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Tutup Uban as Living Law: A Socio-Legal Case Study in Nanga Bulik, Central Kalimantan

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Abstract

This study examines the *Tutup Uban* tradition among the Malay community of Bulik District, Lamandau Regency, Central Kalimantan, by distinguishing its customary authority from its status under Indonesian marriage law. The study uses an exploratory qualitative socio-legal case design that combines semi-structured interviews with a customary leader and a participant who experienced the practice, field observation, and doctrinal analysis of primary marriage-law materials. Empirical data were analyzed thematically, while legal materials were examined to distinguish religious validity, administrative registration, and customary recognition. The findings show that *Tutup Uban* is understood by the two informants as a symbolic practice performed when a younger sibling marries before an unmarried older sibling. Its principal functions are to express respect, maintain family relationships, and obtain social acceptance through symbolic gifts and the *tampung tawar* ritual. The practice may also create financial pressure when gift expectations exceed a family's means, although its form is negotiable. Doctrinal analysis finds no provision that makes *Tutup Uban* a statutory condition of marriage validity or registration. The study therefore interprets the tradition as a socially authoritative yet context-specific customary norm operating alongside, rather than replacing, religious and state-law requirements. Its contribution lies in clarifying the distinction between social legitimacy and formal legality within Indonesian legal pluralism. Practically, its symbolic purpose can be preserved through flexible implementation that avoids excessive financial demands.

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Introduction

Marriage is not only a private relationship between two individuals but also a social and legal institution that regulates family relationships, civil status, rights and obligations, and social recognition. Its consequences extend to kinship, inheritance, family responsibilities, and the continuity of social relations. Although marriage practices have changed alongside broader social transformations, marriage continues to occupy an important position in maintaining social order and providing legal certainty (Cherlin, 2020; Kapur, 2023). In Indonesia, marriage is situated within a plural normative environment in which state law, Islamic norms, and customary practices coexist. State marriage law provides the formal legal framework governing marriage, while Islamic norms provide religious guidance concerning marriage and family life (Al Faruq & Sholihah, 2020; Masri, 2024). At the same time, customary communities maintain practices and expectations that regulate marriage-related conduct and define what is considered appropriate within particular social settings (Diab et al., 2022; Isra, 2021; Surjanti et al., 2025).

The coexistence of these normative orders illustrates the plural character of Indonesian law. The concept of legal pluralism draws attention to the existence and interaction of multiple normative orders within the same social environment, including state, religious, customary, and community-based norms (Griffiths, 1986, 2011; Tamanaha, 2021). From this perspective, the existence of a state legal system does not necessarily eliminate the normative significance of customary practices. A customary practice may continue to shape behaviour and social relationships even when it has no formal status as positive law. This phenomenon can also be understood through the concept of *living law*, associated particularly with Eugen Ehrlich, which emphasizes the importance of norms that operate effectively in social life rather than focusing exclusively on formally enacted rules (Ehrlich & Ziegert, 2017; Hertogh, 2020; Nelken, 2008). Indonesian customary practices may therefore continue to function as socially embedded norms that influence expectations, relationships, and individual behaviour despite changes in the formal legal environment (Fadli, 2024; Hooker, 1978; Ter Haar, 2001).

Marriage provides an important setting for examining this interaction because it simultaneously involves formal legal requirements and social and familial expectations. In customary communities, marriage-related practices may establish expectations concerning family hierarchy, respect, kinship relations, and social acceptance that extend beyond the requirements imposed by state law. Compliance with such practices may therefore have consequences for social recognition and family relationships even when non-compliance does not produce formal legal consequences. This distinction between formal legal validity and social legitimacy is important for understanding how customary norms operate within a legally plural society.

One example is the *Tutup Uban* tradition among the Malay community in Bulik District, Lamandau Regency, Central Kalimantan. The practice concerns a situation in which a younger sibling marries before an older sibling who remains unmarried. Within the community, this situation may be understood as requiring the younger sibling to acknowledge the position of the older sibling. *Tutup Uban* generally involves symbolic gifts and the *tampung tawar* ritual as expressions of respect, apology, and a request for acceptance or blessing. The practice is therefore closely connected to family relationships and social harmony. Importantly, the available evidence suggests that its significance is

primarily social and customary rather than a formal condition imposed by state marriage law.

