



MUKA EPTUKAR TRADITION IN THE PERSPECTIVE OF INDONESIAN MARRIAGE LAW IN BURU ISLAND

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Abstract

This study examines the Muka Eptukar marriage tradition practiced by the indigenous community of Waeflan Village, Buru Island. The tradition involves the exchange of a female family member as part of the settlement of dowry obligations when the groom's family is unable to fully provide customary marriage payments. The practice raises legal issues because some marriages rely primarily on customary recognition without formal state registration, potentially creating legal uncertainty regarding marital and family status. This research aims to analyze the practice of Muka Eptukar within the framework of Indonesian marriage law and legal pluralism, as well as its implications from the perspective of maqāṣid al-sharī'ah. The study employs an empirical juridical approach with a socio-legal perspective. Data were obtained through interviews with customary leaders, families involved in the practice, and community members, supported by document analysis of relevant legal sources and regulations. The findings show that Muka Eptukar functions as a customary mechanism to maintain social balance, strengthen kinship relations, and preserve family honor. The dowry exchange is not merely economic, but also symbolic, reflecting reciprocity and collective responsibility between families. However, the absence of formal marriage registration may create legal vulnerability concerning marital status, inheritance, and the protection of women and children. From the perspective of maqāṣid al-sharī'ah, the tradition supports the continuity of kinship relations (ḥifẓ al-nasl), yet still requires safeguards for individual dignity and free consent, particularly for women involved in the exchange process.

Keywords: Legal Pluralism; Customary Marriage; Muka Eptukar; Marriage Registration; Maqāṣid Al-Sharī'Ah

A. Introduction

Indonesia's cultural diversity has given rise to various customary marriage practices that are still maintained by communities today (Thomas, 2023). In many indigenous communities, marriage is not merely viewed as a relationship between two individuals, but also as a means of building kinship relations, maintaining social balance, and preserving cultural values passed down from generation to generation (Khusairi & Mandala, 2022). This condition indicates that the law living within society is derived not only from state regulations, but also from customary norms collectively observed by the community (Pradhani, 2021). In this context,

Indonesian society demonstrates the existence of legal pluralism, namely the coexistence of state law and customary law operating side by side within social life (Pudjilianto & Handayani, 2022).

On the other hand, the state, through Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, places marriage registration as an essential component in ensuring legal certainty for husbands, wives, and children (Sirait, 2021). Marriage registration functions to provide protection for civil rights, such as the legal status of the family, inheritance, and child recognition (Melati et al., 2025). However, in social practice, there are still indigenous communities that prioritize customary legitimacy over state registration, thereby creating a dynamic relationship between customary recognition and national legal certainty (Pudjilianto & Handayani, 2022).

This phenomenon can be observed in the customary marriage practices of the people of Waeflan Village, Buru Island, through the Muka Eptukar tradition (Solissa et al., 2025). This tradition is a customary marriage mechanism used when the male party is unable to fully fulfill the obligation of bride wealth payment, so the settlement is carried out through the exchange of sisters while still accompanied by partial payment of customary property (Hukunala, 2024). In Waeflan society, this exchange is not only interpreted as an economic settlement, but also as a symbol of respect, social balance, and a bond between families. Marriage is understood as a communal event involving the interests of clans and extended families, rather than merely a personal relationship between two individuals (Fuadi et al., 1974).

Various previous studies have examined aspects of customary marriage and its relationship with state law. For example, Jeujan and Toatubun's study on *Kei traditional marriages* demonstrates how customary marriage practices in the Kei Islands continue to be maintained despite existing within the framework of national law, and how cultural values remain the primary foundation for their implementation (Jeujan & Toatubun, 2024). Another study by Tamrin and Yaman regarding customary marriages in South Sumatra describes the stages and variations of customary marriage rituals that continue to be practiced despite differences in terminology across regions, indicating the existence of socio-cultural consistency in such customary practices (Tamrin & Yaman, 2023). In a more theoretical context, Gustiana's study on the plurality of customary marriage law in Pariaman emphasizes that legal pluralism, or the simultaneous existence of customary law and state law, is a real phenomenon in various indigenous communities in Indonesia (Gustiana, 2021). Meanwhile, research by Akbar and

Laman reveals the interaction between customary law, religious law, and state law in the marriage practices of the Toraja community (Akbar & Laman, 2025). In addition, studies on the Bugis customary marriage dowry (panaik money) show that the practice of dowry payment is often influenced by local social and economic values, even when it is not explicitly regulated by state law or religious law (Jannah, 2021).

