

The Prohibition of *Sasuku* Marriage in the Dynamics of Modern Minangkabau Society: An Examination of Legal Pluralism and Social Control

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Abstract

Sasuku marriage remains prohibited under customary law in Minangkabau society, even though it is not classified as a prohibited marriage under Islamic law or Indonesian positive law. This condition reflects a normative incongruity among customary law, religion, and the state, particularly when a *sasuku* marriage is legally valid but remains rejected under customary norms. This article aims to analyze the legal status of *sasuku* marriage within the context of legal pluralism and to examine the implications of this customary prohibition for individual rights in choosing a life partner. This study employs normative legal research using conceptual and statutory approaches through an analysis of relevant primary and secondary legal materials. The discussion examines the prohibition of *sasuku* marriage under Minangkabau customary law, compares it with the provisions of Islamic law and Indonesian positive law, and analyzes the function of customary law as a normative authority within the social order. The findings indicate that belonging to the same *suku* is not established as a ground for prohibiting marriage under Islamic law or Indonesian positive law, but it remains prohibited under Minangkabau customary law. From a legal perspective, the prohibition of *sasuku* marriage cannot prevent the marriage from taking place; however, from a customary perspective, such a marriage continues to be regarded as a prohibited act that may result in social sanctions. The prohibition also operates as a mechanism of social control that has the potential to restrict individual rights in determining a life partner. This article argues that the prohibition of *sasuku* marriage should be critically understood as part of the dynamics of legal pluralism, in which the continued applicability of customary norms must be examined in terms of their relevance so that they can continue to function as a form of social protection without compromising individual rights.

Keywords: marriage, *sasuku*, Minangkabau customary law, individual rights

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INTRODUCTION

Sasuku marriage in Minangkabau society constitutes one of the enduring issues in customary law and continues to be maintained as a normative prohibition. This prohibition derives from the matrilineal kinship system, which regards a *suku* as a genealogical and social unit. Consequently, marriage between individuals belonging to the same *suku* is considered potentially disruptive to the structure of the *kaum* and social harmony (Krismono, Lutfi, & Karimuddin, 2024). Within this context, Minangkabau customary law regards *sasuku* marriage not merely as a violation of social norms but as a breach of customary law that may be subject to social and cultural sanctions (Laila, Putri, Mutyara, & Triana, 2025). Nevertheless, this prohibition exists alongside other legal systems, namely Islamic law and positive law, which establish different normative rules for determining whether a marriage is prohibited.

Normatively, Islamic law establishes marriage prohibitions on a limited basis concerning *mahram* relationships arising from lineage (*nasab*), *mushāharah*, and *radā'ah* (Loenxy, 2025; Nastangin, 2020), without including belonging to the same *suku* as a category of prohibition. Similarly, positive law, through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, stipulates that the validity of a marriage is determined by the fulfillment of the pillars and requirements of marriage and the absence of any marriage prohibition explicitly regulated by legislation (Fitriyani, 2023; Loenxy, 2025). Accordingly, *sasuku* marriage is permissible under religious and state law insofar as these requirements are fulfilled. Nevertheless, within the social order, *sasuku* marriage continues to encounter strong customary opposition, which may even result in social sanctions, family pressure, and social exclusion, despite the marriage being legally valid under religious and state law. This condition demonstrates a normative incongruity between Minangkabau customary law and other applicable legal systems.

Against the backdrop of this normative tension, previous studies have sought to explain the prohibition of *sasuku* marriage from various perspectives, particularly within the frameworks of customary law and the preservation of Minangkabau cultural values. Most previous studies have examined *sasuku* marriage from a descriptive perspective of customary practices, cultural legitimacy, or efforts to preserve traditional Minangkabau values. These studies have largely emphasized the philosophical and sociological foundations of the prohibition of *sasuku* marriage and its function in maintaining kinship structures and the harmony of the *kaum*. Although previous studies have contributed to explaining the philosophical and sociological foundations and the continued application of the prohibition of *sasuku* marriage in Minangkabau society, they remain limited in explaining the relationship among customary norms, Islamic law, positive law, and individual rights in an integrated manner. In their article, *The Prohibition of Same-Clan Marriage in Minangkabau*, Fauzan Al Amin et al. explain that the prohibition is a logical consequence of the matrilineal kinship system adopted by Minangkabau society. *Sasuku* marriage is regarded as a violation of the customary principle of exogamy because it is considered to equate a marital relationship with a blood relationship. The study emphasizes that the prohibition of *sasuku* marriage serves to preserve kinship structures, the harmony of the *kaum*, and the continuity of the customary social order. In addition, the article explains the forms of customary sanctions imposed on violators, such as social exclusion and customary fines, as mechanisms of control to ensure continued compliance with customary norms (Amin, Rahmat, Novita, & Sandi, 2023).

