



Juridical Review of Sundanese Traditional Marriage and Its Recognition in National Law

Afnaini¹, Hamdan²

^{1,2}Faculty of Law, National University, Jakarta, Indonesia

Abstract: Sundanese traditional marriage is a tradition rich with cultural values and local wisdom that has been carried out for generations by the Sundanese people. This research aims to review juridically the implementation of Sundanese traditional marriages and their recognition in the Indonesian national legal system. The research method used is a normative juridical method with a statutory approach and a case approach. Data was obtained through literature study and analysis of relevant legal documents. The research results show that although traditional Sundanese marriages are carried out in accordance with local traditions and cultural norms, there is an urgent need to ensure official registration of marriages at the Civil Registry Office. This registration is important to legally recognize marriage and protect children's rights, especially in terms of birth certificates and division of inheritance. Without official registration, children born from traditional Sundanese marriages can face challenges in claiming their legal rights, including inheritance rights and administrative protection. Integration between customary law and national law is necessary to ensure that all aspects of marriage are legally recognized and protected, avoiding potential discrimination and conflict in the future.

Keywords: Children's Rights; Inheritance Rights; National Law; Sundanese Customs; Traditional Marriage.

1. Introduction

Culture has a very big function for humans because every individual in society always finds habits that can be categorized as good or bad for him. Good habits tend to be recognized and implemented by other people, so that these habits become the basis for relationships between people in the community (Rezekiah, Safitri, & Harahap, 2022), (Kusumawati, 2019). This process then produces norms or rules that regulate social behavior. These norms or rules, known as customs, function as a guide in social interactions and are an important element in maintaining order and harmony in society (Purwaningsih, 2020), (Huda & Karsudjono, 2022). Customs not only reflect the values and beliefs held by a community, but also play a crucial role in forming cultural identity and providing a sense of attachment and continuity among community members (Rezkiiana & Basuki, 2024), (Siregar, Nurhaini, Al Husaini, & Efendi, 2023).

Customs not only include social norms that regulate behavior, but also involve the implementation of traditional ceremonies and ritual activities that have deep meaning for the residents who support them (Handoko, 2023), (Hartaka & Gunawijaya, 2020). These traditional ceremonies and rituals are often considered very important because they function as a form of respect for ancestors and an expression of gratitude to God Almighty (Mulyati & Suparli, 2021), (Habiburrahman, 2021). Apart from the spiritual

Correspondence:

Name: Afnaini

Email: afnaini@gmail.com

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aspect, traditional ceremonies also act as a means of socialization, where community members can gather, interact and strengthen social ties. Through this ceremony, cultural values that already exist and apply in people's daily lives are confirmed and transmitted to the next generation, ensuring the continuity of cultural traditions and identity. These activities also emphasize the role of customs as a moral and ethical foundation in community life, strengthen social solidarity, and create a sense of belonging and pride in a rich and diverse cultural heritage (Librianti, Mukarom, & Rosyidi, 2019), (Irawan, Harahap, Nasution, Hanafi, & Khalis, 2023).

One concrete form of implementation of customs can be seen in wedding ceremonies. Marriage is not just a bond between two individuals, but is also an important moment filled with cultural symbolism and tradition (Teti, 2022), (Munirah, 2021). In various cultures, the wedding procession involves a series of rituals and ceremonies that reflect the social, moral and spiritual values upheld by society. For example, in traditional Javanese marriages, there are various stages such as siraman, midodareni, and pangih, each of which has a deep symbolic meaning and social function. Each of these stages not only strengthens the bond between the married couple but also strengthens the relationship between the extended family and community (Putra, 2023), (Pratama, Heriyanti, & Wartayasa, 2023). Wedding ceremonies are an opportunity to introduce and transmit traditions and noble values to the younger generation, as well as strengthen the sense of togetherness and solidarity among members of society. Thus, marriage functions as a reflection and preservation of the customs that live and develop in a culture (Daryanti, 2021), (Febriani, Bahar, Elvin, & Firdaus, 2020).

