

Negotiated Legal Pluralism in *Adat*-Based Family Dispute Resolution: Islamic Law, Malay Custom, and Family Resilience in Lingga Regency

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Abstract

Family disputes in Muslim societies unfold through interactions among state law, Islamic law, and customary practices. However, limited attention has been given to how these normative orders are negotiated in everyday family dispute resolution and how such processes relate to family resilience. This article examines *adat* (custom)-based family dispute resolution within the Malay community of Lingga Regency, Indonesia, focusing on the interaction among Islamic law, Malay customary practices, and community authority. This qualitative study employs a socio-legal approach and was conducted from April to September 2025 in five villages in Lingga Regency, involving 20 purposively selected informants. Data were collected through semi-structured interviews, non-participant observation, and document analysis, and analyzed through the perspectives of legal pluralism and social integration. The findings demonstrate that family dispute resolution in the Malay community of Lingga Regency operates through a layered mechanism comprising family, customary, religious, and institutional mediation by the *Lembaga Adat Melayu*. Islamic law and *adat* do not operate as separate or competing systems; rather, Islamic norms are interpreted, translated, and negotiated through customary practices that possess cultural legitimacy. This article argues that this process represents negotiated legal pluralism, in which customary and religious authorities exercise complementary forms of social and moral authority. *Adat*-based mediation can contribute to relational restoration, responsibility, trust, and social cohesion as dimensions of family resilience, but these contributions remain conditional upon the protection of family members' rights and continued access to state legal institutions.

[Sengketa keluarga dalam masyarakat Muslim berlangsung dalam interaksi antara hukum negara, norma Islam, dan praktik adat, tetapi kajian mengenai bagaimana berbagai tatanan normatif tersebut dinegosiasikan dalam penyelesaian sengketa keluarga sehari-hari serta kaitannya dengan ketahanan keluarga masih terbatas. Artikel ini menganalisis penyelesaian sengketa keluarga berbasis adat dalam masyarakat Melayu di Kabupaten Lingga, Indonesia, dengan berfokus pada interaksi antara hukum Islam, praktik adat Melayu, dan otoritas komunitas. Penelitian ini menggunakan pendekatan kualitatif sosio-legal yang dilaksanakan pada April-September 2025 di lima desa di Kabupaten Lingga dengan melibatkan 20 informan yang dipilih secara purposif. Data dikumpulkan melalui wawancara semi-terstruktur, observasi non-partisipatif, dan analisis dokumen, kemudian

dianalisis menggunakan perspektif pluralisme hukum dan integrasi sosial. Hasil penelitian menunjukkan bahwa penyelesaian sengketa dalam masyarakat Melayu di Kabupaten Lingga berlangsung melalui mekanisme berlapis yang mencakup mediasi keluarga, mediasi adat, mediasi keagamaan, dan mediasi kelembagaan oleh Lembaga Adat Melayu. Hukum Islam dan adat tidak beroperasi sebagai sistem yang terpisah atau saling berkompetisi, melainkan norma-norma Islam ditafsirkan, diterjemahkan, dan dinegosiasikan melalui praktik adat yang memiliki legitimasi kultural. Artikel ini berargumen bahwa proses tersebut merepresentasikan pluralisme hukum yang dinegosiasikan, di mana otoritas adat dan keagamaan menjalankan bentuk otoritas sosial dan moral yang saling melengkapi. Mediasi berbasis adat dapat berkontribusi terhadap pemulihan relasi, tanggung jawab, kepercayaan, dan kohesi sosial sebagai dimensi ketahanan keluarga, tetapi kontribusi tersebut bersifat kondisional dan tetap bergantung pada perlindungan hak anggota keluarga serta akses yang berkelanjutan terhadap institusi hukum negara.]

Keywords: Adat, Family Dispute Resolution, Family Resilience, Islamic Law, Legal Pluralism, Malay Community.