In line with this, Febria et al.'s article on *Same-Clan Customary Marriage from the Perspective of Minangkabau Customary Law* demonstrates that the prohibition of *sasuku* marriage remains strongly maintained within the social order of Minangkabau society. The study emphasizes that customary law functions not only as a cultural guideline but also as a normative system possessing strong binding force and social legitimacy. The study focuses on how the

prohibition of *sasuku* marriage is understood as an instrument for protecting women's honor, maintaining the order of the *kaum*, and preserving the integrity of the customary system. In its analysis, customary law is positioned as a source of values whose continuity must be preserved, such that violations of the prohibition of *sasuku* marriage are perceived as threats to the identity and social cohesion of the community (Febria, Heryanti, Sihotang, 2023).

Although these two studies make important contributions to explaining the philosophical, sociological, and functional foundations of the prohibition of *sasuku* marriage, their analyses remain descriptively normative within the framework of customary law. Both articles tend to position customary law as a harmonious and protective value system without critically examining its relationship with other legal norms, particularly Islamic law and positive law. The normative incongruity has not been examined extensively, especially when customary prohibitions come into conflict with the permissibility of marriage under Islamic law and positive law, as well as the guarantee of individual rights to choose a life partner.

Furthermore, there has been limited explicit discussion of how customary law can function as a normative rule that extends beyond social protection and becomes an instrument of social control with the potential to restrict individual freedom in choosing a partner. Thus, previous studies leave room for a critical analysis of the position of the prohibition of *sasuku* marriage within the dynamics of legal pluralism in Indonesia. From the perspective of the sociology of law, customary sanctions and social pressures accompanying the prohibition of *sasuku* marriage can be understood as effective forms of informal social control, while simultaneously becoming problematic when confronted with the principles of individual rights and legal pluralism in a modern rule-of-law state.

On this basis, the novelty of this study lies in shifting the focus from merely examining the existence and function of the prohibition of *sasuku* marriage toward an analysis of the limits of the normative authority of customary law within the private sphere of individual life. This study brings together three normative domains—Minangkabau customary law, Islamic law, and positive law—to analyze how a marriage that is not legally prohibited may nevertheless face rejection and social consequences through customary control mechanisms. From this perspective, the study not only views customary law as *living law* that maintains social cohesion but also critically examines circumstances in which its continued application may potentially transform it into an instrument for restricting individual freedom in choosing a partner. Therefore, this study advances the analysis of legal pluralism by placing the tension between the collective interests of customary law and the protection of individual rights at the center of the discussion.

METHOD

This study employs normative legal research using a conceptual approach and a statutory approach (Charda, 2021). The conceptual approach is used to analyze the construction of legal norms governing *sasuku* marriage from the perspectives of Minangkabau customary law, Islamic law, and positive law, while the statutory approach is used to examine legal provisions concerning marriage under positive law and the Compilation of Islamic Law. This study is qualitative in nature (Disemadi, 2022), emphasizing the analysis of relevant legal norms, doctrines, and concepts.

Data were collected through a literature study (*library research*) (Abdurrahman, 2024). The data consisted of primary and secondary legal materials. Primary legal materials included legislation governing marriage, such as Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, as well as legal principles concerning marriage prohibitions. Secondary legal materials included books, scholarly journal articles, and relevant research findings concerning *sasuku* marriage, Minangkabau customary law, Islamic law, legal

pluralism, social control, and individual rights. The literature was selected based on substantive relevance, source credibility, and its connection to the research focus, while literature lacking direct relevance to the research subject was excluded. The collected legal materials were analyzed qualitatively through the interpretation and comparison of legal norms, doctrines, and concepts to identify differences in the regulation of *sasuku* marriage under Minangkabau customary law, Islamic law, and positive law, as well as to determine the implications of these normative differences for individual rights in choosing a life partner.