Apart from that, marriage is a legal event with broad and meaningful consequences in people's lives because it is not only related to the two prospective partners, but is also a procession of family inheritance (Mangku & Yuliantini, 2020), (Karwiyah, Nugroho, & Kusmayanti, 2024). The community is still aware of the existence of customary law regarding marriage, so this procession is often carried out not only according to the procedures and conditions as regulated by law, but also based on the customs that apply in that society (Muhammad Syaifuddin, Sri Turatmiyah, & Annalisa Yahanan, 2022). Customary law in marriage covers various aspects ranging from proposals, dowries, to receptions, all of which have certain meanings and purposes in the local cultural context. The implementation of traditional marriage ceremonies shows how customary law is still alive and relevant, playing an important role in maintaining cultural identity and ensuring the continuity of traditions (Hariyati, 2023).

In national legal norms, marriage is specifically regulated through Law Number 16 of 2019 which is an amendment to Law Number 1 of 1974 concerning Marriage. This change was made to adapt to current developments and accommodate various legal interests that arise in society. This Marriage Law emphasizes that everyone has the right to form a family and continue their offspring through legal marriage (Sulistyarini, 2022). This is in line with the provisions of Article 28B of the 1945 Constitution of the Republic of Indonesia, which guarantees the right of every individual to form a family and have offspring. Apart from that, this law also emphasizes that the state is responsible for

guaranteeing children's rights to survival, growth, development, as well as the right to receive protection from violence and obtain a decent education (Isra, 2014).

Law Number 16 of 2019 covers various important aspects of marriage, including the legal conditions for marriage, the rights and obligations of husband and wife, as well as legal protection for children. One of the significant changes in this law was the adjustment of the minimum age for marriage, which was changed to ensure better protection for children and adolescents (Suryati et al, 2023). With this change, it is hoped that it can reduce the rate of early marriage and provide opportunities for the younger generation to pursue education and self-development before entering family life. Apart from that, this law also pays special attention to aspects of child protection, by comprehensively regulating children's rights to ensure that they have a safe and supportive environment to grow and develop (Waqiah, 2019).

In the Sundanese cultural tradition, traditional marriage ceremonies are an integral part of the marriage process which involves a series of activities that have been accepted to finalize, carry out and solidify a marriage. The traditional Sundanese wedding ceremony includes various stages, each of which has a specific meaning and purpose, both carried out before and after the marriage (Masduki, 2010). These stages, such as *neundeunomong* (engagement), *seserahan* (giving gifts), marriage contract, to the *saweran* ceremony (ritual of giving rice and coins), not only serve to formalize the bond between the bride and groom, but also to strengthen relationships between families and community (Gunawan, 2019). Every activity in a traditional Sundanese wedding ceremony is full of symbolism that reflects the social, moral and spiritual values that Sundanese people uphold. Through this ceremony, traditions and noble values are passed down from generation to generation, strengthening a sense of togetherness and cultural identity, and confirming the commitment of married couples in living married life (Malik et al, 2023).

The validity of marriage according to customary law for indigenous communities in Indonesia generally depends on the religion adhered to by the community. This means that the customs governing marriage are adjusted to the religious beliefs they adhere to (Adnyani, 2017). On the other hand, according to Law Number 1 of 1974 concerning Marriage, marriage is not only an external bond but also an internal bond that is based on the beliefs of the prospective husband and wife. Article 2 of this law states that marriage is considered valid if it is carried out in accordance with the laws of each religion and belief (Cantonia & Majid, 2021). Thus, this law emphasizes the importance of harmony between customary law and religious law in determining the validity of a marriage. This shows that the Indonesian government respects and recognizes the cultural and religious diversity that exists in society, and ensures that marriages are carried out by respecting these two aspects.

