

LAW & SOCIAL POLICY | RESEARCH ARTICLE

Duan Lolat: Tanimbar Traditional Marriage Traditions from the Perspective of Law and Modernity

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ARTICLE HISTORY

Received: July 12, 2025

Revised: August 25, 2025

Accepted: September 02, 2025

DOI

<https://doi.org/10.52970/grlspr.v5i1.1561>

ABSTRACT

The Duan Lolat traditional marriage in the Tanimbar community is a tradition that contains high philosophical, social, and cultural values. This tradition not only functions as a form of binding two extended families, but also as a means of preserving cultural identity and strengthening solidarity between indigenous communities. This study aims to examine the philosophical meaning and implementation process of Duan Lolat and its legal position in the national legal system, and identify challenges and efforts to preserve it in the modern era. Using a normative and anthropological juridical approach, it was found that although Duan Lolat is constitutionally recognized through Article 18B paragraph (2) of the 1945 Constitution and has high social relevance, its practice still faces legal dualism and minimal guarantees of civil protection, especially for women and children. Therefore, harmonization between customary and national law is needed through a mechanism for registering customary marriages integrated into the state administration system and strengthening customary institutions and cultural education for the younger generation as a preservation strategy.

Keywords: Duan Lolat, Customary Marriage, Customary Law, National Legal System, Tanimbar Society.

I. Introduction

Traditional marriage is an integral part of the cultural identity of indigenous communities in Indonesia. Each region has traditions regarding traditional marriages, including the Duan Lolat tradition, which thrives in the Tanimbar community in Maluku. This tradition is not merely a ceremony uniting two families but is also steeped in philosophical, social, and legal values passed down from generation to generation (Nanulaita, 2021). Normatively (das sollen), Indonesian law recognizes the existence of customary law as regulated in Article 18B paragraph (2) of the 1945 Constitution which states that the state recognizes and respects customary law community units and their traditional rights, as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. In addition, Law Number 1 of 1974 concerning Marriage and Amendments to Law No. 16 of 2019 also provides space for the recognition of marriages according to customary law, as long as they do not conflict with the principles of national law.

Several theories in customary law studies, such as those put forward by Van Vollenhoven and Ter Haar, emphasize the importance of living law, where customary law continues to play a significant role in regulating community life, including marriage (Haar, 1985). Thus, there is a normative guarantee and

recognition of customary marriage practices such as Duan Lolat (Musrifah, 2017). In practice (*das sein*), the Tanimbar community still maintains the Duan Lolat tradition as an essential part of the marriage ritual. However, amidst modernization, globalization, and national law enforcement, a shift in values and interpretations of this tradition has begun. The community faces a dilemma between maintaining local identity and wisdom and the demands of formal law in Indonesia (Hiariej, 2018). These phenomena include the emergence of uncertainty regarding the legal status of customary marriages, a lack of legal protection for couples who only conduct customary marriages without state registration, and the potential for conflict between customary norms and national legal norms (Souhuwat, 2017).

In addition, problems are related to the synchronization between the implementation of Duan Lolat's traditional marriage and state law, especially regarding marriage registration, women's rights, and inheritance rights. This challenges indigenous communities to maintain the sustainability of traditions while fulfilling the applicable formal legal requirements (Susanti, 2021). Based on the description above, the formulation of the problem in this study is: (1) What is the philosophical meaning and process of implementing the Duan Lolat traditional marriage tradition in Tanimbar society, and its significance in maintaining local cultural identity, (2) What is the legal position and protection for Duan Lolat traditional marriage actors in the perspective of synchronization between customary law and the national legal system in Indonesia, (3) To what extent are the challenges faced by the Duan Lolat marriage tradition amidst the current of modernity, and how are the relevance and efforts to preserve this customary law in the contemporary era.