The meaning of *Tutup Uban* should nevertheless be distinguished from its characterization as customary law. A practice may be culturally significant without necessarily constituting a legally binding customary rule. To examine its normative status more carefully, it is necessary to consider how the practice is understood as an obligation, who has authority to maintain or interpret it, how compliance and non-compliance are treated, what social consequences may follow from non-compliance, and how the practice is reproduced within family and community relationships. Such questions are important because the normative force of *Tutup Uban* appears to arise primarily from family expectations, community recognition, and social relationships rather than from formal state enforcement. The distinction is therefore not simply between “law” and “custom,” but between different forms and sources of normativity operating within the same social environment.

Tutup Uban is also part of a broader pattern of marriage practices found in different Indonesian communities. Similar practices concerning a younger sibling marrying before an unmarried older sibling are known by various terms, including *uang pelangkah*, *ngelangkahi*, *malangkahi*, *upalakka*, and *palangkahan*. Previous studies generally associate these practices with respect for family hierarchy, preservation of kinship relationships, family harmony, and cultural identity (Agustin, 2021; Cahyani, 2024; Hayati & Sholihin, 2023; Lestari, 2020; Nopi PS et al., 2024; Sawitri, 2024). Other studies examine them through the Islamic legal concept of *‘urf* and argue that custom may be accommodated when it does not contradict Islamic legal principles or determine marriage validity (Lestari, 2020; Nasution & Purba, 2025). This literature establishes the cultural and Islamic-law context but gives less attention to how such practices retain normative significance alongside formal state law.

The Malay community of Nanga Bulik provides a particularly relevant setting for this inquiry. Previous research has documented *palangkahan* practices in this community, primarily as a marriage custom and cultural practice (Asmarita et al., 2025). What remains underexamined is the relationship between the social authority of the practice and the formal rules governing marriage validity and registration. This study addresses that gap through an integrated empirical-doctrinal analysis. Its novelty lies in bringing context-specific accounts of *Tutup Uban* into direct dialogue with primary Indonesian marriage-law provisions in order to distinguish social legitimacy from formal legality.

The central problem addressed in this study therefore concerns the relationship between social-customary authority and formal legal authority. On the one hand, *Tutup Uban* may be regarded within the community as an expected practice when a younger sibling marries before an unmarried older sibling. On the other hand, its observance is not presented as a statutory condition determining the formal validity of marriage. This distinction raises a broader socio-legal question: how can a customary practice maintain normative influence when it does not possess the same formal authority as state law? Rather than assuming that *Tutup Uban* is automatically “customary law,” this study examines the social basis of its authority and considers whether the practice can be understood as a form of living law within a legally plural environment.

The study is guided by the concepts of legal pluralism and *living law*. Legal pluralism provides a framework for examining the coexistence of state and customary normative orders, while the concept of *living law* helps explain how norms embedded in social relationships may influence behaviour even when they are not formally enacted by the state (Ehrlich & Ziegert, 2017; Griffiths, 1986, 2011; Hertogh, 2020; Tamanaha, 2021). These concepts make it possible to examine *Tutup Uban* not simply in terms of whether it is legally valid or invalid, but in terms of the different forms of authority that operate through the practice. State law may determine the formal legal status of marriage, while customary expectations may influence social legitimacy, family relationships, and community acceptance.

Against this background, this study examines the *Tutup Uban* practice among the Malay community in Bulik District, Lamandau Regency, Central Kalimantan, with particular attention to its normative position in relation to Indonesian state law. The study asks three questions: (1) How does *Tutup Uban* function as a customary practice and social norm in marriage practices within the Malay community in Lamandau? (2) How does *Tutup Uban* relate to the formal requirements governing marriage under Indonesian state law? and (3) What does the coexistence of *Tutup Uban* and state marriage law reveal about legal pluralism and living law in contemporary Indonesian marriage practices?