Introduction

Family resilience has increasingly become an important concern in discussions of social stability, particularly in Muslim societies where religious norms and cultural traditions continue to shape family life.¹ Changes in family structures, increasing marital conflict, transformations in gender roles, economic pressures, and the social changes associated with modernization have affected how families manage and resolve conflict. In Indonesia, family resilience is closely associated with broader social resilience because the family constitutes an initial setting in which values, responsibilities, and social relationships are formed.² At the same time, the expanding role of state law in regulating marriage and family relations has not necessarily displaced deeply rooted social norms within local communities. State law may coexist with religious norms, customary practices, and community-based mechanisms of conflict resolution.³ This condition reflects legal pluralism, in which multiple normative orders coexist and interact within the same social space.⁴ From this perspective, family resilience is not merely a private matter or an outcome of legal regulation but also a socio-

¹ Omar Aghbalou, "Family Law, Maqāṣid al-Sharī'ah, and State Resilience: A Comparative Study of Legislative Reform in Muslim Jurisdictions," *Mazhabuna: Jurnal Perbandingan Mazhab* 8, no. 1 (2026): 39–56; Amir Maliki Abitolkha et al., "The Convergence of Sufism and Sharia: The Spiritual Basis of Family Resilience in Shiddiqiyah Congregation in Jombang, Indonesia," *El-Ushrah: Jurnal Hukum Keluarga* 8, no. 2 (September 2025): 678–700.

² Muhammad Iqbal, Adiyo Roebianto, and Laila Meiliyandrie Indah Wardani, "A New Unidimensional Family Resilience Scale in an Indonesian Context: Development and Psychometric Properties," *JP3I (Jurnal Pengukuran Psikologi dan Pendidikan Indonesia)* 14, no. 2 (November 2025): 25–45.

³ Munawar et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," *Al-'Adalah* 22, no. 1 (June 2025): 323–46; Edi Rosman et al., "The Contestation of Legal Authority: Local Criminal Law, State Law, and Islamic Law in Nagari Pasia Laweh, West Sumatra," *JURIS (Jurnal Umiyah Syaria)* 24, no. 2 (December 2025): 193–203.

⁴ Mohsi Mohsi et al., "Harmonizing Legal Pluralism in Marriage Laws: Policy Challenges on Child Marriage in Madura," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 10, no. 2 (November 2025): 100–118; Nurillo Fayzullaevich Imomov et al., "Marriage Governance and Legal Pluralism in Central Asian Family Law Systems," *Journal of Human Rights, Culture and Legal System* 6, no. 1 (March 2026): 59–83; Praditha Dewa Gede Edi et al., "The Future of Bali's Kerauhan Tradition: Legal Pluralism, Reforms, and Conflict Adjudication Challenges," *Journal of Sustainable Development and Regulatory Issues (JSDEI)* 4, no. 1 (March 2026): 118–37.

legal construct shaped by the interaction of religious norms, cultural values, kinship relations, and community institutions.⁵

This issue is particularly relevant in Malay society, which has historically exhibited a close relationship between *adat* (custom) and Islam in regulating social life, including family relations. Lingga Regency, Riau Islands, provides an important context for examining this relationship because of its strong historical roots in Malay traditions and the development of Islam in the Riau–Lingga region. In everyday community life, family conflicts may initially be addressed through customary mechanisms involving family members, community leaders, customary leaders, and religious figures.⁶ These processes generally emphasize *musyawarah* (deliberation), *mufakat* (consensus), moral guidance, and relational restoration rather than an adversarial approach that immediately brings disputes before formal legal institutions. The authority of these mechanisms derives not primarily from the coercive power of state law, but from trust in the actors involved, the social legitimacy of *adat*, and its perceived compatibility with Islamic values embedded in community life.⁷ In closely connected kinship communities, noncompliance with family norms may also generate social consequences, including moral admonition, diminished trust, or certain forms of social distancing. However, the presence of state law, increasing legal awareness, changing socioeconomic conditions, and transformations in family relationships have created new spaces for negotiation between customary mechanisms and formal institutions.⁸ Accordingly, the important question is not merely whether customary mechanisms persist but how customary authority, Islamic law, and state law interact in contemporary family dispute resolution.