II. Literature Review and Hypothesis Development

The Duan Lolat tradition is described as a traditional wedding ritual rich in philosophical, social, and cultural values. This tradition serves as a link between two extended families and a tool to preserve cultural identity and strengthen solidarity among indigenous communities. Its core values include communal solidarity, social legitimacy, and the protection of tradition by transmitting customary norms and ethics to future generations. The Duan Lolat process consists of several stages, from initial negotiations, the presentation of *belis* (traditional dowry), the main ceremony, and the affirmation ritual with traditional symbols, all emphasizing the attachment to ancestral heritage. Legally, customary law, including the Duan Lolat tradition, is recognized in Article 18B paragraph (2) of the 1945 Constitution and Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage. However, in practice, there is a legal dualism: indigenous communities consider marriages conducted according to customary law valid. At the same time, the state requires official registration for marriages to receive formal legal protection. This lack of synchronicity gives rise to various problems, such as unclear legal status for children, inheritance rights, and civil protection, especially for women and children if marriages are only conducted according to customary law without state registration.

III. Research Method

This research uses a normative juridical method with a qualitative approach. The normative juridical method is legal research that examines library materials or secondary data as primary sources, such as laws and regulations, doctrines, court decisions, and customary law documents (Soekanto, 2014). This approach was chosen because the research aims to analyze the synchronization between national regulations on marriage and the Duan Lolat customary marriage practices in the Tanimbar community (Marzuki, 2017). The data collection technique was done through library research, namely searching and reviewing relevant literature. Primary data consisted of related laws and regulations, such as Law Number 1 of 1974 in conjunction with Law Number 16 of 2019, and Article 18B paragraph (2) of the 1945 Constitution. Secondary data was obtained from customary law books, scientific articles, previous research results, and Tanimbar customary documents regarding the Duan Lolat tradition (Haar, 1985). In addition, data was collected through searching

journals, university repositories, and scientific works that discuss the relationship between customary law and national law, particularly in the context of marriage (Souhuwat, 2017).

The informants in this study consisted of: Tanimbar traditional figures who have a deep understanding of the practice of Duan Lolat, Academics or researchers of customary law who have a focus on Maluku customary law, and Legal practitioners who can provide perspectives on the implications of customary marriage law on the national legal system. Interviews with informants were conducted semi-structured to gain a deep and contextual understanding of the issues studied (Moleong, 2017). The collected data was analyzed using qualitative analysis by describing and interpreting the data based on applicable legal principles. The analysis was conducted through data reduction, presentation, and conclusion drawing (Sugiyono, 2018). Furthermore, a comparative analysis was conducted between national legal regulations (the Marriage Law) and the practices and values embodied in Duan Lolat customary marriage (Susanti, 2021). All analysis results were supported by legal arguments obtained from literature reviews and interviews.

IV. Results and Discussion

4.1. Analysis Result: The philosophical meaning and process of implementing the Duan Lolat traditional marriage tradition in Tanimbar society and its significance in maintaining local cultural identity.

The Duan Lolat tradition in Tanimbar society is a procession of uniting two families and holds profound philosophical meaning. Duan Lolat reflects living together in harmony, cooperation, and social justice (Nanulaita, 2021). In the view of the Tanimbar indigenous people, marriage is not merely a matter for individuals or the nuclear family, but rather a sacred event that binds two large community groups—in traditional terms, the "Duang" (the bride's family) and the "Lolat" (the groom's family). The central philosophical values contained in Duan Lolat include:

- a. Communal Solidarity: Marriage binds kinship ties and strengthens social solidarity, as the foundation of the social order of indigenous communities.
- b. Social Legitimacy: Customary marriage provides social legitimacy for the husband and wife and their descendants, which the family and the customary community recognize.
- c. Protection of Tradition: Duan Lolat is a medium for passing on cultural values, norms, and traditional ethics to the next generation.

The Duan Lolat wedding ceremony consists of several ceremonial and symbolic stages. In general, these stages include:

- a. Initial negotiations between families, where meetings are held to discuss kinship relationships and customary blessings.
- b. The handover of belis or traditional gifts as a symbol of social ties and respect for the woman's family.
- c. The main ceremony was attended by traditional figures, religious leaders, and the wider community, as well as the elders' pronouncement of promises and ratification of customs.
- d. The affirmation ritual involves giving Duan and Lolat symbols, such as woven cloth and traditional heirlooms, as a sign that the relationship between the two extended families has been established.