This study contributes to socio-legal scholarship by examining the relationship between customary practice and formal state law at the level of everyday family life. Rather than treating *Tutup Uban* solely as a cultural ceremony or as an issue of Islamic '*urf*', the study investigates the sources and limits of its normative significance within the community. It also highlights the analytical importance of distinguishing social legitimacy from formal legality. In doing so, the study seeks to demonstrate how a customary practice may remain socially meaningful and influential without necessarily determining the formal legal validity of marriage. This perspective contributes to a more nuanced understanding of legal pluralism in Indonesia, particularly the ways in which customary expectations and state law may coexist by regulating different dimensions of the same social institution.

Method

This study employs an exploratory qualitative socio-legal case study with empirical and doctrinal components. This design is used because the study examines the *Tutup Uban* tradition both as a customary practice embedded in the social relationships of the Malay community and in relation to the formal legal framework governing marriage in Indonesia. The empirical component focuses on how the tradition is understood, practiced, and given normative significance by individuals with direct knowledge or experience of the practice. The doctrinal component examines the formal legal position of the tradition in relation to Indonesian marriage law.

The study is guided by the concepts of legal pluralism and *living law*. Legal pluralism is used to examine the coexistence and interaction of customary and state normative orders within the same social environment, while *living law* provides a framework for understanding how socially embedded norms may influence behaviour even when they are not formally enacted by the state (Ehrlich & Ziegert, 2017; Griffiths, 1986; Tamanaha, 2021). These concepts are employed as analytical frameworks rather than as assumptions that *Tutup Uban* automatically constitutes customary law. The analysis therefore examines

the sources and extent of the practice's normative significance and its relationship with formal state law.

The research was conducted in Bulik District, Lamandau Regency, Central Kalimantan, focusing on the Malay community in Nanga Bulik. The research setting was selected because *Tutup Uban* continues to be associated with marriage practices in which a younger sibling marries before an unmarried older sibling.

Primary empirical data were obtained through semi-structured interviews with two purposively selected informants. The first informant, Andi Ratna, is a Malay customary leader in Nanga Bulik who was selected because of her knowledge of and involvement in customary practices. The second informant, identified by the code S, is an individual who had direct experience of the *Tutup Uban* tradition. The interviews were conducted in May 2026. The selection of informants was based on their knowledge of or direct experience with the practice.

Because the study involved only two informants, the empirical findings are treated as exploratory and context-specific. The perspectives of the informants are not assumed to represent the views of all members of the Malay community in Lamandau. Instead, their accounts provide empirical insight into the meaning, function, implementation, and perceived normative significance of *Tutup Uban* among individuals directly connected with the practice.

The study draws on empirical, primary legal, and secondary scholarly sources. The empirical corpus consists of semi-structured interviews and observations concerning *Tutup Uban*. The interviews addressed the practice's meaning, circumstances of performance, expectations of compliance, perceived consequences of non-compliance, and relationship to formal marriage requirements. The primary legal corpus comprises Law No. 1 of 1974 on Marriage, Law No. 16 of 2019 amending the Marriage Law, Government Regulation No. 9 of 1975, and Regulation of the Minister of Religious Affairs No. 30 of 2024 on Marriage Registration. Secondary sources include books, journal articles, theses, and prior studies on legal pluralism, living law, customary law, marriage law, and *pelangkahan* traditions. Primary legal materials were kept analytically distinct from secondary scholarship.

Data were collected through semi-structured interviews, observation, and document analysis. The semi-structured interviews allowed the researchers to explore the informants' understanding and experience of *Tutup Uban*, including its meaning, customary expectations, implementation, and perceived social consequences. The interview data were recorded and organized according to the research questions. Observational materials were used to complement the interview accounts and to provide contextual information concerning the practice. Documentary and legal materials were collected to examine the formal legal framework relevant to the research problem. The empirical and legal data were collected and analyzed as complementary sources. The empirical materials were used to identify how *Tutup Uban* operates as a social and customary practice, while the legal materials were used to determine whether the practice has consequences within the formal legal system.