The research specification is descriptive-analytical (Hanum, Astria, Imara, & Hidayatullah, 2025), describing and explaining the normative provisions concerning *sasuku* marriage across different legal systems while simultaneously analyzing the normative tensions that arise when customary prohibitions encounter the provisions of Islamic law and positive law. This study is not intended to determine whether any particular normative system is right or wrong, but rather to examine the position and implications of the application of customary norms for individual rights within the context of legal pluralism.

The data were analyzed using qualitative analysis with deductive reasoning (Fife & Gossner, 2024). The data obtained from primary and secondary legal materials were analyzed by examining the interrelationships among norms, comparing applicable legal principles, and interpreting the meaning and function of the prohibition of *sasuku* marriage within the framework of the relationship among customary law, religion, and state law, using legal pluralism and social control theories as analytical frameworks. The results of this analysis were used to draw conclusions regarding the position of *sasuku* marriage within a pluralistic legal system and the role of Minangkabau customary law as either a form of social protection or social control within the community's social order.

RESULTS AND DISCUSSION

The Position of *Sasuku* Marriage between Minangkabau Customary Law, Islamic Law, and Positive Law in Indonesia

The findings of this study indicate that the prohibition of *sasuku* marriage restricts the scope of individual choice through social mechanisms, although it does not eliminate an individual's right to enter into a legally valid marriage under Islamic law and positive law. Such restrictions primarily operate through family pressure, social stigma, and customary sanctions that encourage individuals to align their marital choices with community expectations. Thus, these differences demonstrate the disparities among normative systems in determining the status and social acceptance of *sasuku* marriage. These differences can be understood within the context of legal pluralism in Indonesia, particularly in Minangkabau society (Destuliadi, 2022).

Under the Minangkabau customary law system, *sasuku* marriage is consistently positioned as an act that violates customary norms, particularly in Minangkabau society (Destuliadi, 2022). This prohibition is rooted in a matrilineal kinship system that regards a *suku* as a genealogical, social, and symbolic unit. A *suku* is understood not merely as an identity marker but also as a social unit that bears collective responsibility for its members (Amin et al., 2023). Therefore, marriage between individuals belonging to the same *suku* is perceived as potentially disrupting kinship relations, generating internal conflicts within the *kaum*, and blurring the boundaries of social roles within the customary structure (Amin et al., 2023; Destuliadi, 2022).

Within Minangkabau customary law, the prohibition of *sasuku* marriage concerns the social and symbolic relationships among members of the *kaum* (Sopyan & Suryani, 2020). Accordingly, the basis of the customary prohibition is sociocultural rather than religiously juridical. Customary law places the collective interests of the *kaum* as a primary value that

understood as a customary preventive mechanism intended to avoid marriages that could, in substantive terms, potentially violate *mahram* provisions under Islamic law, particularly those arising from *radā'ah*.

However, as Minangkabau society has undergone social development, this communal way of life has experienced significant transformation. Members of a *suku* no longer live together in a single *rumah gadang* but have become dispersed across different regions and increasingly live within nuclear-family structures, while matrilineal identity and *suku* affiliation continue to be maintained as markers of kinship. Under these contemporary social conditions, the continuity of *suku* identity is primarily genealogical and symbolic rather than an indicator of biological or breastfeeding relationships across generations. Therefore, belonging to the same *suku* today does not necessarily indicate the existence of a *radā'ah* relationship as was historically feared.

From the perspective of Islamic law, marriage prohibitions arising from *radā'ah* have clear and restrictive boundaries and are *tahdidi* in nature. The general principle agreed upon by the *jumhur* of scholars (Abidin, 2022) is as follows:

يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ

"What is haram because of milk is the same as what is haram because of nasab"

This principle emphasizes that *mahram* status arising from *radā'ah* is not unlimited but follows the structure of *mahram* relationships based on *nasab*. Accordingly, marriage prohibitions apply only to relationships that, by analogy with *nasab*, fall within the category of *mahram*, such as relationships between a mother and child, siblings, uncles or aunts, as well as clearly defined ascending and descending lines of kinship.

