

Legal Pluralism and Family Resilience: A Social Construction Perspective on Islamic and Customary Law Harmonization

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Abstract: This study examines the harmonization of Islamic family law and Depati VII customary law in maintaining family resilience in Tebat Ijuk Village, Kerinci, Jambi. The study is grounded in the reality of legal pluralism, where two legal systems coexist and are simultaneously practiced within the community. Although numerous studies have explored the relationship between Islamic law and customary law, research focusing on the community's social experiences in managing this legal dualism remains relatively limited. Employing a qualitative approach with a case study design, this study seeks to understand legal harmonization as a socially constructed practice embedded in the everyday lives of community members. Data were collected through in-depth interviews, participant observation, and document analysis involving community members, customary leaders, and religious leaders selected through purposive sampling. The data were analyzed using a thematic approach. The findings reveal that legal harmonization operates through a dynamic process of social negotiation, whereby community members flexibly integrate customary and religious values into family practices. Customary and religious leaders play a crucial role as mediators in bridging normative differences, while family resilience is fostered through the collective capacity to manage ambiguity and develop shared understandings. The study demonstrates that legal harmonization is neither a static nor purely normative phenomenon; rather, it constitutes an ongoing social practice continuously negotiated within a plural legal context. These findings reinforce the social construction perspective within legal pluralism studies and provide important implications for the development of family policies that are responsive to local cultural contexts.

Keywords: legal pluralism, family resilience, social construction, Islamic family law, customary law.

Abstrak : Penelitian ini mengkaji harmonisasi hukum keluarga Islam dan hukum adat Depati VII dalam menjaga ketahanan keluarga di Desa Tebat Ijuk, Kerinci, Jambi. Penelitian ini didasarkan pada realitas pluralisme hukum, di mana dua sistem hukum hidup berdampingan dan dipraktikkan secara bersamaan di tengah masyarakat. Meskipun banyak penelitian telah mengeksplorasi hubungan antara hukum Islam dan hukum adat, penelitian yang berfokus pada pengalaman sosial masyarakat dalam mengelola dualisme hukum ini masih relatif terbatas. Dengan menggunakan pendekatan kualitatif dan desain studi kasus, penelitian ini berupaya memahami harmonisasi hukum sebagai praktik yang dikonstruksi secara sosial dan melekat dalam kehidupan sehari-hari anggota masyarakat. Data dikumpulkan melalui wawancara mendalam, observasi partisipatif, dan analisis dokumen yang melibatkan anggota masyarakat, tokoh adat, dan tokoh agama yang dipilih melalui teknik *purposive sampling*. Data dianalisis menggunakan pendekatan tematik. Temuan penelitian menunjukkan bahwa harmonisasi hukum berlangsung melalui proses negosiasi sosial yang dinamis, di mana anggota masyarakat secara fleksibel memadukan nilai-nilai adat dan agama ke dalam praktik kehidupan keluarga. Tokoh adat dan tokoh agama berperan penting sebagai mediator dalam menjembatani perbedaan normatif, sementara ketahanan keluarga diperkuat melalui kemampuan kolektif untuk mengelola ambiguitas dan membangun pemahaman bersama. Penelitian ini menunjukkan bahwa harmonisasi hukum bukanlah fenomena yang statis ataupun semata-mata bersifat normatif; melainkan sebuah praktik sosial berkelanjutan yang terus dinegosiasikan dalam konteks hukum yang majemuk. Temuan ini memperkuat perspektif konstruksi sosial dalam studi pluralisme hukum serta memberikan implikasi penting bagi pengembangan kebijakan keluarga yang responsif terhadap konteks budaya lokal.

Kata kunci : pluralisme hukum, ketahanan keluarga, konstruksi sosial, hukum keluarga Islam, hukum adat.

INTRODUCTION

In the social life of the Tebat Ijuk Village community, marriage is not merely understood as a religious bond within the framework of Islamic law but also constitutes an integral part of the value system governed by Depati VII customary law. For many community members, the coexistence of these two legal systems is not simply a matter of normative alternatives; rather, it represents a social reality that is deeply embedded in everyday life. Customary leaders regard adherence to customary law as a form of respect for collective identity, while religious leaders emphasize the importance of conformity with the principles of Islamic law (sharia) (Fidlilal *et al.*, 2025).