The aim of this research is to review juridically the implementation of Sundanese traditional marriages and their recognition in the Indonesian national legal system. The benefits of this research include a deeper understanding of how Sundanese marriage customs are integrated into the national legal framework, providing recommendations

for better legal harmonization, and increasing public and authorities awareness of the importance of recognizing and recording customary marriages, which in the end can help strengthening cultural identity and legal justice for indigenous communities.

2. Materials and Methods

The type of research used in this research is normative juridical research, which focuses on the application of applicable laws and regulations or positive law (Diantha, 2016). This approach aims to explore how written law is applied in real contexts, especially in the implementation of Sundanese traditional marriages and their recognition in the Indonesian national legal system. This research is descriptive analysis, which means using research methods that function to describe or provide a comprehensive picture of the object being studied through data or samples that have been collected (Ariawan, 2013). The data is presented as it is without manipulation or excessive interpretation, and without drawing conclusions that apply generally. Using a descriptive analysis approach, this research attempts to describe in detail and factually the conditions and practices of implementing Sundanese traditional marriages, as well as how national law recognizes and regulates this. It is hoped that this will provide a comprehensive understanding of the harmonization between customary law and national law in the context of marriage, as well as identifying various challenges and opportunities in the application of positive law in indigenous communities.

3. Results and Discussion

Marriage is seen as an agreement in all legal systems, but it is a special type of agreement because the terms are determined and agreed upon before the marriage itself. Unlike other agreements, marriage leaves no room for individual requirements, unless the law explicitly allows it. Law Number 1 of 1974 stipulates that the bond between husband and wife is based on belief in the Almighty Godhead, and therefore, marriage is considered a sacred union. This confirms that marriage has a deeper and more sacred dimension in the context of national law. On the other hand, in customary law, marriage is not only seen as an important event for the parties involved, but also has a very significant meaning for the spirits of the ancestors. In a traditional context, marriage is considered an event that is attended by and receives attention from deceased ancestors. Thus, marriage not only connects two individuals, but also includes broader relationships between male and female kin groups, as well as between one community and another.

Relationships formed through marriage according to customary law are determined and supervised by the system of norms that apply in that society. These norms include various rules and traditions that regulate how relationships between individuals and groups are established and maintained. In indigenous communities, this relationship not only functions as a personal bond, but also as a bridge that connects various social groups, strengthens solidarity, and maintains harmony in society. This norm system ensures that marriages take place in accordance with the values and beliefs held by traditional communities, maintaining cultural and social integrity and continuity in society.

In carrying out a marriage, the Sundanese people are not only guided by Law Number 1 of 1974 concerning Marriage, but also comply with the customary laws that apply in their community. For the Sundanese traditional community, the validity of a marriage depends on fulfilling both customary rules and applicable laws and regulations. Sundanese customary law stipulates various rituals and procedures that must be followed, from the engagement stage to the wedding ceremony itself. This process reflects cultural values and traditions that have existed for a long time, and provides a strong cultural foundation for the implementation of marriage.

The importance of fulfilling traditional rules in Sundanese marriages can be seen from how each stage in the marriage process is designed to maintain and respect cultural heritage. For example, in Sundanese tradition, there are ceremonies such as *neundeunomong* (initial conversation before the wedding), *seserahan* (handing over items from the groom to the bride), and *akad nikah* (delivery of wedding vows). All these stages not only aim to formalize the relationship between the couple, but also to strengthen the relationship between the extended family and the community.

Customary law and national law function to complement each other in the context of Sundanese marriage. Law Number 1 of 1974 provides a legal framework that regulates the conditions for the validity of a marriage from a positive legal perspective, while customary law ensures that marriages are carried out in accordance with existing local values and beliefs. The balance between the two ensures that marriage is not only legal according to national law, but also respected and accepted within the social and cultural context of Sundanese society.

In the traditional Sundanese wedding tradition, the procession is carried out through a series of stages that are orderly and full of meaning. The procession begins with *Neundeun Omong* or *Keeping Promises*, which aims to ensure that the bride-to-be is not tied to anyone else. Next, it continues with *Narosan* or *Nyeurahkeun* (Proposal), where the man hands over the betel complete with the money as a sign of seriousness and commitment to finance the wedding. The *Nyandakeun* or *Seserahan* procession involves handing over wedding equipment such as money and clothes from the man to the woman.