Each stage is guided by traditional norms, prayers, local language, and symbols that signify a strong attachment to ancestral heritage. According to Van Vollenhoven, customary law (adatrecht) is living law—law that exists within society and regulates important aspects of life, such as marriage (Vollenhoven, 1931). Ter Haar added that customary law is flexible and contextual, where its meaning and implementation procedures

can adapt to societal dynamics while remaining rooted in traditional values. In terms of regulation, Article 18B paragraph (2) of the 1945 Constitution explicitly recognizes and respects the unity of customary law communities and their traditional rights. Furthermore, Law No. 1 of 1974, in conjunction with Law No. 16 of 2019 concerning Marriage, also provides space for marriages conducted according to customary law, as long as they do not conflict with national law, and state registration is still carried out for legal protection.

Duan Lolat is an instrument of customary law and a pillar of Tanimbar's cultural identity. By preserving this tradition, the community safeguards the indigenous community's existence, identity, and dignity amidst globalization, which tends to erode local values. The Duan Lolat tradition strengthens the position of indigenous communities as recognized legal subjects and serves as a counterweight to the cultural homogenization brought about by modernity. For example, in some cases, couples who only marry according to customary law without registration at the Civil Registry Office face legal challenges, particularly regarding the legal status of children, inheritance rights, and state recognition. However, the Tanimbar community still views the Duan Lolat ceremony as a legitimate and dignified requirement for establishing a household, even trumping state law. This phenomenon illustrates the dualism of the legal system and the importance of synchronization efforts.

4.2. Legal Position and Protection of Duan Lolat Customary Marriage Actors from the Perspective of Synchronization between Customary Law and the National Legal System in Indonesia

1. Legal Position of Duan Lolat Customary Marriage

Legally, Duan Lolat's customary marriage occupies an important position as part of customary law whose existence is recognized by the national legal system. Article 18B paragraph (2) of the 1945 Constitution affirms the state's recognition and respect for the unity of customary law communities and their traditional rights, as long as they are still alive and in harmony with the development of society and the principles of the Unitary State of the Republic of Indonesia. In practice, customary marriages like Duan Lolat constitute living law, governing social governance and individual rights within indigenous communities. Eugen Ehrlich's living law theory and Van Vollenhoven's *adatrecht* theory position customary law as a functional and contextual norm within community life. However, the legal position of customary marriage within the national legal system is not entirely independent. The state stipulates that every marriage valid according to religious law and belief, including customary law, must be registered with a government agency to obtain formal legal force. This is emphasized in Article 2 paragraphs (1) and (2) of Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage. Suppose the state does not register customary marriages. In that case, legal problems will arise for the couple and their descendants, for example, regarding the status of children, inheritance rights, and other civil rights.

2. Legal Protection for Duan Lolat Traditional Marriage Participants

a. Customary Legal Protection

In Tanimbar society, participants in Duan Lolat customary marriages receive protection from the customary community. The validity of customary marriages is fully recognized within the social system, and violations of customary values and processes can result in social sanctions and even ostracism. This protection ensures the rights of both parties, for example, in matters of dowry/dower, children's rights, and family status within the customary community.

b. National Legal Protection

Meanwhile, legal protection is only optimal in national law if customary marriages are officially registered with the Office of Religious Affairs (KUA) or the Population and Civil Registry Office

(Musrifah, 2017). Registration provides legal guarantees regarding marital status, inheritance rights, rights to children, and protection of the rights of women and children under state law.

c. Synchronization and Implementation Challenges

Synchronization between customary and national law often faces obstacles, particularly among indigenous communities that hold fast to tradition and view state registration as secondary. In many cases in Tanimbar, couples who even marry according to customary law do not obtain marriage certificates, resulting in the legal status of children (labeled as "illegible children" in state administration), limited access to education or healthcare for children, and inheritance law issues. Example: in one case, a Tanimbar couple who had only married according to the Duan Lolat custom encountered obstacles in obtaining citizenship documents for their child because the parents' marriage had not been registered with the state. As a result, the child's legal status remained unclear in the eyes of the state, even though their status was legitimate and protected within the indigenous community.

d. Optimal Synchronization and Protection Efforts

Several local governments in Indonesia have innovated by integrating customary marriage registration with state registration, eliminating the dichotomy between customary and state law (Raharjo, 2015). This approach aligns with John Griffiths' theory of legal pluralism, which encourages the recognition and harmonization of various legal systems within a single country (Griffiths, 1986). The government is also encouraged to conduct outreach and education to indigenous communities about the importance of marriage registration, in addition to carrying out traditional ceremonies, so that Duan Lolat traditional marriage participants receive comprehensive legal protection from both customary and state perspectives.