Previous scholarship on customary-based dispute resolution in Malay societies generally demonstrates that *adat* plays an important role in maintaining social order through consensus, reconciliation, community participation, and moral responsibility. Several studies have shown that *adat* functions not merely as a cultural heritage but also as a normative order that guides behavior, prevents conflict escalation, and sustains solidarity within families and communities.⁹ Scholarship on the relationship between Islam and *adat* likewise demonstrates

⁵ Muhammad Iqbal and Yuherina Gusman, “Long-Distance Parenting and Family Resilience Strategies of Indonesian Migrant Workers in Taiwan,” *Islamic Guidance and Counseling Journal* 9, no. 1 (February 2026): 1–10; Hasmin Hasmin and Jumiati Nurung, “Religious-Based Family Management and Sustainable Household Consumption: Evidence from Indonesia,” *International Journal of Sustainable Energy Planning and Management* 46 (September 2025): 92–107.

⁶ AR, “Personal Communication with a Customary Leader,” April 12, 2025.

⁷ “Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency,” April 2025; Septian Al Farid, “Premarital Tradition and the Social Legitimation of Relationships Leading to Marriage in the Kendawangan Malay Community,” *Journal of Indonesian and Malay World Studies* 1, no. 1 (June 2026): 97–116.

⁸ Wardana Said et al., “Marriage Traditions and Family Resilience in Bugis Bone Society: A Study of Islamic Law and Islamic Education,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (August 2024): 1372–90; Rini Hayati Lubis, “Pricing Mechanism in Panyabungan Traditional Market Viewed from Islamic Economic Perspective,” *Al-Muamalat* 11, no. 2 (July 2024): 199–217.

⁹ Didik Sukriono et al., “Local Wisdom as Legal Dispute Settlement: How Indonesia’s Communities Acknowledge Alternative Dispute Resolution?,” *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (April 2025): 261–85; Otong Sulaeman et al., “Negotiating Gender Justice in Minangkabau Marital Disputes: Between Adat, Islamic, and State Law,” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (March 2025): 39–49; Rahmi Dwi Sutanti et al., “Customary Law as an Instrument of Restorative Justice: An Alternative Approach to Criminal Conflict Resolution in Plural Legal Systems,” *Clio* 5, no. 10 (2025): 1348–81.

that these normative traditions have a long history of interaction in Muslim societies in Indonesia and Southeast Asia. Nevertheless, the authority of customary mechanisms has been affected by legal modernization, transformations in social values, and increasing public access to formal legal institutions.¹⁰ More recent studies have also emphasized the importance of bringing Islamic values into dialogue with customary practices so that dispute resolution mechanisms retain their legitimacy in contemporary Muslim societies.¹¹ However, much of this scholarship continues to examine the relationship between Islam and *adat* at the normative, historical, or institutional level, while empirical research on how these normative orders are actually negotiated throughout the stages of family dispute resolution remains limited. More specifically, relatively little research has connected customary-based dispute resolution practices with family resilience as a relational process encompassing the restoration of communication, trust, responsibility, and social support. This gap is particularly significant in the Malay community of Lingga Regency, where customary mechanisms continue to interact with religious authority and the state legal system in addressing family conflicts.

This study addresses this gap by examining *adat*-based family dispute resolution in Lingga Regency as a socio-legal space in which Islamic normativity, Malay custom, kinship authority, and state law interact in practice. It argues that the relationship between *adat* and Islam should not be understood simply as the harmonious integration of two legal systems, but rather as negotiated legal pluralism, in which different normative sources are translated, mobilized, and accommodated by actors according to the nature of the dispute and the needs of the parties. The findings demonstrate that this mechanism operates through multiple stages, beginning with internal family mediation and progressing to the involvement of customary and religious leaders and, ultimately, institutional mediation by the *Lembaga Adat Melayu* (LAM), with *musyawarah*, *mufakat*, moral responsibility, and relational restoration serving as its primary orientations. In this process, Islamic values are not applied separately from *adat* but are translated into culturally legitimate social practices, while *adat* receives normative reinforcement through reference to Islamic values. The study's principal contribution lies in connecting scholarship on legal pluralism and the localization of Islamic law with the concrete practice of family dispute resolution and in demonstrating that family resilience can be understood as a conditional socio-legal outcome rather than simply as a consequence of marital continuity. Accordingly, this study provides empirical insight into