Although a number of studies have discussed customary marriage practices and their relationship with state law, studies that specifically examine the Muka Eptukar tradition in relation to the mechanism of dowry exchange, marriage registration, and the perspective of *maqāṣid al-syarī'ah* remain limited. Most previous studies have focused more on cultural aspects or normative analyses of marriage law, without connecting customary practices to issues of legal certainty and the protection of individual rights within a comprehensive analytical framework. Therefore, this study offers novelty by positioning the Muka Eptukar tradition simultaneously within the perspectives of Indonesian marriage law, legal pluralism, and *maqāṣid al-syarī'ah*.

Based on this background, this article raises three main questions: (1) how is the practice of the Muka Eptukar tradition carried out within the indigenous community of Waeflan Village, Buru Island; (2) what are the implications of the Muka Eptukar tradition for marriage registration within the national legal system; and (3) how is the practice of Muka Eptukar viewed from the perspective of *maqāṣid al-syarī'ah*. This study aims to analyze the practice of Muka Eptukar, understand its social and legal meanings, and explain the relationship between customary law and state law in the marriage practices of indigenous communities. The discussion is conducted from the perspective of legal pluralism in order to explain how customary law and state law interact within community marriage practices (Griffiths, 1986). Through this analysis, this article is expected to contribute to the development of studies on customary marriage law, particularly in understanding its position and legal consequences within the national legal system.

B. Method

This study employed a qualitative approach with a socio-legal research design, which views law not merely as a series of written regulations, but also as a living social phenomenon within society (Bachtiar, 2018). This approach was chosen to understand law not simply as a normative text, but as a living law that is interpreted and practiced by the indigenous community through the Muka Eptukar tradition.

The research was conducted in Waeflan Village, Buru Island, Maluku Province, from January to March 2026. The research location was selected purposively because the community in this area still strongly maintains and practices the Muka Eptukar tradition as a mechanism for conducting customary marriages that coexist alongside state law (Moleong, 2018).

Sociographically, the people of Waeflan Village possess a social structure based on a strong kinship and clan system, in which genealogical relationships play an important role in regulating social interactions, including marriage practices. This clan structure functions not only as a social identity, but also as the basis of legitimacy in customary decision-making processes. As a result, compliance with customary law tends to be high because it is supported by the collective authority of extended families and customary leaders. In this context, inter-clan deliberation serves as the primary forum for determining the legitimacy of social practices, including the implementation of the Muka Eptukar tradition.

The research informants were selected using a purposive sampling technique to ensure the depth of information in accordance with the focus of the study (Moleong, 2018). This study involved seven informants who were chosen based on the consideration that they possessed direct knowledge and experience related to the practice of Muka Eptukar in Waeflan Village. The informants consisted of two customary leaders who understood the norms and mechanisms of customary marriage, two indigenous community members who had personally undergone the Muka Eptukar practice, and three family members involved in the deliberation and exchange processes within customary marriages. The criteria for selecting informants were based on their level of involvement in the practice, either as customary decision-makers or as parties who directly experienced the exchange process. The profiles of the informants are not explicitly disclosed in order to maintain confidentiality; however, each represents a different social position within the customary structure, thereby providing diverse perspectives. Customary leaders functioned as guardians of norms and authorities of customary legitimacy, practitioners provided direct empirical experiences related to the exchange practice, while family members reflected the dynamics of deliberation and collective considerations in decision-making processes. This diversity of perspectives was crucial in enhancing data validity, as it enabled triangulation of information from various complementary social positions.

Table1. Informant Criteria

No	Type of Informant	Number	Informant Criteria	Role in the Research
1	Traditional Leaders (Initials: RW/ML)	2 People	Understand the norms, mechanisms, and procedures for implementing the Muka Eptukar tradition and hold a position within the traditional structure of Waeflan Village	Provide information regarding customary rules, the legitimacy of customary marriages, as well as the deliberation and exchange processes within the Muka Eptukar tradition
2	Indigenous Community Members / Practitioners of Muka Eptukar (Initials: YL/NW)	2 People	Have undergone marriage practices using the Muka Eptukar tradition and possess direct experience with the exchange process	Provide empirical data regarding experiences in carrying out the tradition, its social impacts, and the relationship between customary practices and marriage registration
3	Anggota Keluarga (Initials: MF/RW)	2 People	Directly involved in the deliberation process, decision-making, and exchange within customary marriages	Provide information regarding family dynamics, collective considerations, and social processes in the implementation of the Muka Eptukar tradition
	Total	6 People		

