinative measures; therefore, a comprehensive evaluation of the implementation of these regulations is necessary through the strengthening of repressive aspects via strict law enforcement against violations and the imposition of sanctions on perpetrators of the *merariq kodeq* marriage practice.

In the marriage practices of the Lombok community, particularly the Sasak indigenous community, the interpretation of human rights differs from the universal concept in national law and international instruments. The community prioritizes social harmony, family honor, and adherence to customary law as the benchmarks for marriage. The *merariq* practice is viewed as a tradition that legitimizes social and cultural norms, not a violation of rights.

This perspective means that issues such as child marriage or the lack of free consent from women are not considered human rights violations by the local community. Social constructs have established these practices as long-accepted parts of the adat. A positive law approach based on individual rights conflicts with adat, which prioritizes collective interests and traditional values.

The interpretation of human rights in Lombok is contextual, influenced by local community values. Efforts to protect human rights, including the prevention of child marriage, cannot rely solely on a normative approach but must also consider the cultural and social

realities of the community. Without a cultural and social approach, legal policies risk being ineffective because they do not align with the perspectives of the community that is the subject of such regulations.

CONCLUSION

This study demonstrates that the practice of *merariq* marriage among the Sasak people has deviated from its noble values. To minimize this practice, the government has a legal basis to prevent it through the 1945 Constitution, the Marriage Law, NTB Regional Regulation No. 5 of 2021, and NTB Governor Regulation No. 34 of 2023; however, these regulations have not been fully implemented. This is due to the persistent gap between legal norms and social realities on the ground, rooted in patriarchal culture, which positions girls as passive objects, the family's fear of social stigma, and the weak enforcement of laws against traditional marriage decision-makers.

Legal protection of women's rights in the practice of *merariq kodeq* encompasses two primary forms: preventive protection through minimum marriage age limits and village regulations (*awig-awig*), and repressive protection such as recovery services, psychological counseling, and legal aid. In practice, these instruments have not yet been able to substantively implement the principle of gender equality. The implementation of this legal protection still faces obstacles in reaching indigenous communities evenly, triggered by limited access to information, a lack of service infrastructure, and socio-cultural constraints that hinder the implementation of legal protection for women's rights in the practice of *merariq kodeq* marriage.

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