After that, the *Ngeyeuk Sereh procession* is carried out, where the *pengeyeuk* (ceremony leader) invites the bride and groom to ask for permission and blessings from their parents, followed by the marriage contract procession which is usually led by the head of the KUA. Furthermore, *Lungkun* is a procession involving only parents and close family, where the bride and groom are shown two betel leaves tied together as a symbol of sharing fortune in the future. The *Saweran* procession is carried out after the marriage ceremony as an expression of gratitude, accompanied by melodious poetry or ballads, as well as the use of beautiful and patterned Sundanese traditional clothing.

Siraman procession is carried out before the wedding day to purify the prospective bride physically and mentally. Next, *Ngecagkeun Aisan* or *Carrying a Sling* involves the symbolic carrying of the bride-to-be by her mother and is followed by the father carrying a candle. *Ngaras Requesting Permission* or *Asking for Blessing* is an event where the

bride asks for permission and performs *sungkem* and washes the feet of her parents. The *Siraman* procession accompanied by harp and flute music is held with an odd number of sprinklers, involving the prospective bride walking towards the *siraman* place.

Ngerik or *Haircut* is the procession of cutting the bride's hair as a symbol of outer and inner beauty, followed by *Ngieningan* to remove fine hairs on the face. The procession *for picking up the prospective groom* is carried out by picking up the groom from the bride's side. *Ngabageakeun* is a warm welcome to the groom with jasmine flowers by the bride's mother. After that, the bride walked to the altar accompanied by her parents. The marriage contract can be carried out at home, a place of worship, or a reception according to custom. Finally, *Sungkeman* is performed after the marriage ceremony to ask for forgiveness and blessings from the parents, marking the completion of the traditional Sundanese wedding procession.

Marriage arrangements in Sundanese traditional society are a practice rich in traditions and cultural norms. The traditional procession carried out includes various stages, such as *Neundeun Omong* (Keeping Promises), *Narosan* (Proposal), *Nyandakeun* (Seserahan), and *Ngeyeuk Sereh*, which are an integral part of the traditional Sundanese wedding ritual. Each of these stages has its own meaning and symbolism, functioning to ensure that the marriage is carried out with full respect for ancestors and the prevailing culture. Even though this marriage follows customary rules, this does not make it contrary to national law as long as it meets the requirements set by the applicable legal regulations.

In the context of national law, Law Number 1 of 1974 concerning Marriage stipulates that marriage is considered valid if it is carried out in accordance with the religious laws and beliefs of each partner. This means that as long as the marriage complies with the rules of the religion and belief held, then in principle national law recognizes the validity of the marriage. Therefore, even though Sundanese people carry out their marriages based on customary law, they still need to ensure that all administrative and legal requirements are met to be recognized by the state.

However, apart from following customary norms, there are several national legal provisions that must be complied with to ensure that the marriage is legally valid. Article 2 paragraph (2) of Law Number 16 of 2019 concerning Marriage regulates that a marriage must be registered to obtain official recognition. Registration of marriage is a crucial step that makes the marriage valid in the eyes of the law and provides legal protection for married couples. Without official registration, even if the marriage is valid according to custom, its status may not be officially recognized in the national legal system.

Apart from the registration provisions, Law Number 16 of 2019 also stipulates age limit requirements for marriage. Article 7 paragraph (1) regulates that marriage is only permitted if the bride and groom have reached the age of 19 years. This provision aims to ensure that prospective partners have reached sufficient maturity to make important legal decisions such as marriage. This minimum age reflects the aim of protecting individuals from early marriage which can have a negative impact on their lives socially and

psychologically. Overall, the integration of Sundanese customary law and national law reflects an effort to respect cultural diversity while ensuring that the legal regulations in force in the country are followed. Sundanese people can carry out their marriages in accordance with traditions that have existed for a long time, while still complying with the legal requirements set by national law to obtain official recognition and legal protection. Thus, this combination of custom and national law not only preserves cultural riches, but also ensures compliance with broader legal standards, creating a balance between tradition and modernity in the implementation of marriages.