The empirical data were analyzed thematically in accordance with the research questions. The analysis focused on three principal dimensions: (1) the meaning and social function of *Tutup Uban*; (2) its practical and economic implications; and (3) its relationship

with formal state marriage law. The analysis examined information concerning the meaning of the tradition, the forms through which it is practiced, expectations of compliance, responses to non-compliance, and the perceived consequences of observing or not observing the practice. The data were then organized into categories corresponding to the research questions and interpreted through the concepts of legal pluralism and living law. Particular attention was given to the sources and extent of the normative significance attributed to *Tutup Uban*. The analysis considered whether the practice is understood as an obligation, who is regarded as having authority to maintain or interpret it, how compliance is encouraged, what consequences are associated with non-compliance, and how the practice is maintained through family and community relationships. This approach avoids presuming that the existence of the tradition itself is sufficient to establish it as customary law.

The doctrinal analysis proceeded in three stages. First, the researchers identified the rules governing marriage validity and registration, with particular attention to Article 2 of Law No. 1 of 1974, its current amended status under Law No. 16 of 2019, and the registration procedures established by Government Regulation No. 9 of 1975 and Regulation of the Minister of Religious Affairs No. 30 of 2024. Second, these rules were compared with the customary expectations identified in the empirical data. Third, the analysis classified the consequences of *Tutup Uban* separately within the religious, administrative, and social-customary domains. Informants' statements about state law were treated as evidence of community perceptions, not as authoritative statements of legal doctrine; the formal legal position was determined from the primary legal materials.

Results

This section presents the empirical and doctrinal findings concerning the *Tutup Uban* tradition among the Malay community in Bulik District, Lamandau Regency, Central Kalimantan. The empirical findings derive from interviews with a Malay customary leader (AR) and a participant with direct experience of the tradition (S), together with observational materials. The doctrinal findings derive from the primary legal corpus identified in the Method. Because the empirical component involved only two informants, its findings are reported as context-specific accounts rather than representative evidence of the entire Malay community.

Meaning and Social Function of Tutup Uban

The first finding concerns the meaning and social function attributed to *Tutup Uban*. Both informants associated the practice with a situation in which a younger sibling marries before an older sibling who remains unmarried. The younger sibling presents a symbolic gift to the older sibling, followed by the *tampung tawar* ritual. The items may include clothing, fabric, sandals, or other personal belongings agreed upon by the family. AR emphasized that the gifts derive their significance from the respect they symbolize rather than from their price or quantity; S similarly described respect for the older sibling as the practice's central meaning (AR, customary leader, interview, May 2026; S, participant, interview, May 2026).

The two accounts indicate that the symbolic gift is understood as a means of acknowledging the position of the older sibling. The *tampung tawar* ritual and the exchange

of gifts are associated with expressions of respect, apology, and a request for acceptance or blessing. Thus, the practice is described by the informants primarily in relational and symbolic terms rather than as an exchange based on the monetary value of the gifts. The interviews also indicate that the practice is associated with expectations concerning family relationships. S explained that failure to perform *Tutup Uban* could create discomfort within the family because the omission might be interpreted as a failure to acknowledge the older sibling's position. This account suggests that the expectation to perform the practice is maintained through family relationships and social expectations rather than through a formal legal sanction.

Table 1. Meaning and Social Function of Tutup Uban

Dimension	Form of Practice	Empirical Meaning
Respect for older sibling	Presentation of symbolic gifts	Acknowledging the position of the older sibling
Apology and acceptance	Gift presentation and tumpang tawar	Expressing respect and seeking acceptance or blessing
Family relationship	Family acknowledgment	Maintaining harmonious sibling relationships
Social expectation	Observance of the customary procedure	Responding to family expectations

The findings therefore indicate that, from the perspectives of the two informants, *Tutup Uban* is understood primarily as a symbolic and relational practice. Its significance is associated with respect toward the older sibling and the maintenance of family relationships. The evidence does not, however, establish that the practice is uniformly observed by the wider Malay community or that non-compliance necessarily produces a standardized customary sanction.

Practical and Economic Implications

The second finding concerns the practical and economic implications of implementing *Tutup Uban*. Although both informants emphasized the practice's symbolic meaning, the provision of gifts may have financial consequences depending on the type and value expected by the family. S reported that excessive requests could increase wedding expenses and create financial difficulty, whereas AR stated that the form and value of the gifts could be adjusted to the family's economic circumstances (AR, customary leader, interview, May 2026; S, participant, interview, May 2026).