¹⁰ Rina Rehayati, M. Ridwan Hasbi, and Martius, "An Exploration of Local Wisdom: Rites of Passage in Malay Culture in Riau and Palembang," *International Journal of Social Science Research and Review*, 6, no. 9 (2023): 106–17; Teuku Muttaqin Mansur et al., "Mediating Tradition: The Role of Law Enforcement in Customary Law Disputes," *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1183–208; Airi Safrijal et al., "Settlement of Meugoe Blang Disputes Through Customary Law of Aceh," *Journal of Law and Sustainable Development* 11, no. 5 (September 2023): e525.

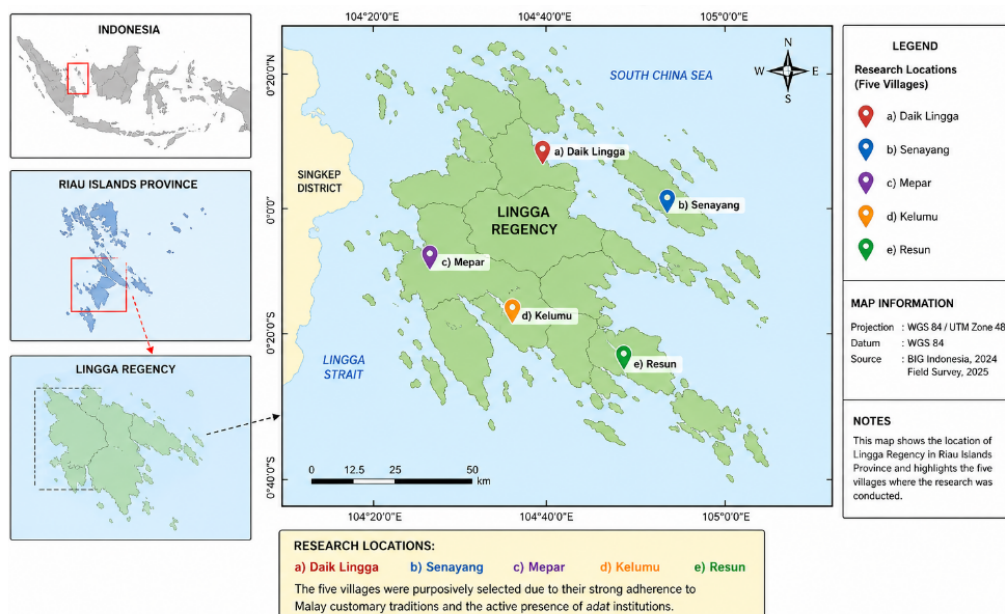
¹¹ Asrizal Sa'in et al., "The Domination of Islamic Law in Customary Matrimonial Ceremonies: Islamic Values within the Malay Marriage Tradition in Kepulauan Riau," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (2023): 320–41; Zaimuariffudin Shukri Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," *Journal of Islamic Law* 6, no. 1 (2025): 89–111; Zeeshan Ashraf Qureshi, Mohammad Azam Hussain, and 'Ain Husna Mohd Arshad, "Legal Analysis of the Customary Practices in the Resolution of Family Disputes in Pakistan," *Manchester Journal of Transnational Islamic Law and Practice* 19, no. 3 (2023): 82–101.

how Islamic law acquires social form within Malay society through its interaction with *adat*, while also demonstrating the continuing relevance of customary institutions amid transformations in family life and the expanding presence of formal legal mechanisms.

