

## Elopement in Lombok and Its Legal Consequences from the Perspective of Customary Law, Marriage Law, and Islamic Law

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### ABSTRACT

This study examines the phenomenon of elopement, or *merariq*, as practiced by the Sasak people in Lombok, Indonesia, and analyzes its legal implications from the perspectives of customary law, national marriage law, and Islamic law. While culturally regarded as a traditional form of courtship, *merariq* often clashes with formal legal standards, particularly when carried out without parental consent, guardian approval, or official registration. The research highlights how such practices can lead to social conflict, loss of legal rights for women and children, and potential violations of criminal and human rights law. Using a normative juridical approach, this study finds that although *merariq* carries deep cultural significance, it must be harmonized with national and religious legal systems to ensure the protection of individual rights, especially for women and minors.

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## **INTRODUCTION**

Elopement, known as "merariq" in the Sasak culture of Lombok, is a social phenomenon that remains common in society. This practice is often viewed as contrary to prevailing norms and laws. Elopement is a form of marriage in which a man and woman marry without the knowledge or consent of their families. The phenomenon of elopement in Lombok has strong cultural roots, but it also raises various problems and negative impacts. Therefore, it is important to understand elopement from various perspectives, including customary law, marriage law, and Islamic law.

The phenomenon of elopement, or merariq, on Lombok Island, particularly among the Sasak indigenous community, is a unique marriage practice steeped in cultural significance. The term merariq literally means to run away in the Sasak language, and the practice describes an event in which a man carries off a woman he intends to marry, usually without prior notification to the woman's family. In the Sasak community's view, merariq is an integral part of the customary values that govern how a marriage relationship should be conducted, and is not considered a violation of the law or a criminal act. However, when this practice is confronted with national and Islamic legal frameworks, dynamics of understanding and tensions arise that are interesting to examine in more depth.

Sociologically, merariq has become a symbol of cultural identity held in high regard by the Sasak people. This practice is believed to uphold the family's dignity and honor, especially for the woman. In practice, elopement is often preceded by an agreement between the two loving parties. After the woman is eloped, the man and his family will visit the woman's family home to conduct a mediation and customary settlement process called selabar. This process usually ends with an agreement to marry the couple in accordance with customary and religious law. However, the practice of merariq often leads to conflict, especially when carried out without parental consent or when the woman does not actually want the marriage. In this context, merariq can become a form of coercion and even a violation of women's human rights.

The issue of elopement becomes increasingly complex when confronted with positive legal norms and regulations in Indonesia. Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, expressly stipulates that marriage must be based on the consent of both prospective bride and groom and parental permission for those who are under age. Furthermore, in the national legal system, every form of marriage must be officially registered with the authorized institution, either the Office of Religious Affairs (KUA) for Muslims, or the Civil Registry Office for those of other faiths. The practice of elopement carried out without fulfilling administrative and legal requirements often gives rise to legal problems, ranging from unregistered marital status to issues of legal protection for children born of the marriage.

Furthermore, from a criminal law perspective, the practice of merariq can be problematic when coercion or kidnapping is considered to have occurred, particularly if the woman is a minor. Articles in the Criminal Code (KUHP) that regulate kidnapping, indecent acts, or marriage with minors can be imposed on

the man or family involved in the merariq. This presents a dilemma, considering that merariq is often viewed as part of a tradition that must be preserved, while the state has an obligation to protect the rights of children and women.

In this paper, we will discuss elopement in Lombok from various perspectives, including its definition, history, and impact on society. We will also analyze the phenomenon of elopement from the perspectives of customary law, marriage law, and Islamic law, and seek solutions to address the problems arising from the practice. By understanding the phenomenon of elopement more deeply, we can find ways to address the problems it creates and raise public awareness about the importance of conducting legal marriages in accordance with applicable law.