Data were collected through three main techniques: in-depth interviews conducted intensively and in an unstructured manner to explore perspectives and the meaning of the tradition within a free and open atmosphere. Each interview lasted approximately 45–90 minutes and was conducted directly within the informants' living environments; observation of social conditions and family

relationship patterns within the indigenous community; and documentation to strengthen understanding of the dynamics of the Muka Eptukar practice in the daily life of the local indigenous society (Cresswell, 2018). To ensure data validity, the researcher conducted source triangulation by comparing interview results among informants and documentary data. In addition, member checking was carried out by reconfirming interview findings and data interpretations with several key informants to ensure consistency of meaning and to avoid misinterpretation. To maintain confidentiality and research ethics, the names of informants cited in the discussion section were anonymized using pseudonyms without altering the substance of the information they provided (Wiles, 2008).

Data analysis was conducted qualitatively through the stages of data reduction to simplify field findings, data presentation in the form of systematic descriptions, and conclusion drawing (Basrowi & Suwandi, 2008). Data analysis was conducted qualitatively through the stages of data reduction to simplify field findings, data presentation in the form of systematic descriptions, and conclusion drawing (Basrowi & Suwandi, 2008). This study employed the perspective of legal pluralism proposed by John Griffiths to examine the existence of the Muka Eptukar tradition as a customary legal system coexisting alongside state marriage law. The living law approach developed by Eugen Ehrlich was used to understand Muka Eptukar as a form of law that is genuinely practiced and internalized by the community. This analysis was further complemented by the theory of legal effectiveness proposed by Soerjono Soekanto and the theory of customary marriage law by Hilman Hadikusuma in order to assess the extent to which state law is capable of reaching and protecting indigenous communities in marriage practices. Furthermore, this practice was also analyzed from the perspective of the objectives of Islamic law (*maqāṣid al-syarī'ah*), particularly in safeguarding lineage and family rights. The results of this analysis are intended to clarify the existence of legal pluralism and its implications for efforts to enforce legal certainty in marriage law in Indonesia, particularly regarding the practice of dowry exchange within the indigenous community of Waeflan Village, Buru Island (Griffiths, 1986).

C. Results And Discussion

The discussion of this study is structured through an analytical framework that connects the customary practice of Muka Eptukar with the perspectives of legal pluralism, living law, national marriage law, and *maqāṣid al-syarī'ah* in order

to examine the relationship between customary legitimacy, legal certainty, and the protection of individual rights, as illustrated in the following figure.