In practice, married couples often find themselves negotiating between these two normative systems, particularly in matters related to marriage, conflict resolution, and family decision-making (Gussevi, 2020). This condition reflects the complexity of social dynamics, in which efforts to harmonize Islamic law and customary law do not always proceed in a linear manner (Iqbal *et al.*, 2025). Based on preliminary observations and exploratory interviews, several practices were identified that demonstrate attempts to reconcile these two legal systems, although certain inconsistencies remain evident and may potentially affect family stability. In marriage practices, for example, there are customary procedures that are considered obligatory by the community despite not being explicitly prescribed under Islamic law.

Conversely, some religious values have not yet been fully internalized within customary practices (Lagus & Azwar, 2025). This situation raises a critical question regarding the extent to which such harmonization effectively contributes to family resilience. The significance of this issue has become increasingly evident as family resilience gains greater recognition as a fundamental pillar of social development at both local and global levels. Family resilience is determined not only by economic factors but also by the alignment of values and norms upheld by family members (Efrianto, 2022).

Within customary communities, the integration of religious and customary values constitutes an essential element in strengthening the quality of family relationships (Kholiyudani & Hipni, 2024). Therefore, it is important to understand how such legal harmonization operates and is interpreted within community life. Over the past five years, numerous studies have examined the relationship between Islamic law and customary law in the family context, primarily from normative and juridical perspectives, focusing on issues such as legal conformity and legal conflicts. In contrast, studies on family resilience have largely emphasized social and psychological dimensions.

However, studies that comprehensively examine the subjective experiences of community members in navigating such legal dualism remain limited, particularly with regard to the social processes and meanings constructed through everyday practices. This gap highlights the importance of a qualitative approach capable of exploring the experiential dimensions and adaptive strategies developed by community members in response to the coexistence of multiple legal systems. Against this backdrop, the present study aims to analyze the forms and processes of harmonization between Islamic family law and Depati VII customary law in marriage practices, as well as to assess their effectiveness in maintaining family resilience in Tebat Ijuk Village.

The study focuses on the lived experiences of community members, the roles of customary and religious leaders, and the social dynamics that influence both the success and the challenges of the harmonization process. Theoretically, this study seeks to enrich the scholarship on legal

pluralism through an experience-based social perspective. Practically, it is expected to serve as a reference for the formulation of policies that are responsive to local cultural values.

METHODS

This study employed a qualitative approach with a case study design (Sugiyono, 2005). to gain an in-depth understanding of the harmonization process between Islamic family law and Depati VII customary law within the social context of community life. This approach was selected because the study sought not merely to identify normative compatibility between the two legal systems but also to explore how community members interpret, negotiate, and implement these legal frameworks in their everyday lives. Through a case study design, the research was able to intensively examine the social dynamics, lived experiences, and constructions of meaning that emerge within a specific socio-cultural setting, namely Tebat Ijuk Village.

Tebat Ijuk Village was selected as the research site because its community continues to maintain the existence of Depati VII customary law as an integral part of social life, particularly in marriage practices, family relations, and the resolution of domestic issues. This characteristic makes the village a relevant social setting for examining the interaction between Islamic law and customary law within a context of legal pluralism.

Participants were selected through purposive sampling (Firmansyah & Dede, 2022), based on their experiences, knowledge, and involvement in family and customary legal practices. The participants consisted of community members who had experienced married life, customary leaders possessing authority and knowledge of Depati VII customary law, and religious leaders with expertise in Islamic family law. The number of participants was not predetermined; rather, it was guided by the principle of data saturation, whereby data collection continued until no substantial new information emerged.

Data were collected through in-depth interviews, participant observation, and document analysis (Ibrahim, 2015). Semi-structured interviews were conducted to explore participants' experiences, perceptions, and practices regarding the implementation and harmonization of both legal systems within family life (Assyakurrohim *et al.*, 2023). Participant observation enabled the researcher to gain a contextual understanding of naturally occurring social practices within the community. In addition, document analysis was conducted to examine relevant sources, including customary regulations, Islamic legal literature, and documents related to marriage and family practices. Data collection was supported by interview guides, audio recording devices, and field notes to ensure the completeness and accuracy of the research documentation.