Elopement in Lombok has a strong cultural background. In Sasak culture, elopement is a long-standing form of marriage. However, this practice often does not comply with proper traditional marriage procedures. Elopement can also be driven by various factors, such as differences in social status, economic status, or family prohibitions. Therefore, it is important to understand the phenomenon of elopement from various perspectives to find appropriate solutions.

## LITERATURE REVIEW

From an Islamic legal perspective, marriage is viewed as a sacred contract that must fulfill certain conditions and pillars. One of the main requirements for an Islamic marriage is the presence of a guardian for the woman and a valid *ijab* and *qabul* (consent). In the context of merariq, women often marry without the blessing of a lineage guardian, which in Islamic law is considered to render the marriage invalid or at least legally flawed. However, in practice, many religious leaders or marriage registrars still marry couples born from merariq using a judge guardian if the lineage guardian is absent or does not grant permission. This has sparked debate among Islamic scholars, particularly regarding the validity of a judge guardian in non-emergency situations and the extent to which customary law can be used as a basis for implementing Islamic law.

The tension between three legal systems customary law, national law, and Islamic law in the Merariq case demonstrates that marriage practices in society cannot be separated from the socio-cultural context and legal pluralism that exist in Indonesia. The Indonesian state itself, through an integrative legal approach, strives to accommodate cultural diversity within limits that do not violate the principles of human rights and substantive justice. However, in reality, this approach is often difficult to implement, especially when customary and formal legal interests conflict.

The practice of elopement in Lombok has attracted the attention of various groups, including academics, legal practitioners, women's and children's protection agencies, and religious organizations. Some consider merariq a cultural heritage that must be respected and preserved, while others believe that the practice, especially when carried out without consent or with coercion, violates the principles of human rights, gender equality, and child protection. Therefore, the study of merariq cannot be conducted in isolation but must

involve a comprehensive and interdisciplinary analysis, encompassing the perspectives of customary law, national law, and Islamic law.

## **METHODOLOGY**

This type of research is normative legal research or doctrinal research. The approaches used are the statute approach, the conceptual approach, and the comparative approach. The legal material analysis employs descriptive qualitative analysis, which involves formulating and significantly explaining several legal issues that are the object of study in this research. This research provides answers to the findings of the research objectives through systematic and sequential thinking patterns.

## **RESEARCH RESULTS AND DISCUSSION**

### ***Elopement in Lombok from the Perspective of Customary Law, Marriage Law, and Islamic Law***

Among the Sasak people of Lombok, elopement is known as merariq. This tradition is an integral part of Sasak traditional wedding culture and has been practiced for centuries. In practice, merariq is the process of the groom carrying off the bride-to-be without the knowledge of the bride's parents or family. However, unlike the negative connotations of elopement in many other cultures, merariq in Lombok is often a formal part of the wedding ceremony.

In Sasak culture, elopement, or merariq, is a long-standing tradition. However, this practice often does not comply with proper customary marriage procedures. Sasak customary law has rules governing marriage, including procedures and requirements. According to Sasak customary law, a valid marriage must meet certain requirements, such as family approval, the payment of a dowry, and the performance of traditional ceremonies. Elopement often fails to meet these requirements and is therefore considered invalid under customary law.

The Merarik ceremony is not done haphazardly. It has procedures and several traditional stages, such as: a). Ngelamar (symbolic proposal after the incident of running away with the woman); b). Selabar (conveying the intention from the man to the woman's family); c). Sorong serah (traditional handover of the prospective bride); d). Nyongkolan (the groom's procession to the bride's house).

In this context, merarik is not simply an "elopement" but a form of traditional ritual considered socially legitimate. It demonstrates a man's courage in taking responsibility and readiness to propose to a woman. However, in practice, merarik is often misused, with women running away unilaterally and without consent, which then gives rise to legal and social controversy. Although merarik has a traditional basis, there is a tension between preserving tradition and protecting women's rights.