Scholars such as Imam al-Nawawī of the Shafī'i school and Ibn Qudāmah of the Hanbali school affirm that marriage prohibitions arising from *radā'ah* may not be extended beyond those established through *nasab* (Munawaroh, 2025). Kinship relationships that are permissible for marriage under *nasab*, such as cousin relationships or more distant lines of descent, likewise remain permissible in the context of *radā'ah* (Ahadiyyah, 2025; Hayatudin, 2020). Therefore, the descendants of two individuals who share a breastfeeding relationship do not automatically become *mahram* to one another as long as their relationship does not fall within the structure of *mahram* recognized under Islamic law. In other words, the determining criterion for the scope of the prohibition is not the number of generations at which the prohibition ceases, but whether the relationship remains classified as *mahram* within the structure of *nasab*.

Based on this normative framework, imposing an absolute prohibition on *sasuku* marriage without re-verifying the existence of *nasab* or *radā'ah* relationships may potentially conflict with the principle of legal certainty in Islamic law. When individuals intend to marry despite belonging to the same *suku* in Minangkabau society, a more proportional approach would be to trace the *ranji* of their ancestry through the preceding generations to determine whether a *mahram* relationship exists, whether arising from *nasab* or *radā'ah*. This approach does not negate the values of Minangkabau customary law but positions customary law as a social system capable of adapting to changing circumstances while remaining consistent with the objectives of Islamic law in preserving lineage (*hifz al-nasl*) and preventing harm.

Within this context, *ranji* tracing can be positioned as a mechanism for verifying kinship before the prohibition of *sasuku* marriage is applied automatically. Such tracing is necessary to distinguish between shared *suku* identity and the existence of *nasab* or *radā'ah* relationships that genuinely establish *mahram* status under Islamic law. If the tracing process does not establish any relationship that gives rise to *mahram* status, shared *suku* identity alone

has no legal consequence in terms of marriage prohibition under Islamic law or positive law. This approach allows the customary objective of protecting kinship relations, which underlies the prohibition, to be maintained while simultaneously providing individuals with greater space to exercise their right to choose a life partner. *Ranji* verification may therefore constitute a more proportional approach than imposing an absolute prohibition on *sasuku* marriage, because the restriction is based on the existence of a legally relevant kinship relationship rather than merely on shared *suku* identity. Accordingly, the relationship between customary law and Islamic law can be understood dialogically rather than as inherently contradictory, allowing customary prohibitions to continue serving their moral protective function without disregarding the normative boundaries established by religion.

Positive law is consistent with Islamic law in determining the validity of marriage based on the fulfillment of the required pillars and conditions, as regulated under Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, while also expressly limiting the scope of marriage prohibitions recognized under the law (Mulyanto, 2025). This is reflected in Article 8 of Law Number 1 of 1974 concerning Marriage in conjunction with Article 39 of the Compilation of Islamic Law, which formulate marriage prohibitions in a restrictive manner based on *nasab*, affinity, and *radā'ah*, as well as other prohibitions prescribed by religious law. Belonging to the same *suku* is not identified as a ground for prohibiting marriage under Article 8 (Saputra & Sanjaya, 2023).

From the perspective of positive law, *sasuku* marriage is not classified as a prohibited form of marriage carrying the same legal consequences as kinship relationships expressly regulated under these provisions. This differs from Minangkabau customary law, which regards *sasuku* marriage as a customary prohibition. The prohibition nevertheless retains binding force within the customary community because its violation may result in customary sanctions and social pressure. Thus, the difference does not primarily concern the validity or invalidity of the marriage but reflects differences in the sources and consequences of legal norms: positive law does not recognize belonging to the same *suku* as a ground for prohibiting marriage, whereas Minangkabau customary law maintains it as a socially binding norm applicable to members of the customary community.

Nevertheless, the analysis indicates that although *sasuku* marriage is considered valid under Islamic law and positive law, such a marriage remains vulnerable when confronted with customary authority. This vulnerability does not arise from a legal dimension but from the strong social legitimacy of Minangkabau customary law as a system of norms that operates as *living law* within the community. In the social order, customary rejection of *sasuku* marriage does not remain merely symbolic but is manifested through structured mechanisms of social sanction, including family pressure, restrictions on participation in customary activities, and even exclusion from the *kaum* community.