4.3. The challenges faced by the Duan Lolat marriage tradition amidst modernity and the relevance and efforts to preserve this customary law in the contemporary era.

1. Challenges of the Duan Lolat Tradition in the Modern Era

The Duan Lolat marriage tradition faces various challenges in the modern era, both from social, legal, and cultural aspects. Some of the main challenges include:

a. Shifting Values and Lifestyles

Globalization and modernization have brought about a shift in values among Tanimbar's younger generation. Many have begun to view traditional ceremonies as complicated, time-consuming, and expensive. This shift toward a more practical and individualistic lifestyle has led to a decline in interest in Duan Lolat, sometimes shortened or eliminated.

b. Dualism and Legal Uncertainty

A dualism exists between customary law and national law. The state does not formally recognize many customary marriages because they are not registered with the Civil Registry Office, creating legal uncertainty for couples and their children. From the perspective of legal pluralism, according to John Griffiths, this dualism can trigger a "conflict of laws" in multicultural societies if not harmonized.

c. Disparities in the Protection of Rights

Women and children born into customary marriages often face vulnerabilities, such as limited inheritance rights, limited legal status, and limited access to state legal protection if the marriage is not officially registered. This contradicts the principles of justice and equality before the law as mandated by Article 27 of the 1945 Constitution and various human rights regulations.

d. Intervention of Religion and the State.

Some communities have begun to replace or combine customary elements with religious rituals or state administrative procedures, which can erode the authenticity of Duan Lolat's philosophical values. The state requires formal registration through Law No. 1 of 1974 in conjunction with Law No. 16 of 2019, although not all indigenous communities understand or can fulfill these administrative requirements.

2. Relevance and Preservation of Duan Lolat Customary Law

a. The Importance of Living Law Eugen Ehrlich and Van Vollenhoven's theory of living law asserts that customary law, which lives within a society, is a source of values, identity, and social stability. The Duan Lolat tradition still holds significant significance as a marker of collective identity and a system of social reconciliation for the Tanimbar people.

b. National Legal Recognition; The state, through Article 18B paragraph (2) of the 1945 Constitution, has recognized the existence of customary law. Customary law should not be ignored or abolished in the name of modernity, but rather should be integrated with state law in an inclusive and dialogical manner. This aligns with legal pluralism, which states that various legal systems can coexist if customary institutions are recognized and strengthened.

3. Conservation Efforts in the Contemporary Era

a. Regulatory Harmonization and Innovation

As has been done in several regions, the government and traditional institutions need to harmonize national regulations and customary rules, such as a program to integrate customary and state marriage registration. For example, the Sikka Regional Government in NTT registered customary marriages simultaneously and collectively so that customary marriage participants still obtain state marriage certificates without sacrificing customary processions.

b. Education and Cultural Socialization

Educating the younger generation about the importance of the Duan Lolat tradition as part of cultural heritage and local identity is necessary. Innovations in culture-based media and school curricula can encourage the regeneration of traditional values amidst modernity.

c. Revitalization of Traditional Institutions

Customary institutions must be strengthened in terms of legitimacy, knowledge, and institutional capacity to oversee the preservation of Duan Lolat. Synergy between customary leaders, religious leaders, and local government officials is crucial for adequate preservation.

d. Strengthening Legal Protection

The state must ensure that participants in customary marriages, especially women and children, continue to receive maximum legal protection, including the right to inheritance, education, and protection from discrimination.

4. Examples of Good Practice and Legal Implications

Good practices can be found in several communities in Maluku and East Nusa Tenggara, where people continue to practice the Duan Lolat traditional ceremony and proactively register their marriages with the state after the customary process is complete. This maintains the continuity of tradition and provides legal certainty, social protection, and access to public services for couples and their descendants.