Many cases of kidnapping occur without parental consent, or even without the full consent of the woman being kidnapped. This violates the principles of protecting women and children and can lead to human trafficking, forced marriage, or early marriage.

Merarik contains several philosophical and social values, including: a). Courage and sincerity, a man is considered truly ready to marry if he dares to do merarik, because he has to face the woman's family, society and customs; b). Honor of women, in the view of customs, women who merarik are not considered to have lost their honor if the entire customary process is carried out correctly; c). Family unification, the sorong serah process creates new social relationships between two large families and strengthens social networks between residents.

Although merarik is part of the culture, in practice it often causes several problems, namely: a). Elopement without parental consent (elopement), if done without parental consent, this can cause family conflict and even become a legal problem because it can be considered kidnapping; b). The age of the child is underage, some cases of merarik occur in children under the age permitted to marry according to national law (Marriage Law No. 16 of 2019), so it can fall into the criminal realm; c). Transactional treatment, the practice of "belis" or "ransom money" in large amounts is sometimes misused to give the impression that women are being bought and sold; d). Contrary to religious law, in Islamic law, marriage must have a marriage guardian from the woman's side. If merarik is done without the knowledge or without the consent of the guardian, it can give rise to questionable validity from an Islamic legal perspective.

If a conflict occurs in the practice of merarik, the resolution is usually carried out through customary mechanisms through: a). Customary or religious leaders (tuan guru), they act as mediators in the process of mediation and deliberation to resolve the problems that arise; b). Customary fines (social sanctions), if violations are committed, such as running away with a minor, the man's family can be subject to customary fines, or must release the woman if the marriage is not continued; c). Family deliberation, peaceful resolution, within a family framework, remains the main principle in Sasak customary law.

In recent years, various parties including traditional leaders, local governments and NGOs have pushed for reforms to the practice of merarik, including: a). Campaigns to stop underage merarik, education is carried out to prevent the practice of elopement against children under the age of 19; b). Integration of customary law and state law, Efforts to bridge between customary law and the national legal system so that the practice of merarik does not conflict with the Law and Women's rights; c). Involvement of religious leaders, in the implementation of merarik, religious leaders are now increasingly involved to ensure the marriage process is in accordance with Islamic law and avoid marriage without a guardian.

The phenomenon of elopement, locally known as merarik, is a long-standing tradition among the Sasak people of Lombok, West Nusa Tenggara. This practice is essentially a precursor to marriage, where a man carries off the woman he intends to marry without the knowledge of her family. While within the cultural context, merarik is considered a form of respect for women, from the perspective of Indonesian marriage law, this practice raises a number of normative and legal issues.

Law No. 1 of 1974 concerning Marriage, partially amended by a Constitutional Court ruling and further strengthened by Law No. 16 of 2019, serves as the primary legal basis for addressing the practice of elopement. A marriage law perspective assesses the validity of a marriage from the perspective of procedure, registration, and consent of both parties and their families.

Marriage is a significant event in human life, carrying legal, social, and cultural consequences. In Indonesia, marriage is legally regulated by Law Number 1 of 1974 concerning Marriage, which was updated by Law Number 16 of 2019. In practice, not all marriages are conducted according to the prescribed legal procedures. One common deviation is the practice of elopement. This term refers to a couple marrying without the knowledge or consent of their parents and without following state administrative procedures.

Indonesian marriage law, specifically Law No. 1 of 1974 on Marriage, contains regulations governing marriage. According to marriage law, a valid marriage must meet certain requirements, such as the acceptance of the marriage vows (*ijab kabul*) and the presence of witnesses. Elopements often fail to meet these requirements, and are therefore considered invalid under marriage law. Furthermore, elopements can also create other problems, such as unclear marital status and the rights of the partners.