Although such sanctions do not possess formal legal force to invalidate or nullify the marriage, their binding effect can often be more effective than state-imposed legal sanctions because they operate through social control, collective shame, and individuals' dependence on kinship networks. Within a communal customary society, these social sanctions can influence the choices and continuity of the social relationships of the couple concerned, even after their marriage has been validly solemnized under religious and state law.

This condition demonstrates that Minangkabau customary law cannot be understood merely as a symbolic cultural norm but rather as a system of social regulation possessing its own rationality and enforcement mechanisms. The continued application of the *sasuku* marriage prohibition, despite its absence from positive law, reflects the capacity of customary law to preserve collective values regarded as fundamental to the continuity of the kinship system and the social order of the community. Accordingly, the prohibition of *sasuku*

marriage under Minangkabau customary law represents a social norm that is not fully consistent with Islamic law and positive law, given that the restriction does not fall within the categories of marriage prohibitions normatively recognized by either religious or state law.

The incongruity among these three legal systems demonstrates that *sasuku* marriage cannot be understood solely in terms of whether it is legally prohibited. The central issue concerns the overlapping authority of normative systems: customary law demands social conformity with collective values, whereas Islamic law and positive law affirm the validity of marriage on the basis of normative provisions that primarily recognize individual legal capacity. In this situation, customary law does not possess the legal authority to declare a *sasuku* marriage prohibited, yet it retains social legitimacy capable of influencing the lives of the couple concerned.

These findings reinforce the argument that, within the context of legal pluralism, Minangkabau customary law cannot be positioned as a fully autonomous and self-contained legal system but rather as a social normative order that interacts with, and does not always correspond to, religious and state law. When customary law rejects a marriage that is valid under Islamic law and positive law, it effectively tests the boundaries of its own authority. This demonstrates that the prohibition of *sasuku* marriage is not primarily a matter of formal legality but rather a matter of social legitimacy and the normative authority of customary law in regulating individuals' private lives.

From the perspective of legal pluralism as articulated by John Griffiths, this condition demonstrates that law does not exist as a single hierarchical system but as multiple normative orders that coexist and operate simultaneously within society (Griffiths, 1986). The prohibition of *sasuku* marriage represents customary law as *living law* possessing strong social legitimacy, despite lacking formal juridical legitimacy under religious or state law. This tension demonstrates that legal pluralism does not always produce harmony but may also generate conflicts of normative authority, particularly when customary norms continue to be enforced within the social sphere despite being inconsistent with other applicable legal provisions.

The incongruity among customary law, Islamic law, and positive law not only raises normative questions concerning the validity of marriage but also directly affects individuals' positions and experiences within social life. In practice, the dominance of customary norms does not remain at the level of values but influences individual freedom in determining life choices, including the choice of a marital partner.

Implications of the Prohibition of *Sasuku* Marriage for Individual Rights in Choosing a Life Partner

The analysis indicates that the prohibition of *sasuku* marriage has significant implications for individuals' rights to choose a life partner. From the perspectives of Islamic law and positive law, marriage is based on the principle of the free consent of the prospective spouses (Supiannor & Hafidzi, 2025). Law Number 1 of 1974 concerning Marriage expressly establishes the consent of both prospective spouses as a fundamental requirement for marriage, as stipulated in Article 6 paragraph (1) (Rizki Bagus Hendrawan, 2025). This principle is consistent with the constitutional guarantee under Article 28B paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Article 10 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, which recognize the right of every person to establish a family through a lawful marriage (Wahyudi & Asror, 2025). This legal framework demonstrates that the state recognizes an individual's freedom to choose a life partner as a protected personal right, provided that such choice does not contravene applicable legal provisions.

Nevertheless, within the context of Minangkabau customary law, this individual right is not regarded as absolute. Customary law positions individuals as integral members of the *kaum* and *suku*, meaning that personal choices, including the choice of a life partner, must take collective interests into consideration. The prohibition of *sasuku* marriage functions as a normative instrument that restricts the scope of individual choice in order to preserve the customary social order and kinship structure. Although this restriction does not take the form of direct coercion or arranged marriage as contemplated under marriage law, it operates through mechanisms of social control, including family pressure, social stigma, and customary sanctions. From the perspective of social control theory as developed by Travis Hirschi, such sanctions constitute informal mechanisms intended to maintain individuals' compliance with collective norms (Faried, Yusuf, Hukum, & Bung, 2025). Customary law does not require formal coercive authorities because compliance is cultivated through social bonds, shame, and individuals' dependence on kinship communities. Consequently, individuals who choose a *sasuku* partner may face a dilemma between maintaining their personal wishes and complying with customary demands that possess strong social binding force.