Research Methodology

This qualitative study employs a socio-legal approach to examine how Islamic legal normativity and Malay customary practices interact in family dispute resolution, and how this interaction relates to the formation of family resilience. The socio-legal approach was selected because the study views law not only as a set of formal norms but also as a living social practice whose meaning is shaped through interactions among families, communities, customary leaders, religious figures, and legal institutions. The research was conducted over a six-month period, from April to September 2025, among Malay communities in Lingga Regency, Riau Islands, Indonesia. The research sites comprised five villages—Daik Lingga, Senayang, Mepar, Kelumu, and Resun—which were purposively selected based on the strength of Malay customary practices and the active involvement of customary institutions and leaders in community life. These five locations also represent social settings relevant to examining the continued operation of *adat*-based family dispute resolution mechanisms and their interaction with Islamic values amid contemporary social change.

Figure 1
Map of Lingga Regency, Riau Islands



Source: MapChart (2025).

Research data were obtained from 20 informants, comprising customary leaders and officials of the LAM, *‘ulamā’* (Islamic scholars), *penghulus* (marriage registrars), religious figures, community leaders, village officials, and community members with experience or knowledge about *adat*-based family dispute resolution practices. Informants were purposively selected based on their social positions, knowledge, and experience in customary practices, religious life, and family mediation processes. Primary data were collected through semi-

structured, in-depth interviews, which enabled the researchers to explore informants' experiences, understandings, and interpretations of family conflict, the role of *adat*, the involvement of religious figures, and mediation processes at the family and community levels. The interviews were complemented by non-participant observation of social interactions, customary forums, and mediation practices relevant to the research focus. Secondary data were obtained through document analysis, including documents or provisions relating to *adat* and relevant academic literature. The combination of these data sources was used to develop a more comprehensive understanding of the normative dimensions and social practices of *adat*-based family dispute resolution. Initials are used in presenting informant data to protect the anonymity and confidentiality of participants.

Table 1
List of Research Informants

Initials	Gender	Role/Position	Village	Interview Date
AR	Male	Customary Leader	Daik Lingga	April 12, 2025
HM	Male	' <i>Ulama</i> '	Daik Lingga	April 14, 2025
SF	Male	LAM Official	Daik Lingga	April 13, 2025
IM	Male	Village Official	Daik Lingga	April 14, 2025
AS	Male	<i>Pengbulu</i>	Daik Lingga	April 12, 2025
RS	Male	Customary Leader	Mepar	April 28, 2025
MJ	Male	LAM Official	Mepar	April 27, 2025
AN	Female	Housewife	Mepar	April 29, 2025
KR	Male	Customary Leader	Mepar	April 29, 2025
PH	Female	LAM Official	Resun	May 9, 2025
BR	Male	Customary Leader	Resun	May 10, 2025
SY	Male	LAM Official	Resun	May 8, 2025
TR	Male	LAM Official	Resun	May 8, 2025
LT	Female	Teacher	Senayang	May 25, 2025
NL	Male	LAM Official	Senayang	May 26, 2025
YN	Female	Housewife	Senayang	May 25, 2025
ZR	Male	<i>Pengbulu</i>	Senayang	May 25, 2025
FK	Male	' <i>Ulama</i> '	Kelumu	June 5, 2025
WD	Male	Religious Leader	Kelumu	June 5, 2025
DN	Male	LAM Official	Kelumu	June 6, 2025

Source: Compiled by the authors from interview data, 2025.

Data were analyzed interactively through the stages of data reduction, data organization and display, and conclusion drawing and verification.¹² At the initial stage, interview, observation, and documentary data were identified and categorized according to issues relevant to the research questions, including the forms of family conflict, actors involved, stages of mediation, sources of normative legitimacy, the use of Islamic values, the role of customary institutions, and dispute-resolution outcomes. The data were then compared across informants and research sites to identify patterns, commonalities, and variations in dispute-resolution practices. The analysis subsequently focused on the relationship among customary norms, Islamic norms, structures of social authority, and state

¹² Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (USA: SAGE Publications, 2014), 8–12.

law. At the interpretive stage, John Griffiths' theory of legal pluralism¹³ was employed as an analytical lens to examine the existence and interaction of multiple normative orders in family dispute resolution, while Émile Durkheim's concept of social integration¹⁴ was used selectively to explain the functions of reconciliation, solidarity, and the restoration of social relationships within the community. Within this framework, the study does not assume that *adat* and Islam are necessarily harmonious but instead examines how they are translated, negotiated, and accommodated by actors in the practice of family dispute resolution. This approach enables the study to conceptualize *adat*-based dispute resolution as a socio-legal practice situated at the intersection of Islamic law, customary law, kinship relations, community authority, and the formal legal system.