Elopement is nothing new in Indonesian society. In some regions, elopement is even part of the culture, such as *merarik* in the Sasak community in Lombok. However, from a national legal perspective, elopement presents a number of legal issues, particularly regarding the validity of marriages, their registration, and the legal protection of women and children. Elopement is generally understood as the act of two people entering into a marital relationship outside of formal legal procedures, often without parental consent and without registration at the Office of Religious Affairs (KUA) or the Population and Civil Registration Office. This practice is often carried out due to parental prohibition or disapproval of the relationship, differences in social background, customs, religion, or other personal reasons.

In a legal context, elopement can be categorized as: 1). Unregistered marriage, which is a marriage that is valid according to religion, but not legally registered; 2). Illegal marriage, which is a marriage that does not meet the requirements for validity according to religion and national law.

In indigenous communities like Lombok, elopement is even part of the tradition called *merarik*, which is essentially a traditional form of proposal. However, in modern practice, *merarik* is often misunderstood as elopement, meaning running away together without proper procedure.

According to Article 2 of the Marriage Law, namely: 1). A marriage is valid if it is carried out according to the laws of each religion and its beliefs; 2). Each marriage is registered according to applicable laws and regulations. Therefore, a marriage carried out through the *merarik* process will only be valid under national law if it is carried out according to the law of the religion adhered to and registered at the PPN, in this case the local KUA. If the *merarik* is not followed by official registration, then the marriage is considered invalid under state law.

This has an impact on the legal status of children, inheritance rights, the rights of the wife and other legal protections.

The practice of elopement often fulfills only the first requirement (legality according to religion), but fails the second, namely, not being registered by the state. Therefore, under national law, such marriages are considered to have no administrative legal force, even though they are religiously valid. Consequently, couples who elope without registration are not legally recognized as husband and wife. This impacts the legal status of children, inheritance rights, legal guarantees for wives, and protection from domestic violence.

In the practice of kidnapping carried out without the consent of the woman or her parents, there is the potential for violations of criminal law, including: a). Kidnapping (Article 332 of the Criminal Code) "If a woman under age is taken away without the permission of her parents/guardians"; b). Human trafficking (Law Number 21 of 2007), in cases where women are taken away to be married by force or sold; c). Child marriage (Child Protection Law), if the woman who is taken away is under 19 years old (the minimum age for marriage after the amendment to Law Number 1 of 1974. This condition raises serious questions about the conflict between customary law and human rights protection and positive law.

From an Islamic legal perspective, marriage is an important act of worship. Islamic law stipulates rules governing marriage, including procedures and requirements. According to Islamic law, a valid marriage must meet certain requirements, such as the consent (ijab qabul), witnesses, and a guardian. Elopement often fails to meet these requirements and is therefore considered an act contrary to Islamic law.

A runaway elopement without the consent of a legal guardian is considered invalid under Islamic law. The Prophet Muhammad (peace be upon him) said, "Any woman who marries without the permission of her guardian, her marriage is void, her marriage is void, her marriage is void." (Narrated by Abu Dawud, At-Tirmidhi, and others). Except in the case of a guardian who refuses without a valid Islamic reason, then the right of guardianship is transferred to the guardian-judge. Therefore, a runaway elopement without the permission of the guardian without a valid reason is contrary to Islamic principles.

Islam gives women the right to approve or reject a prospective husband. In the case of marriage that is carried out without the woman's consent, the marriage is invalid according to Sharia. This is contrary to the principles of deliberation, consent and justice in Islamic marriage. Elopements that make women objects of force or cause social humiliation violate the principle of la dharara wa la dhirara (no harm or harm to each other). Islam places women in a noble position, not objects that can be taken away by men without legal and ethical procedures.

The consent of the bride is also a fundamental principle in Islamic law. The Prophet Muhammad (peace be upon him) said, "A widow has more rights over herself than her guardian, and a virgin is married with her permission." (Narrated by Muslim). An elopement carried out under duress without the

woman's consent is invalid and is considered a form of oppression (*zalim*). In Islam, a forced marriage is void, even if a guardian is present.