V. Conclusion

1. The Duan Lolat traditional wedding tradition is a cultural heritage with profound philosophical significance, not only as a symbol of the bond between two families, but also as an instrument for transmitting social values, inter-clan solidarity, and the cultural identity of the Tanimbar people. This traditional procession reflects the balanced relationship between men and women within the social structure. It serves as a mechanism for maintaining the indigenous community's cohesion amidst changing times.
2. The legal position of Duan Lolat's customary marriage has gained legitimacy within the national legal framework through recognition of customary law as regulated in Article 18B paragraph (2) of the 1945 Constitution and Law No. 1 of 1974 concerning Marriage. However, legal protection for customary marriage participants will be stronger if followed by official registration at a state institution. Challenges such as legal dualism, shifting cultural values, and issues of gender equality and children's rights still require serious attention so that synchronization between customary law and national law can occur harmoniously.
3. Harmonization of regulations and administrative policies is needed to allow the registration of Duan Lolat customary marriages to operate in parallel with the state registration system without compromising the essence and values of local culture. The central and regional governments must formulate regulations that accommodate customary law practices within the national legal services system, particularly in population and civil administration.
4. Strengthening the capacity of traditional institutions and cultural education for the younger generation is necessary through collaboration between local governments, traditional institutions, community leaders, and educational institutions. This effort is crucial for contextually preserving the Duan Lolat tradition while ensuring the fulfillment of women's and children's rights within traditional communities, based on the principles of justice and equality guaranteed by the constitution and national law.

References

- Ehrlich, E. (1936). *Fundamental Principles of the Sociology of Law*. Harvard University Press. Cambridge.
- Griffiths, J. (1986). "What is Legal Pluralism?" *Journal of Legal Pluralism and Unofficial Law*, 24(1), 3–6.
- Hiariej, J. 2018. "Modernisasi dan Eksistensi Hukum Adat di Maluku." *Jurnal Hukum Ius Quia Iustum*, 25(3), 475–494. Universitas Islam Indonesia. Yogyakarta. [Link](#)
- Marzuki, Peter Mahmud. 2017. *Penelitian Hukum*. Kencana. Jakarta.
- Moleong, L. J. (2017). *Metodologi Penelitian Kualitatif*. Remaja Rosdakarya. Bandung.
- Musrifah, S. (2017). "Hukum Adat sebagai Living Law dalam Sistem Hukum Nasional." *Jurnal Dinamika Hukum*, 17(1), 72–81. Fakultas Hukum Universitas Jenderal Soedirman. Purwokerto. [Link](#)
- Nanulaita, Y. T. (2021). "Duan Lolat: Eksistensi Hukum Adat dalam Tradisi Perkawinan Masyarakat Tanimbar." *Jurnal Hukum & Pembangunan*, 51(1), 89–103. Fakultas Hukum Universitas Indonesia. Jakarta. [Link](#)
- Raharjo, E. 2015. "Model Integrasi Pencatatan Perkawinan Adat dan Negara." *Jurnal Hukum Ius Quia Iustum*, 22(2), 234–238. Universitas Islam Indonesia. Yogyakarta. [Link](#)
- Sihombing, F. (2018). "Implementasi Integrasi Pencatatan Perkawinan Adat dan Negara di NTT." *Jurnal Hukum dan Pembangunan*, 48(2), 204–205. Fakultas Hukum Universitas Indonesia. Jakarta.
- Soekanto, Soerjono dan Sri Mamudji. 2014. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Rajawali Pers. Jakarta.
- Souhuwat, Melkias B. 2017. "Implikasi Hukum Nasional Terhadap Hukum Adat Perkawinan di Maluku." *Jurnal Hukum Samudra Keadilan*, 12(2), 204–215. Universitas Malikussaleh. Aceh. [Link](#)
- Sugiyono. (2018). *Metode Penelitian Kualitatif, Kuantitatif, dan R&D*. Alfabeta. Bandung.
- Susanti, D. (2021). "Pergeseran Nilai Tradisi Perkawinan Adat dan Perlindungan Hukum Perempuan." *Jurnal Masyarakat, Kebudayaan dan Politik*, 34(2), 121–131. Universitas Airlangga. Surabaya. [Link](#)

Ter Haar, B. 1985. *Asas-Asas dan Susunan Hukum Adat*. Pradnya Paramita. Jakarta.

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Terbitan Negara RI. Jakarta. Link

Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan jo. Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang No. 1 Tahun 1974. Terbitan Negara RI. Jakarta. Link

Van Vollenhoven. 1931. *Het Adatrecht van Nederlandsch-Indië*. Brill. Leiden.