At the same time, AR emphasized that the form and value of the gifts are not necessarily fixed. According to the customary leader, the gifts may be adjusted according to the economic circumstances of the family. The purpose of the practice is therefore not understood to require a particular monetary value. The two accounts indicate a distinction between the symbolic purpose of the practice and its material implementation. Symbolically, the gifts function as expressions of respect. Practically, however, the interpretation of what should be given may create additional expenditure for families.

Table 2. Practical and Economic Implications of Tutup Uban

Aspect	Empirical Finding	Observed Implication
Symbolic gifts	Gifts are primarily understood as expressions of respect	Reinforce the symbolic and relational function of the practice
Flexibility	Type and value of gifts may be adjusted according to family circumstances	May reduce the financial burden
Family expectations	The practice may be expected when a younger sibling marries first	May create social pressure to comply

Aspect	Empirical Finding	Observed Implication
Economic impact	Excessive gift expectations may increase wedding expenses	May create financial difficulties for some families

The findings do not establish that economic burden is an inherent feature of *Tutup Uban*. Rather, the potential burden appears to depend on how the practice is interpreted and implemented within individual family circumstances.

Relationship between Tutup Uban and State Marriage Law

The third finding concerns the distinction between customary expectations and formal state-law requirements. The two informants distinguished the customary expectation to perform *Tutup Uban* from the formal requirements associated with marriage under Indonesian law. From the customary perspective described by AR, *Tutup Uban* is expected when a younger sibling marries before an unmarried older sibling. Its significance derives from customary expectations concerning respect, family relationships, and social acceptance.

S understood *Tutup Uban* as separate from the formal legal and religious requirements governing marriage. The participant distinguished the social expectation to observe the custom from the requirements of a valid and registered marriage and did not regard the practice as a religious rule (S, participant, interview, May 2026). These statements record the participant's legal and religious perceptions; they do not, by themselves, establish the content of Indonesian law or Islamic doctrine.

Table 3. Empirical Distinction between Customary Expectations and State Law

Aspect	Customary Perspective	Formal Legal Perspective
Position of <i>Tutup Uban</i>	Expected when a younger sibling marries before an unmarried older sibling	Not identified as a statutory condition of marriage validity or registration
Source of significance	Customary expectations and family relationships	State legislation and authorized registration institutions
Main function	Respect, family relationships, and social acceptance	Regulation of religious validity and administrative registration under Article 2 of the Marriage Law and its implementing rules
Consequence of omission	May result in family discomfort or social disapproval, according to informant accounts	No specific statutory consequence identified, provided the applicable religious and state-law requirements are satisfied
Source of evidence	Interviews and observations	Marriage Law and implementing registration regulations

Doctrinal Findings on Marriage Validity and Registration

Article 2(1) of Law No. 1 of 1974 provides that marriage validity is determined by the parties' religion and belief, while Article 2(2) requires every marriage to be recorded in accordance with applicable legislation (Republic of Indonesia, 1974). Law No. 16 of 2019 amended the age-of-marriage provision but did not alter Article 2 or introduce a customary-ceremony requirement (Republic of Indonesia, 2019). Government Regulation No. 9 of 1975 operationalizes notification and registration under the Marriage Law, and Regulation of the Minister of Religious Affairs No. 30 of 2024 sets out the registration process for Muslim marriages (Ministry of Religious Affairs, 2024; Republic of Indonesia, 1975). None of these instruments identifies *Tutup Uban* as a condition of validity or registration.

The doctrinal finding is therefore limited but clear: omission of *Tutup Uban*, as such, has no identified consequence for marriage validity or registration under the examined state-law framework, provided the applicable religious and statutory requirements are satisfied. This conclusion does not negate the practice's social significance; it locates that significance in a customary-relational domain rather than in the statutory criteria for marriage validity or registration.

The findings therefore distinguish two analytically separate dimensions. In the customary setting described by the informants, *Tutup Uban* carries expectations concerning family relationships and social acceptance. Under the examined primary legal materials, however, the practice is not a statutory condition of marriage validity or registration. This distinction provides the empirical and doctrinal basis for the subsequent discussion of legal pluralism, living law, social legitimacy, and formal legality.