In Islamic law, the rules of *fiqhiyyah* explain "Rejecting harm takes precedence over achieving benefit". The tradition of elopement that does not involve a guardian and can cause harm (damage) to women, families and society, cannot be justified by the *Shari'a*. On the other hand, if done wisely, taking into account Islamic principles (such as legal guardians, consent and recording), then local traditions can be accommodated within the framework of Islamic law. Islam does not reject custom, as long as it does not conflict with the principles of *sharia* "*Al-'adatu Muhakkamatun*" Customs can become law, as long as they do not conflict with *sharia*.

Islam highly upholds the rights and dignity of women. Any form of practice that degrades women, forces them to marry, or ignores their right to choose a partner, is considered tyrannical and contrary to the principles of justice. "Indeed, I command you to do good to women." (HR. Muslim) elopement involving underage women, without consent or ignoring the presence of a guardian, can be classified as a form of insult to women's honor and is not in accordance with *maqashidus sharia*.

*Maqashidus Syariah* (objectives of Islamic law) in the context of marriage are; a). *Hifzh al-din* (protecting religion); b). *Hifzh al-nafs* (protecting the soul); c). *Hifzh al-nasl* (protecting offspring); d). *Hifzh al-'aql* (protecting reason); e). *Hifzh al-mal* (protecting property). Elopement conducted without a valid legal structure has the potential to damage these five objectives, especially: a). *Hifzh al-nasl*: children from unregistered marriages risk losing their clear lineage status; b). *Hifzh al-nafs*: Women can become victims of violence or exploitation; c). *Hifzh al-din*: invalid marriage means that the relationship between husband and wife becomes a disguised adultery.

The Islamic schools of thought have similar general views regarding the necessity of a guardian in marriage, namely: a). The *Shafi'i*, *Hanbali*, and *Maliki* schools of thought require a guardian to marry a woman. Without a guardian, the marriage is invalid; b). The *Hanafi* school of thought permits an adult and sane woman to marry herself, although it is still recommended to involve a guardian. In Indonesia, Islamic law as applied through the Compilation of Islamic Law (KHI) adheres to the *Shafi'i* school of thought, namely that marriage without a guardian is invalid.

Islam pays great attention to the protection of women, including in the marriage process. Every practice that insults honor, coerces women, makes women the object of social transactions. *Sharia* is prohibited. The Prophet Muhammad SAW was very firm in reminding men "The best of you are those who are kindest to their wives". (HR. *Tirmidhi*).

Article 19 of the KHI states that "Marriage can only be performed if there is permission from both the bride and groom, and is carried out by a legal marriage guardian, and witnessed by two witnesses." Therefore, elopement carried out without a guardian, without the consent of the bride and without official witnesses is contrary to Islamic law and Indonesian legislation that is sourced from *sharia*.

*Legal Consequences of Escape Marriage According to the Perspectives of Customary Law, Marriage Law and Islamic Law*

In some areas, such as the Sasak tribe in Lombok, elopement, or merarik, is part of traditional customs and is often a socially acceptable way to marry, as long as it follows customary procedures such as selabar, nyelabar, and beseruk. If an elopement occurs without following customary procedures or without the blessing of the woman's family, the man's family is required to pay a traditional fine (belis) or perform a ceremony to restore the woman's family's reputation. The amount of the fine is usually adjusted according to social status and local cultural values.

Social sanctions are the first form of legal consequences of elopement in the customary law system. These forms of social sanctions include: ostracism from the customary community, the perpetrator of elopement and his family can be socially ostracized because it is considered to tarnish the good name of the family and community; defamation, in customary communities, family honor is the main thing. Elopement is considered a disgrace that tarnishes the dignity of the woman's family; tension between families, elopement often triggers conflict between the families of the man and the woman, and can even lead to disputes or revenge.