Data were analyzed using a thematic analysis approach conducted concurrently with the data collection process. The analytical procedure involved data reduction, open coding, categorization based on shared meanings, and the development of overarching themes representing participants' experiences and social constructions of legal harmonization. The analysis was iterative in nature, allowing the researcher to continuously compare, reflect upon, and interpret the data until a comprehensive understanding of the phenomenon under investigation was achieved.

To ensure the trustworthiness of the findings, this study adopted the criteria of credibility, transferability, dependability, and confirmability (Ramdhan, 2025). Credibility was enhanced through source and method triangulation. Transferability was established by providing a rich and detailed description of the research context. Dependability was maintained through systematic documentation of the research process, while confirmability was ensured by grounding interpretations and conclusions in empirical evidence rather than researcher subjectivity.

Ethical considerations were carefully observed throughout the study. All participants provided informed consent, received a clear explanation of the study's objectives, and were assured of confidentiality through the use of anonymity in reporting the findings (Sulianta, 2025). Accordingly, this study was designed to generate findings that are not only substantively rich but also methodologically rigorous, ethically sound, and academically credible.

RESULTS AND DISCUSSION

Harmonization of Islamic Law and Customary Law as a Social Practice

The findings indicate that the harmonization of Islamic law and Depati VII customary law in Tebat Ijuk Village does not operate as a formal and rigid normative mechanism; rather, it manifests as a social practice that is continuously negotiated in the everyday lives of community members (Wagianto, 2022). This harmonization is reflected in processes of value integration, normative compromise, and the adaptation of social practices within family life, particularly in marriage arrangements, domestic conflict resolution, and household decision-making. In practice, community members do not perceive Islamic law and customary law as mutually exclusive systems. Instead, they regard them as complementary sources of values that can be flexibly integrated according to the social needs and life circumstances they encounter. This condition suggests that the sustainability of legal harmonization is not determined by absolute normative conformity, but rather by the ability of individuals and communities to understand, interpret, and adaptively manage the coexistence of these two legal systems. Accordingly, harmonization is more appropriately understood as a dynamic social process that continuously evolves in response to social change, collective experience, and the community's evolving understanding of religious and customary values.

A central theme emerging from this study is the conceptualization of harmonization as a form of social negotiation (Miqdad et al., 2025). The findings reveal that community members actively construct spaces of compromise between Islamic law and customary law without negating the identity or legitimacy of either system. From the perspective of social construction theory, this condition reflects processes of externalization, objectification, and internalization through which legal reality is continuously shaped by social interaction (Prasetyo & Iskandar, 2025). Community members do not merely comply with existing legal norms; they actively reproduce, reinterpret, and adapt legal practices based on their lived experiences. Such negotiations often occur implicitly and are not always manifested in overt conflict. Instead, they are reflected in practical decisions concerning customary marriage procedures, family deliberation mechanisms, and approaches to resolving domestic disputes.

In certain situations, community members tend to adopt a middle-ground approach by maintaining customary practices as long as they are not perceived to directly contradict the principles of sharia. Conversely, religious values are gradually incorporated into customary practices through collective processes of social adjustment. This finding demonstrates that legal harmonization within the community extends beyond mere compliance with legal norms; it functions as a social strategy for maintaining relational stability, collective identity, and social cohesion. The findings further suggest that the social construction of law operates not only at the symbolic or normative level but is also embodied in the lived practices of community members, which are inherently contextual, flexible, and situational. Therefore, the harmonization of Islamic law and Depati VII customary law can be understood as an ongoing social practice that is continuously produced, reproduced, and negotiated within the everyday life of a legally plural society.

The Role of Customary and Religious Leaders in Mediating Legal Harmonization

The role of customary and religious leaders in Tebat Ijuk Village demonstrates that the harmonization of Islamic law and Depati VII customary law does not occur naturally without social mediation. Rather, it is shaped through processes of interaction, negotiation, and legitimation carried out by actors who possess social authority within the community (Sumaya, 2025). Customary and religious leaders function not only as custodians of normative values but also as interpretive agents who translate legal principles into forms that remain socially acceptable within a legally plural society. In practice, they serve as intermediaries between the normative demands of sharia and the continuity of customary traditions that have long been embedded in the community's social structure.