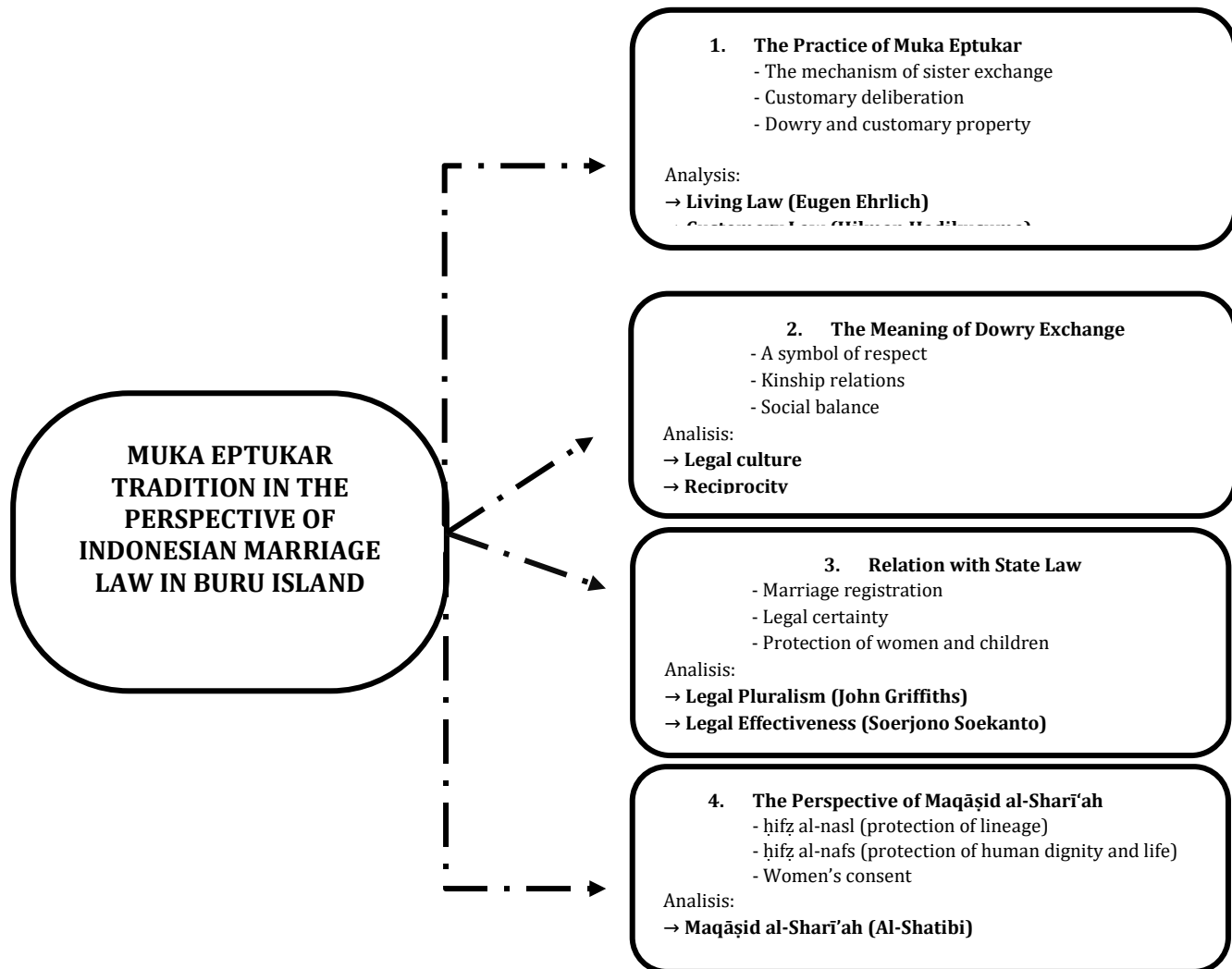


Figure 1. Muka Eptukar Tradition In The Perspective Of Indonesian Marriage Law

1. The Practice Of Muka Eptukar

The findings of this study in Waeflan Village indicate that the customary marriage practice of Muka Eptukar constitutes a customary mechanism used when the male party is unable to fully meet the dowry demands (Waemese & L. Soselisa, 2023). Within the local customary marriage structure, dowry is regarded as a form of respect and a binding element of inter-family relations (Solissa et al., 2025). However, in practice, not all prospective grooms possess the financial capacity to

fulfill the entire dowry requirement. In such circumstances, the extended family deliberation forum provides the possibility of applying the Muka Eptukar tradition as an alternative dispensation mechanism in dowry payment, without eliminating the overall customary obligation (Hukunala, 2024).

The process begins with a formal meeting between the two families, led by customary elders and clan representatives (Waemese & L. Soselisa, 2023). Within this forum, discussions are held regarding the details of the bride wealth, which may consist of machetes, spears, gongs, traditional cloths, or other symbolic objects (Hukunala, 2024). When the male party declares an inability to fully pay the dowry, the family together with customary leaders considers the alternative of exchanging a female sibling as part of the settlement of the obligation (Waemese & L. Soselisa, 2023). However, this exchange does not signify the complete removal of material obligations; certain forms of customary property must still be paid as an affirmation of the seriousness and responsibility of the male party (Solissa et al., 2025). Mr. Rais Wai, one of the customary leaders in Walumnako Hamlet, Waeflan Village, explained:

"If the man is unable to pay the entire bride wealth, customary law provides a middle way. A sister may be exchanged, but customary property still has to be paid." (Interview with Mr. Rais Wai, 2026)

This statement demonstrates that Muka Eptukar is not intended to abolish the dowry obligation, but rather to serve as a customary settlement mechanism that maintains balance in inter-family relations. This practice illustrates that marriage in Waeflan society is understood as a communal matter involving clan honor and the continuity of social relations, rather than merely a personal relationship between two individuals (Sirait, 2021).

Mrs. Marta Fenan, a family member who had previously been involved in the exchange process, added:

"The exchange is carried out so that both families continue to feel respected and the relationship is not damaged." (Interview with Mrs. Marta Fenan, 2026)

These findings indicate that the practice embodies two dimensions simultaneously. First, the economic dimension, as a mechanism for reducing the burden of dowry payment. Second, the social dimension, as an instrument for maintaining the balance of inter-clan relations (Waemese & L. Soselisa, 2023).

Analytically, these findings demonstrate that Muka Eptukar functions as an adaptive mechanism within the customary legal system (Waemese & L. Soselisa, 2023). Analytically, these findings demonstrate that Muka Eptukar functions as an

adaptive mechanism within the customary legal system (Hukunala, 2024). From the perspective of customary law as proposed by Hilman Hadikusuma, customary marriage constitutes a kinship institution that emphasizes balance and the continuity of relations between groups. The exchange scheme within Muka Eptukar precisely illustrates the flexibility of customary norms in maintaining such balance (Hadikusuma, 1995).