Taken together, the empirical findings show that the two informants understand *Tutup Uban* primarily as a symbolic customary practice centered on respect for an older sibling, family relationships, and social acceptance. Its gifts and *tampung tawar* ritual may be adapted to family circumstances, although excessive expectations can create financial pressure. The doctrinal findings establish that the practice is not identified in the examined state-law corpus as a condition of marriage validity or registration.

Discussion

Tutup Uban as a Socially Authoritative Customary Practice

The findings indicate that *Tutup Uban* is understood by the two informants as an important customary practice when a younger sibling marries before an unmarried older sibling. AR expressed its symbolic principle succinctly: "What matters is the sign of respect, not the cost or the quantity of the items." S similarly stated: "It is not about the gifts, but how the younger sibling continues to respect the older sibling even though they married first" (AR, customary leader, interview, May 2026, researcher's translation; S, participant, interview, May 2026, researcher's translation). The quotations show that symbolic gifts and *tampung tawar* function as expressions of respect, apology, and acceptance. This interpretation is consistent with studies of *ngelangkahi*, *uang pelangkah*, *malangkahi*, *upalakka*, and *palangkahan*, which likewise identify family hierarchy and kinship maintenance as central functions (Agustin, 2021; Cahyani, 2024; Hayati & Sholihin, 2023; Lestari, 2020; Nopi PS et al., 2024; Sawitri, 2024).

However, the findings should not be taken to mean that the existence of *Tutup Uban* automatically establishes it as customary law. The empirical evidence demonstrates that the practice has social and customary significance, but the stronger characterization of the practice as a customary legal order requires consideration of the source of its authority, the degree of obligation attached to it, the actors who maintain or interpret it, and the consequences associated with compliance or non-compliance. In the present study, the evidence primarily shows that the practice is maintained through family expectations, customary values, and concerns about social relationships. The available data do not establish the existence of a standardized customary sanction or a formal institutional mechanism for enforcing the practice.

This distinction is important for understanding the concept of *living law*. Ehrlich's conception of living law draws attention to norms that operate within social relationships rather than solely through formal legislation (Ehrlich & Ziegert, 2017). Hertogh (2020) and Nelken (2008) similarly emphasize the importance of examining normative practices that operate beyond official legal institutions. From this perspective, *Tutup Uban* may be understood as a socially authoritative customary norm insofar as the two informants describe it as an expected practice that influences family behaviour. Its normative significance derives from its embeddedness in kinship relationships rather than from formal state enforcement.

The findings therefore support a cautious application of the living-law perspective. Rather than establishing that *Tutup Uban* constitutes a fully developed customary legal order, the study provides an exploratory account of how a customary practice may acquire normative significance through social relationships and community expectations. This distinction is particularly important given the limited empirical sample of two informants.

Customary Practice, Religious Norms, and State Law

The relationship between *Tutup Uban* and Indonesian marriage law illustrates the interaction of different forms of normativity. S summarized the perceived distinction by stating, "According to the state, what is important is that the marriage is valid and registered," and, "Religiously speaking, that rule does not actually exist, but here we still follow custom" (S, participant, interview, May 2026, researcher's translation). These statements show how one participant separates customary observance from religious and administrative requirements.

The doctrinal analysis substantially aligns with the participant's perception, while also clarifying its legal basis. Article 2 of the Marriage Law distinguishes validity according to religion and belief from the duty to record a marriage; the implementing regulations establish registration procedures but do not list *Tutup Uban* as a legal condition (Ministry of Religious Affairs, 2024; Republic of Indonesia, 1974, 1975, 2019). The practice therefore cannot be treated as a statutory prerequisite for validity or registration on the basis of the examined sources. This conclusion concerns formal state-law effect only and does not determine the practice's social authority within particular families or customary relationships.

The relationship between customary, religious, and state norms should consequently not be understood simply as three separate systems performing three completely independent functions. Rather, these normative orders may intersect and influence the same marriage decision in different ways. A family may observe *Tutup Uban* because of customary expectations while simultaneously fulfilling religious and state-law requirements for marriage. In this situation, compliance with the customary practice does not necessarily replace the requirements of religious or state law; instead, it adds a social and relational dimension to the marriage process.