The implications of this restriction become more complex when examined in relation to the structure of Minangkabau customary kinship. Within the matrilineal kinship system, certain individuals are regarded as having important roles in maintaining the continuity of the *kaum*, particularly women (Loenxy, 2025; Rahmadani, 2024). Because of this position, their choice of a life partner is not understood solely as a personal matter but as a decision considered to affect the collective interests of the *kaum*. The prohibition of *sasuku* marriage consequently operates as an instrument for directing and restricting such choices in order to preserve the order of kinship relations and social harmony. When the prohibition is violated, customary responses generally take the form of stronger stigma and social pressure, not because of questions concerning the legal validity of the marriage but because the marriage is perceived as disrupting the balance of the customary structure. This demonstrates that the customary prohibition operates not only as a restriction on individual choice but also as a mechanism of social control justified by the need to maintain the balance and dignity of the customary kinship structure.

Restrictions on individual choice through the prohibition of *sasuku* marriage should be assessed in light of the objectives pursued by the customary norm. The prohibition of *sasuku* marriage has objectives that are understandable within the context of Minangkabau society, particularly the preservation of orderly kinship relations, social harmony, and the continuity of the identity and structure of the *kaum*. The existence of these objectives, therefore, cannot automatically be regarded as incompatible with individual rights. The problem arises from the manner in which these objectives are pursued, particularly when the prohibition is applied comprehensively to every marriage between individuals belonging to the same *suku*, without distinguishing whether a substantive kinship relationship exists that would actually give rise to a legal concern.

The question, therefore, is whether prohibiting all *sasuku* marriages is necessary to achieve the objectives of protecting kinship relations and maintaining social harmony. In this context, a more limited mechanism may be considered, namely tracing the *ranji* to verify *nasab* relationships and investigating the possibility of a *radā'ah* relationship. If such tracing does not establish a relationship that gives rise to *mahram* status, automatically applying the prohibition solely on the basis of shared *suku* identity becomes difficult to justify as the only means of achieving the objective of kinship protection. This verification-based approach allows customary objectives to be maintained without automatically closing all marital choices for individuals who merely share the same *suku* identity.

From the perspective of proportionality, the restriction should also consider the balance between the collective interests being protected and the burden imposed on individuals. The prohibition of *sasuku* marriage may indeed serve to preserve order and harmony within the customary social structure. However, automatically prohibiting all marriages between members of the same *suku* may impose a disproportionate burden on individuals' freedom to choose a life partner, particularly where no *nasab* or *radā'ah* relationship giving rise to *mahram* status is established. Moreover, the consequences of violating the prohibition extend beyond non-compliance with customary norms and may include social sanctions, family pressure, stigma, or restrictions on individuals' relationships with the customary community. This condition demonstrates that the prohibition of *sasuku* marriage can impose tangible burdens on individuals who choose to proceed with the marriage. Accordingly, its application should be proportionate, taking into account whether the burden imposed on individuals is commensurate with the customary interests sought to be protected.

From the perspective of human rights law, restrictions on individual rights are, in principle, permissible provided that they are lawful, proportionate, and based on a clear legal foundation (Bisariyadi, 2017). The right to choose a life partner as part of the right to establish a family is not absolute; however, any restriction must be grounded in formally recognized legal provisions and applied proportionately. In the context of the prohibition of *sasuku* marriage, such restrictions become problematic because they lack a formal juridical basis in either religious law or state law and are enforced through social sanctions that are not necessarily commensurate with the objectives of social protection being pursued.

From the perspective of the sociology of law, this condition demonstrates how customary law functions as an effective mechanism of social control. Customary law not only provides behavioral guidance but also monitors individual compliance through social sanctions that operate informally yet exert considerable force. When *sasuku* marriage is socially rejected despite being valid under religious and state law, customary law is effectively extending its normative influence into the private sphere of individuals. In this context, the prohibition of *sasuku* marriage cannot be understood merely as a matter of formal legality but as a normative restriction on the freedom to choose a life partner that may shift from a function of social protection toward an instrument of social control that constrains individual freedom. Customary social control may serve an integrative function by maintaining social harmony. However, such control becomes coercive when customary norms restrict personal choices without being supported by normative legitimacy recognized under religious and state law. At this point, customary social control no longer functions solely as an instrument of social integration but may disproportionately restrict individual freedom when applied within a transformed social context.