On the other hand, when examined through Eugen Ehrlich's concept of living law, this practice demonstrates how legal norms evolve from the concrete social needs of society. When the full dowry demand becomes unrealistic for certain parties, the community does not abolish the obligation; instead, it adjusts the mechanism in a manner that remains collectively accepted. Compliance with this scheme arises from social consciousness rather than state coercion (Ehrlich, 1936).

Thus, the field findings demonstrate that Muka Eptukar in Waeflan Village is a structured customary practice based on collective deliberation, involving communal actors, and taking the form of sister exchange accompanied by the obligation to pay certain customary property as a symbol of responsibility (Bihuku, 2020). It functions both as a mechanism of economic relief and as an instrument for maintaining the balance of honor between families (Waimese, 2025). This structure shapes the community's understanding of dowry exchange not merely as material compensation, but as part of a broader customary value system (Masyithoh & Habib, 2024). Such an understanding becomes the basis for further analyzing the symbolic meaning and social values of dowry exchange within the practice of Muka Eptukar.

2. The Meaning Of Dowry Exchange In Muka Eptukar

Within the indigenous community of Waeflan, exchange in Muka Eptukar is not understood merely as an economic substitution, but rather as a symbol of reciprocity and balance between families (Lévi-Strauss, 1969). The exchange of sisters accompanied by the payment of partial customary property is interpreted as a form of mutual respect and a bond of genealogical relations between clans. Mr. Mat Lua, a customary leader in Waeflan Village, stated:

"The exchange is not merely about paying the dowry, but about ensuring that the two families continue to maintain a good relationship." (Interview with Mr. Mat Lua, 2026).

This statement indicates that the principal value of the exchange lies not in its material worth, but in the effort to maintain social balance and the continuity of family relations. In this context, the women involved in the exchange are understood as representations of kinship relations and symbols of respect between families (JAS: Volume 8 Nomor 1, 2026)

(Hukunala, 2024). Accordingly, the value of the exchange is not measured through market logic, but through the logic of social balance (Waemese & L. Soselisa, 2023).

Normatively within customary law, bride wealth or dowry itself functions as a sign of respect toward the woman's family (Jeujanen & Toatubun, 2024). When the bride wealth cannot be fully provided, Muka Eptukar serves as a middle path that preserves the dignity of both parties. Mrs. Marta Fenan explained:

"What matters is that the woman's family continues to be respected even though the bride wealth is not paid in full." (Interview with Mrs. Marta Fenan, 2026).

This *meaning* of respect is what gives the exchange its symbolic value (Bihuku, 2020). From the perspective of customary law as explained by Hilman Hadikusuma, marriage is not merely a personal relationship, but a kinship institution that expands social networks (Hadikusuma, 1995). The symbol of mutual giving embodied in the exchange functions to strengthen kinship ties and maintain the continuity of relations between the two family groups (Hukunala, 2024).

On the other hand, when viewed through Eugen Ehrlich's concept of living law, the meaning of this exchange continues to exist because it is accepted by the community as natural and fair (Ehrlich, 1936). It is obeyed not because of the threat of formal sanctions, but because it is believed to function as a mechanism for maintaining social harmony (Hukunala, 2024). Within the collective consciousness of the Waeflan community, justice is not always identified with nominal equality, but rather with relational balance (Ehrlich, 1936). The practice of exchanging women as a substitute for bride wealth or dowry is considered fair because it functions as a mutual assistance solution for families facing economic limitations, while at the same time providing recognition of family dignity and honor (Waemese & L. Soselisa, 2023).

Nevertheless, this symbolic dimension also contains complexities, particularly from a gender perspective (Hukunala, 2024). Several female informants acknowledged that although the exchange is understood as a symbol of family honor, women's positions within the scheme are often determined through collective decisions made by the extended family. Mrs. Nani Wela, a participant in the Muka Eptukar practice, stated:

"Sometimes women do not have much opportunity to speak in family deliberations." (Interview with Mrs. Nani Wela, 2026).

This statement indicates that the symbol of balance between families does not necessarily correspond to a balance in the position of individuals within those families (Lévi-Strauss, 1969). It is at this point that tension emerges between

communal values and the principle of personal autonomy (Griffiths, 1986). Within the framework of national marriage law, particularly Article 6 paragraph (1) of Law Number 1 of 1974 concerning Marriage, it is emphasized that marriage must be based on the consent of both prospective spouses. Therefore, exchange practices that do not fully provide space for women's participation may potentially give rise to issues concerning the protection of individual rights (Indah, 2022).