This interpretation is consistent with the broader perspective of legal pluralism, which emphasizes the coexistence and interaction of multiple normative orders within the same social environment (Griffiths, 1986, 2011; Tamanaha, 2021). The significance of *Tutup Uban* therefore lies not in its ability to displace state law, but in its capacity to influence behaviour within a sphere that is not exhausted by formal legal requirements.

The case also demonstrates why the distinction between formal legality and social legitimacy is important. A marriage may satisfy the applicable formal legal requirements while the family nevertheless considers compliance with *Tutup Uban* necessary for social acceptance or family harmony. Conversely, a family may decide not to perform the tradition without necessarily losing the formal legal status of the marriage. The two dimensions therefore may coexist without being identical.

Social Expectations, Negotiation, and Economic Burden

The social significance of *Tutup Uban* may involve both supportive and potentially burdensome dimensions. Symbolic gifts are described primarily as expressions of respect, and AR emphasized that their type and value can be adjusted to the family's circumstances. Yet S reported that “wedding costs increase and become quite burdensome” when gift expectations are excessive (S, participant, interview, May 2026, researcher's translation). The quotation identifies a tension between the practice's relational purpose and its material implementation.

This tension suggests that the social meaning of the practice and its material implementation should be distinguished. At the symbolic level, the practice is intended to acknowledge the older sibling and maintain family relationships. At the practical level, however, the interpretation of what constitutes an appropriate gift may create financial pressure. This finding is relevant because the continuation of a customary practice may depend partly on its ability to adapt to changing economic circumstances.

The flexibility described by the informants can be understood as an indication that customary practices are not necessarily fixed or uniformly implemented. Instead, their concrete form may be negotiated within families. Such flexibility is consistent with the understanding of living law as a social phenomenon that is reproduced and modified through everyday interaction (Ehrlich & Ziegert, 2017; Hertogh, 2020).

At the same time, the economic dimension raises an important critical question concerning the possibility of social pressure. If a family feels compelled to provide gifts beyond its economic capacity, the customary expectation may create a tension between its cultural purpose and its practical consequences. The available evidence does not establish the prevalence of such pressure across the wider community, but it indicates that economic burden is a relevant issue that deserves further investigation.

Similarly, the available data do not provide sufficient evidence to determine whether experiences of *Tutup Uban* differ according to gender, socioeconomic status, age, or the position of the older sibling. Nor do the two interviews provide sufficient evidence to assess

how younger generations perceive the practice or how families negotiate cases in which the tradition is rejected. These issues should therefore be treated as areas for further research rather than as established findings of the present study.

Comparison with Previous Research

Previous research has examined related practices under terms such as *ngelangkahi*, *uang pelangkah*, *malangkahi*, *upalakka*, and *palangkahan*. Much of this literature focuses on cultural meaning, family hierarchy, and compatibility with Islamic law through the concept of '*urf*' (Agustin, 2021; Cahyani, 2024; Hayati & Sholihin, 2023; Lestari, 2020; Nopi PS et al., 2024; Sawitri, 2024). Research involving the Malay community of Nanga Bulik has also documented the continuing practice of *palangkahan* (Asmarita et al., 2025; Husni et al., 2024).

The present study extends this discussion by shifting attention toward the relationship between customary expectations and formal state law. Its contribution is not to establish that *Tutup Uban* is categorically a form of customary law, but to examine how the practice is understood as socially important even when the informants distinguish it from formal legal requirements. In this respect, the study provides an exploratory socio-legal account of the coexistence of customary expectations and state legal requirements within marriage practices.

Whereas the authors' earlier publication documented *palangkahan* as a marriage custom in Nanga Bulik (Asmarita et al., 2025), the present study uses legal pluralism and living law to analyze a different problem: the boundary between the practice's social-customary authority and its formal legal effect. Its specific contribution is the integration of interview-based accounts with primary legal materials on marriage validity and registration. Given the two-informant design, this contribution remains exploratory rather than representative of the entire community.

Legal Pluralism and Living Law in the Tutup Uban Context

The findings can be interpreted through legal pluralism because *Tutup Uban* and state marriage law appear to operate with different sources and forms of authority. State law derives its authority from formal legal institutions, while the significance of *Tutup Uban* derives, according to the informants, from customary expectations and family relationships. These forms of authority may coexist without necessarily producing direct legal conflict.