Elopement without the consent of the woman's family is considered a disgrace to the family, particularly the woman's family. The consequences include: the woman's family feeling humiliated, family relationships becoming strained or hostile, and the woman being stigmatized by the traditional community. In the Sasak community, which highly values family dignity and honor, this kind of disgrace can impact the woman's entire extended family, even the marriage prospects of her other female relatives.

In cases of a marriage without proper customary procedures, the man is required to pay a customary fine to the woman's family. This fine can take the form of customary money (awuq-awuq) as a form of apology and respect to the woman's family, certain items such as gold, livestock, or agricultural produce, depending on customary agreement, and symbolic redemption to restore the woman's dignity. The amount and form of the fine are determined in a customary deliberation forum involving community leaders, traditional leaders, and both families.

In some cases, to ensure the marriage is recognized by the community and to restore the woman's honor, a traditional ceremony called selabar, or traditional mediation, is performed. The purpose is to apologize according to the customary law to the woman's family, resolve the conflict through deliberation, and reach a peaceful agreement so the couple can remain married with community recognition. Without the selabar ceremony, a couple who elopes may still be considered invalid according to customary law, even if they are married religiously or legally.

If a marriage resulting from an elopement is not completed according to customary law, the children of the marriage may experience social discrimination, such as not being recognized as part of a particular clan or

customary group, difficulty obtaining customary inheritance rights or customary land rights, and being barred from participating in certain customary ceremonies. Therefore, the indigenous people of Lombok strongly encourage marriages through *merarik* to be completed according to customary law, for the sake of the continued dignity of the family and the social status of their children and grandchildren.

Customary institutions play a central role in regulating and resolving conflicts resulting from elopement. Resolution mechanisms typically involve traditional leaders (customary headmen), community leaders, and community leaders; customary deliberations to determine fines, compensation, and other forms of settlement; and ceremonies to restore the reputation of the woman and her family. Customary institutions serve as mediators, ensuring that social norms are respected and customary justice is upheld. Customary law prioritizes deliberation and family resolution. Elopement disputes are often not brought to court, but are resolved at the village level or through traditional or religious leaders.

An unregistered marriage cannot be legally proven. If a conflict, divorce, or dispute arises, the parties concerned cannot claim their rights under the law. For example, a wife cannot claim maintenance or joint property because the marriage is not legally recognized. Children born of an unregistered marriage are recognized only as the mother's children. This is confirmed in Constitutional Court Decision Number 46/PUU-VIII/2010, which expands the recognition of illegitimate children to children born of relationships with biological evidence. However, the process of recognition and proof remains difficult and complicates the child's position.

Unregistered elopements leave the couple without inheritance rights under national inheritance laws. Children born of such marriages also have the potential to lose their legal status as heirs unless first acknowledged. Women involved in elopements are vulnerable to violence and exploitation. Without legal status, women lack state protection in cases of domestic violence (DV), divorce, or joint property rights.

The government recognizes the negative impact of elopement, particularly in terms of legal protection for women and children. Therefore, the government has established several policies as a preventative and mitigating measure, namely: 1). Marriage Registration

Elopement can cause negative impacts, such as: 1). Marital status problems: Elopement can cause unclear marital status, which can lead to other problems, such as the lack of rights of the couple; 2). Family problems: Elopement can cause family conflict, especially if the family does not agree with the marriage; 3). Social problems: Elopement can cause social problems, such as lack of recognition from society.

To prevent the practice of elopement, the following efforts need to be made: 1). Increasing public awareness: The public needs to be educated about the importance of conducting legal marriages in accordance with applicable laws; 2). Law enforcement: More effective law enforcement is needed to prevent the

practice of elopement; 3). Providing support: The public needs to be supported to conduct legal marriages in accordance with applicable laws.