Thus, the exchange of dowry within Muka Eptukar carries complex social meanings, functioning as a symbol of respect, balance in family relations, and a mechanism of adaptation to economic limitations. Nevertheless, the practice also requires attention to women's space for consent, so that communal customary values do not overlook the individual rights guaranteed under national law (Melati et al., 2025).

3. Muka Eptukar And State Marriage Registration

The findings of this study indicate that not all Muka Eptukar marriages are officially registered within the state administrative system. For some members of the Waeflan community, customary validation through family deliberation and recognition by customary leaders is considered sufficient to socially legitimize a marriage. Mr. Yoha Latuhe, a member of the indigenous community who practiced Muka Eptukar, stated:

"Once the customary process is completed, for us the marriage is already valid." (Interview with Mr. Yoha Latuhe, 2026).

This statement demonstrates the existence of differing orientations of legitimacy (Hafis & Nelli, 2023; Pradhani, 2021). From the perspective of the Waeflan community, social legitimacy emerges from community recognition and balance between families (Ehrlich, 1936). Meanwhile, within the national legal system as regulated by Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019 concerning Marriage (Sirait, 2021), marriage registration constitutes an essential component in ensuring legal certainty and the protection of civil rights (Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan, 1974).

Informants also acknowledged that marriage registration is often carried out only when required for certain administrative purposes. Mr. Rian Wae, a family member of a Muka Eptukar practitioner, explained:

"Usually, the customary process is completed first. Marriage registration is carried out only when there are administrative matters to handle." (Interview with Wae, 2026).

This statement illustrates that state registration often functions instrumentally, namely being conducted only when required for certain administrative purposes. It indicates that the effectiveness of state law within the local context is strongly influenced by the practical needs of the community, rather than solely by formal legal norms (Griffiths, 1986).

However, from the perspective of national law, the failure to register a marriage may give rise to serious consequences (Demak, 2018). Registration is not merely an administrative procedure, but also an instrument of legal protection, particularly for women and children (Affan, 2025). Without registration, the legal position of the wife in matters such as inheritance, division of joint property, and protection in cases of divorce becomes vulnerable (Kusumo, 2023).

At this point, a normative tension emerges between state law (*law in books*) and social practice (*law in action*) (Masyithoh & Habib, 2024; Novi Mayangsari & Muhammad Hafis, 2022). Within the framework of national law, the validity of marriage requires two elements: conformity with religious law and state registration (Mardius & Maulida, 2022). Meanwhile, in the practice of Muka Eptukar, customary recognition alone is considered sufficient to create a socially binding marriage (Waemese & L. Sospelisa, 2023). This difference raises questions regarding the effectiveness of mandatory marriage registration within indigenous communities that possess their own systems of legitimacy (Akbar & Laman, 2025).

Furthermore, when associated with the principle of the free consent of both spouses as emphasized in Article 6 paragraph (1) of the Marriage Law, the practice of collective deliberation within Muka Eptukar also opens space for critical reflection (Mardius & Maulida, 2022). In several cases, the decisions of the extended family are more dominant than the individual expression of the prospective spouses, particularly women (Indah, 2022).

This practice risks positioning women as “objects of exchange” or material compensation for the interests of the male family, which sociologically may be viewed as limiting women’s autonomy and individual human rights in determining their life partners (Hukunala, 2024). When marriages are not officially registered, the scope of legal protection against potential violations of the principle of consent becomes even more limited because such marriages lack formal legal force and are not recognized within the national legal system (Sirait, 2021).

Moreover, the practice of collective deliberation within Muka Eptukar also needs to be critically examined from the perspective of *maqāṣid al-syarī’ah*. In the theory of *maqāṣid* as formulated by Al-Shatibi, the protection of lineage (*ḥifẓ al-nasl*)

and the protection of human dignity and life (*ḥifẓ al-nafs*) constitute fundamental objectives of Islamic law (Al-Shatibi, 1997). Substantively, the practice of Muka Eptukar supports the continuity of kinship relations and family institutions within indigenous society, and is therefore aligned with the principle of *ḥifẓ al-nasl*.

However, the protection of *ḥifẓ al-nafs* requires further attention, particularly concerning the space for women's consent within the exchange process. If women do not possess the freedom to express consent consciously and without family pressure, then the practice potentially conflicts with the principle of protecting human dignity within *maqāṣid al-syarī'ah* (Auda, 2008). Therefore, the practice of Muka Eptukar cannot be assessed in absolute terms, but must instead be understood contextually by considering the balance between social benefit and the protection of individual rights.