The case therefore illustrates a relatively non-confrontational form of legal pluralism. The customary practice does not appear, on the available evidence, to claim authority to determine the formal validity of marriage. Instead, it operates principally within the social and familial dimensions of the marriage process. This does not mean that the two normative orders are completely independent. Decisions concerning whether and how to perform *Tutup Uban* may affect family relationships, wedding preparations, and

perceptions of social acceptance, while the formal legal requirements continue to determine the legal consequences of the marriage.

The concept of legal culture also helps explain this coexistence. Friedman (1969, 1975) emphasizes that law operates through not only formal rules and institutions but also social values, attitudes, and patterns of behaviour. The informants' accounts illustrate how people may distinguish statutory requirements from customary expectations while attaching importance to both. Compliance with *Tutup Uban* can therefore accompany compliance with state law rather than functioning as an alternative source of formal marriage validity.

From the perspective of living law, the continuing relevance of *Tutup Uban* lies in its capacity to influence behaviour through social relationships rather than through formal legal sanctions. The practice may therefore be considered an example of socially embedded normativity. Whether it should be classified more specifically as customary law requires further empirical evidence concerning authority, enforcement, dispute resolution, continuity, and community-wide acceptance.

Theoretical and Practical Implications

The principal theoretical implication of this study is that legal pluralism in marriage practices should be examined not only by identifying the existence of different normative systems but also by distinguishing their sources, forms, and consequences of authority. The *Tutup Uban* case suggests that a customary practice may have substantial social significance without possessing the formal legal capacity to determine marriage validity.

This distinction also refines the application of the living-law concept. The findings provide evidence that customary expectations may influence conduct through family relationships and social recognition. However, because the empirical evidence is limited to two informants, the study should be understood as an exploratory account rather than as evidence of a uniform normative order operating throughout the Malay community of Lamandau.

Practically, the findings suggest the importance of maintaining the symbolic and relational purpose of *Tutup Uban* while avoiding interpretations that impose excessive economic burdens. Customary leaders and families may preserve the practice through flexible forms that remain consistent with the economic circumstances of the parties involved. Such flexibility may help maintain the cultural significance of the practice while reducing the possibility of financial pressure.

The findings also suggest that customary institutions, religious authorities, and legal practitioners should recognize the distinction between customary expectations and formal legal requirements. Respect for customary practices does not require treating them as statutory conditions of marriage, while the absence of formal legal status does not necessarily make them socially irrelevant.

Conclusion

This study concludes that *Tutup Uban*, as described by two informants in Bulik District, is a socially meaningful customary practice performed when a younger sibling marries before an unmarried older sibling. Symbolic gifts and the *tampung tawar* ritual express respect, acknowledge family hierarchy, and seek acceptance. The practice may support family harmony, but excessive gift expectations can also create financial pressure; its continued legitimacy therefore depends partly on flexible implementation that preserves symbolic meaning without imposing disproportionate costs.

Empirically, the practice derives its authority from family expectations, customary values, and social recognition rather than standardized sanctions or formal state enforcement. Doctrinally, the examined marriage-law provisions do not identify *Tutup Uban* as a condition of marriage validity or registration. The tradition is therefore best characterized, on the available evidence, as a context-specific and socially authoritative customary norm operating alongside religious and state-law requirements. This finding clarifies how social legitimacy and formal legality can coexist without being identical.

The study advances socio-legal discussion by integrating limited empirical accounts with primary legal analysis and by applying legal pluralism and living law cautiously. It does not establish *Tutup Uban* as a fully developed customary legal order; rather, it shows how a practice can influence conduct through kinship and community recognition without determining formal marital status.

The study is limited by its single-location focus, two-informant empirical sample, and absence of cases involving rejection, dispute, or formal customary sanctions. Its findings cannot be generalized automatically to the wider Malay community or to other *pelangkahan* traditions. Further research should involve a broader range of customary leaders, older and younger siblings, couples, religious officials, and marriage registrars; compare experiences across gender, generation, and socioeconomic position; and examine how families negotiate non-compliance. Comparative research on *ngelangkahi*, *malangkahi*, *upalakka*, and *palangkahan* would further clarify how customary authority changes across Indonesian family-law contexts.

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