Social Structure and Customary-Islamic Authority in the Malay Community of Lingga Regency

The Malay community of Lingga Regency is one of the Malay communities with deep historical roots and strong social ties in the Riau Islands, Indonesia.¹⁵ Lingga holds an important historical position as one of the centers of the Riau–Lingga Sultanate, which contributed to the development of Malay governance, literature, and Islamic civilization in Southeast Asia.¹⁶ This historical background has shaped Malay identity in Lingga, which is associated not only with ethnic identity but also with historical consciousness, cultural pride, and Islamic values.¹⁷ Islam constitutes an important component of the community's moral orientation and influences various dimensions of social life.¹⁸ Language, etiquette, dress, and patterns of social interaction reflect a set of Malay norms that emphasize civility, self-restraint, and respect for family and community dignity.¹⁹ Within this context, *adat* is understood not merely as a legacy of the past but as a set of norms and social practices that continue to regulate behavior, including family relationships and interpersonal relations.²⁰

The social structure of the Malay community in Lingga Regency is characterized by strong kinship ties and communal attachments, with the family occupying an important

¹³ John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1986): 1–55.

¹⁴ Émile Durkheim, *The Division of Labour in Society* (New York: Free Press, 1984), 129–58.

¹⁵ TR, "Personal Communication with an Official of the Lembaga Adat Melayu," May 8, 2025.

¹⁶ Alaeddin Tekin, "Restoration of Riau Sultanate-Ottoman Relations (1857-1904): Explanatory Factors.," *Al-Shajarah: Journal of the International Institute of Islamic Thought & Civilization* 26, no. 2 (2021): 177.

¹⁷ See: Alan Darmawan, "A Country of Words: The Revival of Mak Yong Theatrical Performance and Malay Identity Formation in Indonesia's Riau Islands" (Doctoral Thesis, Staats- und Universitätsbibliothek Hamburg Carl von Ossietzky, 2021); Yusriadi Yusriadi et al., "Malay Kinship Terms and Their Relationship to the Formation of Social Identity in West Kalimantan, Indonesia," *Jurnal Arbitrer* 13, no. 1 (April 2026): 75–88.

¹⁸ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency," June 2025.

¹⁹ Khalidah Khalid Ali, "A Discourse on the Malay Cultural Identity Within the Malaysian Society," *Kajian Malaysia* 40, no. 1 (April 2022): 83–107; Yusriadi Yusriadi et al., "Indexical Hierarchies in Ulu Kapuas Malay Mantras: Vernacular Islamic Multilingualism in West Kalimantan," *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 6, no. 1 (July 2026): 61–73; Eli Rustinar and Reni Kusmiarti, "Adjectives as Cultural Mirrors: Exploring Semantic Nuances in Bengkulu Malay," *Jurnal Arbitrer* 12, no. 4 (December 2025): 567–81.

²⁰ DN, "Personal Communication with an Official of the Lembaga Adat Melayu," June 6, 2025.

position as the primary unit of social life.²¹ Respect for elders, responsibilities among family members, and moral obligations within kinship relations are values transmitted across generations.²² In the context of conflict resolution, this communal orientation is reflected in an emphasis on *musyawarah*, *mufakat*, mutual respect, and efforts to prevent conflict escalation.²³ When disputes arise, particularly within households, resolution at the family level tends to be treated as the initial step before the matter is brought before social authorities or formal institutions.²⁴ This pattern indicates that individual conduct is not viewed exclusively as a private matter but also as having consequences for kinship relations and family reputation. Accordingly, family honor functions as one normative mechanism that encourages community members to consider the social consequences of their actions and to prioritize forms of conflict resolution that preserve social relationships.²⁵