Thus, the practice of Muka Eptukar demonstrates the dynamic relationship between customary law, state law, and the values of Islamic law within the life of the Waeflan indigenous community. Customary law provides social legitimacy and maintains kinship cohesion, while state law offers administrative certainty and formal protection through the mechanism of marriage registration as regulated in Law Number 1 of 1974 concerning Marriage. At the same time, the perspective of *maqāṣid al-syarī'ah* emphasizes the importance of maintaining a balance between communal welfare and the protection of individual rights, particularly with regard to women within customary marriage practices.

4. Analysis Of The Muka Eptukar Tradition From The Perspective Of Legal Pluralism And *Maqāṣid Al-Syarī'Ah*

The findings regarding the practice of Muka Eptukar and the dynamics of marriage registration in Waeflan Village demonstrate that society does not live under a single legal system (Griffiths, 1986). On the one hand, there exists customary law that regulates the structure of exchange, family deliberation, and the social legitimacy of marriage (Hukunala, 2024). On the other hand, there exists state law that governs the legal requirements of marriage, the consent of the spouses, and the obligation of marriage registration (Sirait, 2021). These two systems are not always positioned in direct opposition to one another, yet neither are they entirely harmonious, due to differences in orientation between administrative certainty and relational balance (Masyithoh & Habib, 2024). Their relationship is more appropriately understood as a form of negotiated coexistence, in which living law operates dynamically alongside the framework of national law in everyday social practices (Pradhani, 2021).

From the perspective of legal pluralism as proposed by John Griffiths, modern societies often exist in situations where more than one normative system operates simultaneously (Griffiths, 1986). State law is not the sole source of regulation, but rather one among various normative orders that are lived and obeyed within society. The condition in Waeflan reflects what Griffiths refers to as strong legal pluralism, namely a situation in which both state law and non-state law effectively regulate social behavior (Griffiths, 1986).

This condition reinforces Eugen Ehrlich's concept of living law, which positions law as norms that genuinely live and are recognized within the social practices of society (Ehrlich, 1936). In the context of Waeflan, Muka Eptukar is understood as a customary mechanism that maintains harmony, continuity of inter-clan relations, and social balance through a system of reciprocity that has become internalized within the collective consciousness of the community (Waemese & L. Sospelisa, 2023). Therefore, the legitimacy of marriage is not determined solely by state registration, but also by social recognition and customary settlement considered valid by the community.

Nevertheless, legal pluralism within the practice of Muka Eptukar also demonstrates normative tensions, particularly concerning the position of individuals within marriage. Under national marriage law, the state places the prospective spouses as the primary subjects who must provide free consent to the marriage (Jeujanan & Toatubun, 2024). In contrast, within customary practice, marriage decisions are more often positioned as communal matters involving extended families and clans (Fuadi et al., 1974). This difference in orientation reflects the existence of two distinct legal paradigms, namely the individualistic paradigm within state law and the communal paradigm within customary law (Akbar & Laman, 2025).

These tensions become even more apparent in relation to marriage registration. From the state's perspective, registration serves as an instrument of legal protection and certainty regarding the civil status of husbands, wives, and children (Demak, 2018). However, from the perspective of the indigenous community, social legitimacy is considered fulfilled through customary settlement and community recognition (Hukunala, 2024). As a consequence, marriage registration is often viewed merely as an additional administrative requirement carried out only when specific practical needs arise. This demonstrates that the effectiveness of state law at the local level greatly depends on the degree of social acceptance of such norms within the community (Ehrlich, 1936).

Within the framework of Lon L. Fuller's morality of law, the effectiveness of law is determined not merely by the existence of formal rules, but also by the ability of law to provide certainty, consistency, and protection for its legal subjects (Fuller, 1969). Therefore, if the obligation of marriage registration has not yet been fully understood as a normative necessity within indigenous communities, the effectiveness of state law will tend to depend solely on pragmatic interests (Akbar & Laman, 2025). This condition demonstrates that the enforcement of national law within indigenous societies requires an approach capable of bridging the communal values living within society and the need for formal legal protection.

On the other hand, the practice of Muka Eptukar must also be analyzed through the perspective of *maqāṣid al-syarī'ah*, particularly regarding the protection of lineage (*ḥifẓ al-nasl*) and the protection of life and human dignity (*ḥifẓ al-nafs*). In the *maqāṣid* theory formulated by Abu Ishaq al-Shatibi, these two principles constitute fundamental objectives of Islamic law that must be preserved in every social practice, including the institution of marriage (Al-Shatibi, 1997).