The findings indicate that the success of legal harmonization is strongly influenced by the ability of these leaders to establish persuasive, context-sensitive, and non-confrontational forms of communication. When potential tensions arise between customary and religious norms, they tend to adopt a dialogical approach by seeking points of compromise that are collectively acceptable to community members. From the perspective of legal pluralism, this condition illustrates that legal authority is neither singular nor hierarchical; rather, it is dispersed and largely dependent upon the social legitimacy possessed by particular actors (Bayu et al., 2025). Consequently, the effectiveness of law within society is determined not only by the normative force of legal rules but also by the degree of trust that community members place in those who interpret and communicate such rules.

At the same time, the position of customary and religious leaders reveals the existence of complex normative dilemmas. In certain situations, they are confronted with compromises that may not be fully ideal from a normative standpoint but are regarded as the most realistic means of preserving social stability and preventing open conflict within the community. This finding suggests that legal harmonization is not merely a process of reconciling legal norms; it is also a relational process shaped by social, cultural, and psychological considerations. In making decisions, these leaders are concerned not only with questions of normative correctness but also with the broader social consequences that their decisions may generate within the community.

This phenomenon further demonstrates that the relationship between Islamic law and customary law within a plural society unfolds within a dynamic arena of negotiation that is not entirely free from tension. In certain contexts, the compromises facilitated by customary and religious leaders function as social strategies for maintaining community cohesion while simultaneously preserving the legitimacy of both legal systems. These findings suggest that legal harmonization should not be understood solely as a matter of compliance with formal rules. Rather, it constitutes a social practice shaped by power relations, social legitimacy, and the capacity of social actors to manage diverse normative values within specific socio-cultural contexts (Arifin, 2021).

Legal Harmonization as a Foundation for Family Resilience

The findings indicate that the harmonization of Islamic law and Depati VII customary law makes a significant contribution to the development of family resilience within the community of Tebat Ijuk Village. Families that are able to integrate customary and religious values in a balanced manner tend to demonstrate more stable, adaptive, and resilient patterns of family relationships when confronted with social pressures and internal conflicts. However, such stability does not emerge from the existence of perfectly unified values. Rather, it is rooted in family members' capacity to create spaces for compromise and to manage normative differences flexibly according to the circumstances they encounter. Accordingly, family resilience within a legally plural society

should not be understood as a static condition but as an ongoing process of social adaptation continuously shaped by changing social realities.

From the perspective of family resilience theory, this condition reflects the capacity of families to construct shared systems of meaning that serve as sources of strength in sustaining family relationships (Walsh, 2021). The findings reveal that families do not necessarily position customary law and Islamic law as competing normative frameworks. Instead, they tend to employ both systems situationally in response to practical needs arising within family life. In resolving family disputes, for instance, some families initially rely on customary deliberation mechanisms involving the extended family before resorting to formal religious approaches. Conversely, in matters perceived to be directly related to the principles of sharia, religious values become the primary reference for family decision-making. This pattern suggests that legal harmonization within the family operates through processes of value negotiation that are both pragmatic and context-dependent.

At the same time, the study demonstrates that such flexibility is not entirely free from tension. In certain situations, family members experience uncertainty regarding which normative framework should take precedence, particularly when customary and religious interpretations diverge. Nevertheless, families generally adopt compromise as a strategy for preserving relational harmony and preventing conflicts that could undermine family stability. This finding suggests that family resilience in a plural social context depends less on adherence to a single normative certainty than on the capacity to navigate ambiguity and accommodate competing value systems.

The findings further reinforce the view that family resilience is shaped not only by internal family factors but also by broader social networks, including extended family members, customary leaders, religious leaders, and the wider community (Rahmawati, 2023). Such social support plays a crucial role in assisting families to manage conflicts, preserve shared values, and maintain social legitimacy within the community. Consequently, family resilience within the context of legal harmonization cannot be understood as an individual or isolated capacity. Rather, it is the product of collective social relationships that are continuously reproduced within a legally plural society. These findings also demonstrate that families within customary communities are not entirely autonomous entities; instead, they are embedded within broader social and cultural networks that significantly influence decision-making processes and the sustainability of family relationships.