Within this structure, the LAM of Lingga Regency occupies an important position as an institution representing and articulating customary authority. The LAM plays a role in preserving, interpreting, and applying customary values and norms in contemporary community life.²⁶ Institutionally, the LAM has an organizational structure comprising the *Majelis Kehormatan Adat* (Customary Honor Council), *Majelis Kerapatan Adat* (Customary Assembly Council), leadership, a secretariat, and divisions concerned with cultural preservation, social affairs, education, and customary services. This structure enables the LAM to perform functions beyond cultural preservation, including serving as a forum for consultation and mediation in social and family matters.²⁷ In practice, the LAM may become involved when marital conflicts, household disputes, or matters perceived as disrupting the community's moral order require intervention beyond the nuclear family. In this context, customary leaders primarily provide advice, facilitate dialogue, and seek consensus rather than impose coercive sanctions.²⁸ The LAM's authority, therefore, rests not primarily on the coercive force of formal law but on social legitimacy, community trust, and recognition of customary values. This demonstrates a form of normative authority that can exert significant social influence even though customary decisions or recommendations do not automatically possess the binding force of decisions issued by state courts. This position is important for understanding the LAM as a socio-legal institution situated at the intersection of community authority and the formal legal system.

The relationship between *adat* and Islam is an important element in the formation of the normative legitimacy of customary institutions in Lingga Regency. Islam is present not

²¹ Muhaimin Wahyudi, Alfiandri Alfiandri, and Agus Hendrayady, "Penerapan Nilai-Nilai Budaya Melayu dalam Tata Kelola Aparatur Sipil Negara di Kabupaten Lingga sebagai Bunda Tanah Melayu Provinsi Kepulauan Riau," *Student Scientific Creativity Journal* 2, no. 5 (August 2024): 264–88.

²² "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (April 2025).

²³ Khalid Ali, "A Discourse on the Malay Cultural Identity Within the Malaysian Society," 83–107.

²⁴ MJ, "Personal Communication with an Official of the Lembaga Adat Melayu," April 27, 2025.

²⁵ Munawar, Y. Yusriadi, et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," 323–46.

²⁶ SF, "Personal Communication with an Official of the Lembaga Adat Melayu," April 13, 2025.

²⁷ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (April 2025).

²⁸ SY, "Personal Communication with an Official of the Lembaga Adat Melayu," May 8, 2025.

only as a system of belief but also as a source of values that shape how the community understands moral obligations, family relationships, and conflict resolution. This relationship is reflected in the widely known Malay expression, “*Adat bersendikan syarak, syarak bersendikan Kitabullah*” (custom is grounded in Islamic law, and Islamic law is grounded in the Qur’an).²⁹ The expression signifies a normative relationship between *adat* and Islamic teachings, whereby customary practices derive legitimacy insofar as they are understood not to contradict the principles of sharia. In social practice, this relationship does not always operate through the formal application of Islamic law but also through the translation of Islamic values and principles into customary norms and practices.³⁰ Religious figures, including ‘*ulama*’ and *penghulu*, play an important role in this process. They interact with customary leaders, particularly in matters concerning marriage, family guidance, moral education, and dispute resolution. In this context, religious authority functions as a source of normative interpretation that complements customary authority. Guidance concerning spousal responsibilities, the obligation to provide *nafaqah* (financial maintenance), reconciliation within the household, and the importance of maintaining family relationships may be conveyed through customary processes and *musyawarah*. Thus, Islamic values do not stand outside customary practice but are translated into a social vocabulary and dispute-resolution mechanisms that are acceptable to the community.³¹ This process demonstrates that the relationship between Islam and *adat* in Lingga Regency is better understood as a process of normative interaction and negotiation than as the fusion of two legal systems into a single, fully uniform system.