From the perspective of *ḥifẓ al-nasl*, the practice of Muka Eptukar essentially pursues objectives consistent with the protection of lineage and the continuity of family institutions. Marriage within this tradition is not merely interpreted as a relationship between two individuals, but also as a mechanism for maintaining the continuity of genealogical relations between clans (Hukunala, 2024). The exchange within Muka Eptukar functions to strengthen kinship relations and preserve the social stability of the indigenous community. In this context, the practice may be understood as a form of social adaptation that supports the continuity of family structures and relations among community groups (Al-Shatibi, 1997).

However, the protection of lineage in Islamic law is not determined solely by the continuity of family relations, but also by the quality and legitimacy of the marital relationship itself. The principle of *ḥifẓ al-nasl* requires the existence of a valid marriage based upon the consent of both spouses (Kamali, 2008). Therefore, if within the practice of Muka Eptukar there exists domination of family decisions or pressure upon the prospective spouses, such conditions may potentially diminish the fulfillment of the principle of *ḥifẓ al-nasl* because the marital relationship is not entirely established on the basis of individual free will (A'isyah, 2025).

Furthermore, from the perspective of *ḥifẓ al-nafs*, the practice of Muka Eptukar also requires critical attention, particularly regarding the protection of women's dignity and honor. Within *maqāṣid al-syarī'ah*, the protection of life extends beyond physical aspects and also includes the protection of human dignity and personal integrity (Auda, 2008). In the practice of Muka Eptukar, the exchange

of sisters as part of the dowry settlement may potentially create problems if women do not possess adequate space to express their consent freely. Such conditions may create the risk of women's subordination within mechanisms of social exchange, which contradicts the principle of respect for human dignity in Islamic law (Indah, 2022; Ulfah & Syafitri, 2024).

Nevertheless, if the practice of Muka Eptukar is carried out through deliberation that still guarantees women's conscious and pressure-free consent, then the practice may still be understood within the framework of social benefit (*maṣlaḥah*). In such circumstances, women remain positioned as legal subjects possessing the right to determine their own life choices, thereby ensuring that the protection of *ḥifẓ al-nafs* can still be fulfilled (Affan, 2025).

The practice of Muka Eptukar demonstrates the dynamic relationship between customary law, state law, and the values of Islamic law within the life of the Waeflan indigenous community. Customary law provides social legitimacy and maintains kinship cohesion, while state law provides instruments of formal protection and administrative certainty (Melati et al., 2025). At the same time, the perspective of *maqāṣid al-syarī'ah* emphasizes the importance of maintaining a balance between communal welfare and the protection of individual rights, particularly with regard to women within customary marriage practices. Therefore, the principal challenge is not to choose one legal system over another, but rather to build a harmonious framework capable of accommodating the cultural values of indigenous communities while simultaneously guaranteeing the protection of individual rights within the framework of national law and the principles of Islamic law (Jeujanen & Toatubun, 2024; Akbar & Laman, 2025).

D. Conclusion

The Muka Eptukar tradition within the indigenous community of Waeflan Village constitutes a customary marriage mechanism used when the male party is unable to fully fulfill the obligation of dowry payment, so that the settlement is carried out through the exchange of sisters accompanied by the payment of part of the customary property. This practice does not merely possess an economic meaning, but also functions to maintain social balance, strengthen kinship relations, and preserve family honor within the indigenous community. In practice, some Muka Eptukar marriages have not been officially registered because customary legitimacy through family deliberation and recognition by customary leaders is considered sufficient to socially validate the marriage. This condition demonstrates

the existence of legal pluralism between customary law and state law. From the perspective of *maqāṣid al-syarī'ah*, the practice of Muka Eptukar substantively supports the protection of lineage (*ḥifẓ al-nasl*), but still requires attention regarding the protection of women's dignity and consent as part of safeguarding individual rights.

This study is limited to the indigenous community of a single village, namely Waeflan Village, and therefore cannot yet comprehensively describe similar practices among other indigenous communities on Buru Island or in other regions of Indonesia. In addition, this study has not quantitatively measured the effectiveness of marriage registration. Therefore, future research may develop comparative studies among indigenous communities or employ quantitative approaches to examine the level of legal awareness regarding marriage registration within society. This study also recommends that village authorities, customary leaders, and the local Office of Religious Affairs (KUA) strengthen public socialization regarding the importance of marriage registration without diminishing respect for the customary values that continue to live within the community.

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