Tensions and Ambiguities in the Process of Legal Harmonization

The findings of this study indicate that the harmonization of Islamic law and Depati VII customary law does not occur within a wholly harmonious and tension-free environment. Beneath the apparent integration of customary and religious values in community life, latent tensions persist as a consequence of differing interpretations of customary and religious norms. These tensions rarely manifest as overt conflicts; instead, they emerge through ambiguities of meaning, uncertainty in normative decision-making, and social compromises that do not always satisfy all parties from a normative standpoint. This finding suggests that legal harmonization is fundamentally an ongoing process of negotiation rather than a fixed or final state of normative consensus.

In certain situations, individuals experience dilemmas when determining whether priority should be given to customary obligations or religious principles. However, rather than making an explicit choice in favor of one normative framework, community members generally adopt a compromise-oriented position by accommodating both systems as a socially acceptable middle ground. Such decisions do not always stem from complete normative conviction. Instead, they are

often shaped by social pressures, relational considerations, and the desire to preserve family stability as well as community cohesion. Consequently, legal compliance in this context cannot be understood solely as adherence to formal norms; it also functions as a social strategy through which individuals maintain acceptance, legitimacy, and social belonging within their communities.

This phenomenon demonstrates that legal harmonization within a plural society does not eliminate the potential for conflict but rather manages and regulates it in more subtle and controlled forms. From the perspective of social construction theory, this condition illustrates that legal reality is continuously shaped through complex processes of adaptation, interpretation, and negotiation, whereby individuals actively construct the meanings of legal norms in response to their social circumstances. The ambiguities that emerge within the harmonization process should therefore not be viewed merely as indicators of normative inconsistency; rather, they constitute an important mechanism of social adaptation through which communities maintain a balance between customary identity and religious commitments.

This finding is consistent with the argument that the integration of cultural and religious values may strengthen social cohesion while simultaneously containing the potential for latent conflict. Within the context of Tebat Ijuk Village, such conflicts rarely take the form of open resistance toward either legal system. Instead, they are expressed through uncertainty, normative compromise, and symbolic tensions that continue to be negotiated in everyday social life. Therefore, legal harmonization in this study is more appropriately understood not as a condition of complete normative congruence, but as a dynamic and adaptive social process characterized by continuous negotiation of meanings within a legally plural society.

Legal Harmonization as a Continuous Process of Social Negotiation

The findings of this study demonstrate that the harmonization of Islamic law and Depati VII customary law within the community of Tebat Ijuk Village cannot be understood as a complete and tension-free process of normative integration. Although both legal systems appear to coexist harmoniously in everyday social practices, the empirical reality reveals an ongoing process of negotiation among competing normative, social, and cultural interests. Such tensions rarely manifest in the form of open conflict; rather, they emerge through ambiguities of meaning, uncertainty in determining normative reference points, and social compromises that often leave certain normative expectations only partially fulfilled. This finding suggests that legal harmonization is inherently fluid, contextual, and continuously evolving rather than fixed or definitive.

Participants' experiences reveal that individuals frequently find themselves in dilemmas when confronted with differing interpretations of customary and religious norms. In certain circumstances, customary law is perceived as an expression of collective identity and respect for the community's social heritage, while religious values are regarded as normative guidelines endowed with strong spiritual legitimacy. Tensions arise when these two normative systems generate expectations that are not entirely compatible. Nevertheless, community members rarely choose one system to the complete exclusion of the other. Instead, they develop compromise-oriented strategies by accommodating both frameworks simultaneously, viewing such an approach as the most viable means of maintaining social stability and preserving family cohesion.