There are several legal consequences of elopement according to marriage law, namely: a). Administrative invalidity of marriage, marriages conducted without registration at the Office of Religious Affairs (KUA) or the Population and Civil Registry Service are considered invalid under state law. This is emphasized in Article 2 paragraph (2) of the Marriage Law which states that "Every marriage must be registered according to applicable laws and regulations"; b). Impact on the rights and status of children, children born from elopement are at risk of not having a birth certificate that legally lists the father's name. This will impact their rights such as inheritance, insurance, education, and other legal identities; c). Potential criminal sanctions, elopement involving underage women can result in criminal consequences based on Article 332 of the Criminal Code (running away a minor without parental permission). This often occurs when the marriage is conducted without the consent of the woman's guardian or family; d). Isbat nikah as a solution, to obtain legal recognition, couples who marry by elopement can submit an application for isbat nikah to the Religious Court. With the isbat decision, the marriage can be officially registered and has legal force.

According to Islamic law, a marriage is valid if it meets the requirements and pillars such as; the presence of a prospective bride and groom who are halal, the presence of a marriage guardian (for women), two witnesses, the ijab qabul, and a dowry. In the Shafi'i school of thought which is followed by the majority of Indonesian Muslims, the presence of a guardian is a valid requirement. A marriage without a guardian is void or invalid, unless the guardian can be replaced by a guardian judge, for example if the guardian refuses without a sharia reason. If an elopement is carried out without a guardian and not through a guardian judge, then according to Islam the marriage is invalid, no rights and obligations arise between husband and wife, the child is considered not to have a lineage to his father and is not entitled to inheritance and support from the biological father.

In the Indonesian legal context, a couple can apply for a marriage confirmation (isbat nikah) to the Religious Court to legitimize their marriage. If the guardian does not consent, the court can appoint a judge as a substitute.

## **CONCLUSIONS AND RECOMMENDATIONS**

Elopement in Lombok is a complex and multifaceted social phenomenon. It is seen from the perspectives of customary law, marriage law, and Islamic law. In Sasak customary law, elopement that does not follow customary procedures (without nyelabar or mediation) is considered a serious violation of the woman's family honor. This violation is subject to customary sanctions, such as payment of shame money (tutup malu), customary fines, social ostracism, and even loss of land rights or traditional ceremonies. The primary goal of customary sanctions is to restore dignity and social harmony through deliberation and reconciliation between families.

According to Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage and the Compilation of Islamic Law (KHI), elopement without official registration at the Office of Religious Affairs (KUA) is an unregistered marriage. This type of marriage does not have the force of state law, thus does not guarantee the rights of the wife and children (maintenance, inheritance, rights according to the birth certificate) and creates legal complications in the event of divorce or death. To obtain legal status, the couple must undergo a marriage confirmation at the Religious Court.

In Islamic law, elopement without a guardian and witnesses is an invalid marriage, based on the hadith of the Prophet Muhammad (peace be upon him), which means "Any woman who marries without the permission of her guardian, her marriage is invalid, invalid, invalid." (Narrated by Abu Daud and Tirmidhi). A guardian is a pillar of marriage, and a marriage without a guardian is considered invalid according to the majority of scholars. Elopement that does not meet the requirements for a valid marriage is considered a form of sin, even adultery if it involves living together without a valid marriage contract. Islam emphasizes that marriage must be conducted in an honorable manner, involving a guardian, witnesses, and not violating Islamic values.

#### **ADVANCED RESEARCH**

Future research can delve into comparative legal pluralism by exploring how other indigenous communities in Indonesia or Southeast Asia reconcile traditional marital practices with formal legal frameworks. Special attention could be given to the effectiveness of integrated legal models that respect cultural traditions while upholding human rights and legal protection for vulnerable groups. Moreover, an empirical study involving affected women and families could provide valuable insight into the real-world impacts of *merariq* and how community-based reforms, legal education, and collaboration between religious, legal, and customary institutions can reduce conflict and ensure lawful, respectful marital practices. This research direction would enrich the discourse on cultural accommodation in law and the evolution of marriage norms in multicultural societies.

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