The findings of this analysis do not necessarily suggest that customary law should be abolished. Rather, they emphasize the importance of reassessing the function of customary law within a society undergoing social and legal transformation. The prohibition of *sasuku* marriage initially served to maintain social harmony and the stability of the kinship structure. However, when this norm encounters a legal system that places individual freedom and free consent at the center of marriage, there is a need to renegotiate the boundaries of its applicability. Accordingly, *sasuku* marriage is not merely a matter of custom or culture but also a matter of law and human rights within the context of legal pluralism. When customary law rejects a marriage that is valid under religious and state law, its implications are not merely social but also extend to the sphere of individual rights protected by the positive legal system. This creates a tension between collective customary interests and the protection of individual rights, requiring normative dialogue among customary law, religion, and the state so that

customary law can continue to function as an instrument of social protection without developing into a mechanism for disproportionately restricting personal rights. In this context, Minangkabau customary law should be understood as a dynamic normative system whose continued applicability must be continually assessed in light of its relevance to the protection of individual rights within a pluralistic society.

CONCLUSION

This analysis concludes that *sasuku* marriage occupies a problematic normative position as a consequence of legal pluralism in Minangkabau society. Under Islamic law and positive law, *sasuku* marriage is considered valid as long as the pillars and requirements of marriage are fulfilled and the marriage does not fall within the categories of marriage prohibitions defined restrictively by the applicable legal framework. Under Minangkabau customary law, however, *sasuku* marriage continues to be regarded as a customary violation carrying significant social consequences. This finding demonstrates that customary law does not possess the juridical authority to invalidate a legally valid marriage but nevertheless retains effective social legitimacy in regulating individual behavior. At this point, the prohibition of *sasuku* marriage demonstrates a shift in the function of customary law from social protection toward a mechanism of social control over personal choices, particularly in determining a life partner.

The principal contribution of this study lies in enriching scholarship on customary law and Islamic family law through a conceptual-critical approach. Rather than examining *sasuku* marriage solely as a customary institution, this study situates it within the context of normative incongruity among customary law, Islamic law, and positive law and connects this issue with individual rights within a pluralistic society. Accordingly, the study offers a new perspective by demonstrating that the continued applicability of customary law should be understood dynamically and contextually rather than merely as a static and absolute norm. Theoretically, this study reinforces the understanding that legal pluralism does not merely produce the coexistence of multiple norms but also generates tensions among normative authorities that directly affect the protection of individual rights.

This study is limited by its normative and conceptual scope of analysis and therefore does not empirically capture variations in the application of the *sasuku* marriage prohibition across different Minangkabau regions or among Minangkabau diaspora communities. In addition, the study does not explore in depth the processes of negotiation undertaken by customary leaders in responding to social and legal changes. Consequently, the findings cannot be generalized to all Minangkabau social contexts, given the diversity of customary arrangements across communities.

Based on these findings, this study can serve as a conceptual foundation for developing normative dialogue among customary law, religion, and the state, particularly in the context of reformulating understandings of customary law in ways that remain consistent with the principle of protecting individual rights. Future research should combine normative and empirical approaches to examine how the prohibition of *sasuku* marriage is applied, negotiated, or transformed within contemporary social practice. Further research is also needed to examine the roles of customary institutions and courts in responding to such normative incongruities, thereby facilitating the development of a more proportional formulation that balances collective interests with individual rights within customary law communities.

AI USAGE

The authors declare that artificial intelligence (AI) tools were used only for language editing and proofreading purposes. The authors take full responsibility for the content, arguments, analysis, and conclusions presented in this article.

AUTHOR CONTRIBUTIONS

Monica Loenxy: Conceptualization, methodology, literature review, analysis, and writing of the original draft. Ilham Agustian Anhas: Literature review, analysis, writing, review, and editing. Both authors contributed to the revision and approved the final version of the manuscript.

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CONFLICT OF INTEREST

The authors declare that they have no conflict of interest related to the research, authorship, or publication of this article.

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