Furthermore, in terms of the impact on the rights of children born in Sundanese traditional marriages, it can create significant challenges related to legal status and division of inheritance, especially if the marriage is not registered at the Civil Registry Office. When marriages are conducted under customary law without official registration, children born from such marriages may face discrimination in terms of recognition of their rights under national law. Registration of marriages at the Civil Registry Office is important to give legal status to marital relations, so that children born from unregistered marriages may experience difficulties in terms of legal administration and protection of their rights.

In the case of a birth certificate, even though the father's and mother's names may be listed, the child's rights regarding distribution of inheritance may be affected. In Sundanese traditional society, distribution of inheritance is carried out according to the principle of equality, where all children receive a share of the inheritance, even though the value of the objects or assets received may vary. The concept of "equal" in the distribution of inheritance does not mean that the value of the objects distributed is the same, but that each child receives an equal share fairly according to traditional views. However, uncertainty in the official registration of marriages can cause problems in enforcing legal inheritance rights, especially if there are conflicts or disputes at a later date.

The importance of marriage registration becomes clear when we consider its impact on children's rights in the context of national law. Official registration provides legal guarantees for children's rights, including the right to inheritance and other legal protections. Without registration, children born from customary marriages may face difficulties in claiming their rights or obtaining the legal protection they should receive. It also includes rights related to recognition of the legality of family relationships, which are important for future administrative and legal purposes.

Apart from that, in the Sundanese traditional system, there are special provisions regarding inheritance rights, such as provisions regarding the *temenggung* throne which is generally inherited to the first male child. Distribution of inheritance in Sundanese custom is often based on oral tradition, and children's rights are not always formally documented. This can add complexity in terms of recognizing and protecting children's rights, especially if the marriage is not officially registered.

Overall, integration between customary law and national law in matters of marriage is very important to protect children's rights and ensure that they receive adequate legal protection. Official marriage registration helps ensure that all rights and obligations re-

lated to marriage, including inheritance rights and the legal status of children, can be enforced fairly and transparently. Thus, appropriate recognition and recording helps avoid potential conflicts and ensures that children's rights are well protected within the wider legal system.

4. Conclusions

Associated processions and norms, are a practice rich in tradition and symbolism. Even though it follows customary rules that have been in effect for generations, this marriage must be harmonized with national law to ensure legal recognition. Law Number 1 of 1974 and Law Number 16 of 2019 stipulate that marriage is valid if it complies with religious and belief laws, and must be registered to obtain official recognition. This registration is important to guarantee the legal status of the marriage and the rights related to children born from the marriage. Without official registration, children born from traditional Sundanese marriages face potential discrimination in terms of legal rights, including birth certificates and inheritance rights. Distribution of inheritance in Sundanese traditional society, which is carried out based on the principle of equality even with varying property values, can be complicated without formal documentation. This legal uncertainty can hamper children's rights claims and add complexity in terms of legal protection. Therefore, integration between customary law and national law is very important to ensure that all aspects of marriage, including children's rights and inheritance rights, are recognized and protected fairly. Official registration of marriages is a crucial step to avoid conflict and ensure compliance with broader legal standards. Through official registration and recognition, all parties, including children, can obtain adequate legal protection and the rights they should receive. This research makes an important contribution to policy makers in integrating customary and national laws, particularly in the context of marriage in traditional Sundanese society. The study shows that customary marriages, if not officially registered, can result in legal challenges, especially regarding children's status and inheritance rights. Therefore, policies that encourage the registration of customary marriages are necessary to ensure the protection of children's rights and legal sustainability. By understanding the importance of the balance between custom and national law, policymakers can formulate regulations that respect cultural traditions while ensuring compliance with national legal standards.

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