This phenomenon indicates that legal compliance in a legally plural society is not solely driven by normative conviction. Rather, it is also shaped by social pressures, symbolic power relations, and the need to maintain social legitimacy within the community. In some instances, individuals continue to observe particular customary practices not because they fully endorse

their normative foundations, but because they are concerned about negative social judgments that may arise from disregarding long-established traditions. Such circumstances demonstrate that legal harmonization operates not only at the level of formal rules but also through implicit cultural and social mechanisms that influence individual behavior and collective expectations.

From the perspective of social construction theory, this situation illustrates that legal reality is continuously produced through processes of interaction, interpretation, and negotiation embedded in everyday social life. Individuals do not merely submit to pre-existing legal systems; rather, they actively interpret, adapt, and reconstruct legal meanings in accordance with their lived experiences and social circumstances. Consequently, the ambiguities and tensions that emerge within the harmonization process should not be viewed as evidence of legal failure. Instead, they constitute an important mechanism of social adaptation through which community members maintain a balance between customary identity and religious commitments.

These findings are consistent with Rahmawati's (2023) argument that the integration of cultural and religious values may strengthen social cohesion while simultaneously containing the potential for latent conflict. In the context of Tebat Ijuk Village, such conflicts rarely develop into open confrontation because community members tend to rely on compromise and deliberation as mechanisms of social regulation. Therefore, legal harmonization in this study is more appropriately understood not as a fully established state of normative coherence, but as an ongoing social practice characterized by adaptation, compromise, and the collective management of tensions within a legally plural society.

The findings presented above not only provide empirical evidence regarding the harmonization of Islamic law and Depati VII customary law but also demonstrate important connections with the theoretical frameworks employed in this study. The major themes identified reveal how social construction processes, legal pluralism, and family resilience interact in shaping legal harmonization within the community. The integration between empirical findings and theoretical perspectives is summarized in Table 1.

Table 1. Integration of Empirical Findings and Theoretical Perspectives

Empirical Findings	Social Construction Theory	Legal Pluralism Perspective	Family Resilience Perspective
Social negotiation between Islamic and customary law	Externalization of legal meanings through everyday interaction	Coexistence of multiple normative orders	Adaptive responses to normative diversity
Mediation by customary and religious leaders	Objectivation of shared legal understandings	Distributed legal authority and social legitimacy	Social support and relational resources
Normative compromise and accommodation	Internalization of negotiated values	Legal accommodation between normative systems	Resilience through flexibility and adaptation
Management of ambiguity and latent tension	Continuous reconstruction of social reality	Dynamic interaction among legal systems	Capacity to cope with uncertainty and change

As shown in Table 1, the findings extend existing theoretical discussions by illustrating that legal harmonization is not merely a normative arrangement but a socially constructed process shaped through negotiation, mediation, and accommodation. These processes reflect the

interaction between multiple legal systems and contribute to the development of adaptive capacities that strengthen family resilience within a plural social context.

CONCLUSION

This study demonstrates that the harmonization of Islamic law and Depati VII customary law within the community of Tebat Ijuk Village is not a fixed normative condition but rather a dynamic, contextual, and continuously negotiated social process. Such harmonization is manifested through the adaptation of values, the mediating roles of customary and religious leaders, and the capacity of families to manage normative differences in a flexible manner. In this context, family resilience is not built upon normative uniformity; instead, it emerges from the collective ability to develop shared understandings, maintain a balance between customary and religious values, and navigate the ambiguities arising from legal pluralism. The findings further reveal that legal harmonization does not necessarily produce complete normative congruence. Rather, it often takes the form of social compromise that accommodates latent tensions while enabling social stability. Through these ongoing processes of negotiation, community members develop adaptive strategies that contribute to the sustainability of family life. These findings reinforce the perspectives of social construction and legal pluralism by demonstrating that law is not merely implemented as a formal normative system but is continuously interpreted, negotiated, and reconstructed through everyday social practices. From a practical perspective, the study highlights the importance of developing family policies that are responsive to local cultural contexts through collaborative engagement between customary and religious leaders. Although the findings are situated within a specific socio-cultural setting, they provide valuable insights into how family resilience in legally plural societies is shaped through complex, adaptive, and evolving social processes. More broadly, this study contributes to ongoing discussions on the relationship between law, culture, and family life by illustrating that legal harmonization is best understood as a lived social practice rather than a condition of complete normative integration.

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