The interaction among social structure, customary institutions, and Islamic norms creates a socio-legal environment that shapes how the community understands and addresses family conflicts. Household disputes are not always immediately constructed as legal matters requiring resolution through state institutions; rather, they may first be understood as relational, moral, and social problems requiring dialogue and the restoration of relationships. Within this mechanism, *musyawarah* and *mufakat* provide social procedures for bringing the parties together, while Islamic values provide a moral framework concerning responsibility, reconciliation, and family obligations.³² Customary and religious leaders then serve as mediators and interpreters of norms, while the LAM provides institutional authority when conflicts cannot be resolved at the family or community level.³³ This pattern demonstrates that family dispute resolution in Lingga is not simply a choice between customary law and

²⁹ See: Mukhtar Latif, Juarta, and Elviana, *Adat Bersendi Syara, Syara Bersendi Kitabullah* (Jambi: Salim Media Indonesia, 2023).

³⁰ Nofaldi et al., “Urf, Gender, and Customary Law: Negotiating Women’s Participation in Boar Hunting in Minangkabau, Indonesia,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 25, no. 2 (December 2025): 279–303; Ismail Ismail, Novi Hendri, and Putri Rahmah Nurhakim, “Minangkabau’s Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 2023): 579–601.

³¹ RR Dewi Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints,” *Abkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 1–16; Andri Ashadi et al., “Practice Acceptance and Label Rejection: Social Ambivalence toward Islam Nusantara in Minangkabau, Indonesia,” *International Journal of Islamic Khazanah* 16, no. 1 (May 2026): 16–35.

³² “Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency,” May 2025.

³³ WD, “Personal Communication with a Religious Leader,” June 5, 2025.

state law. Instead, it unfolds within a space of normative plurality in which family, customary, religious, and formal legal authorities may interact sequentially. Within this space, the legitimacy of a resolution is determined not only by formal legality but also by social acceptance, compatibility with religious values, and the capacity of the resolution to restore disrupted relationships. The Malay community of Lingga, therefore, demonstrates how *adat* and Islamic values continue to function as living sources of normativity in the governance of family relationships while adapting to the presence and development of formal legal institutions. This socio-legal framework helps explain why *adat*-based dispute resolution can operate as a layered mechanism connecting the family, community, religious authorities, customary institutions, and the state legal system.³⁴

Adat-Based Family Dispute Resolution Mechanisms in the Malay Community

The Malay community in Lingga Regency has a family dispute resolution mechanism rooted in *adat* and reinforced by Islamic values.³⁵ Within this social context, family disputes, such as marital conflicts, neglect of household obligations, or prolonged disharmony, are not immediately construed as legal violations requiring prompt resolution through state institutions. At the initial stage, such disputes are more commonly understood as relational, moral, and social problems requiring the restoration of relationships among the parties. Accordingly, the primary objective of dispute resolution is not merely to determine who is right or wrong or to impose sanctions but to restore family relationships, preserve social equilibrium, and prevent conflicts from developing into broader problems within kinship networks and the community.³⁶ This orientation demonstrates that family dispute resolution in Lingga takes place within a plural normative environment in which family norms, *adat*, Islamic values, and state law may be invoked sequentially according to the nature and development of the dispute. In practice, resolution generally begins within the family, may subsequently involve customary and religious leaders, and, at more complex stages, may proceed to the LAM. This pattern demonstrates that authority in dispute resolution derives not only from formal legal powers but also from kinship relations, customary legitimacy, religious authority, and social acceptance.³⁷

At the initial stage, dispute resolution takes place within the family. When tensions arise between spouses or other family members, parents, uncles, or senior family members may serve as informal mediators. They listen to the parties' perspectives, provide advice based on their knowledge of *adat* and family experience, and remind the parties of their respective responsibilities within marriage and kinship relations.³⁸ Thus, the family is not

³⁴ Arifki Budia Warman et al., "From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (2023): 161–83; Ermi Suhasti Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, no. 2 (December 2023): 198–214.

³⁵ RS, "Personal Communication with a Customary Leader," April 28, 2025.

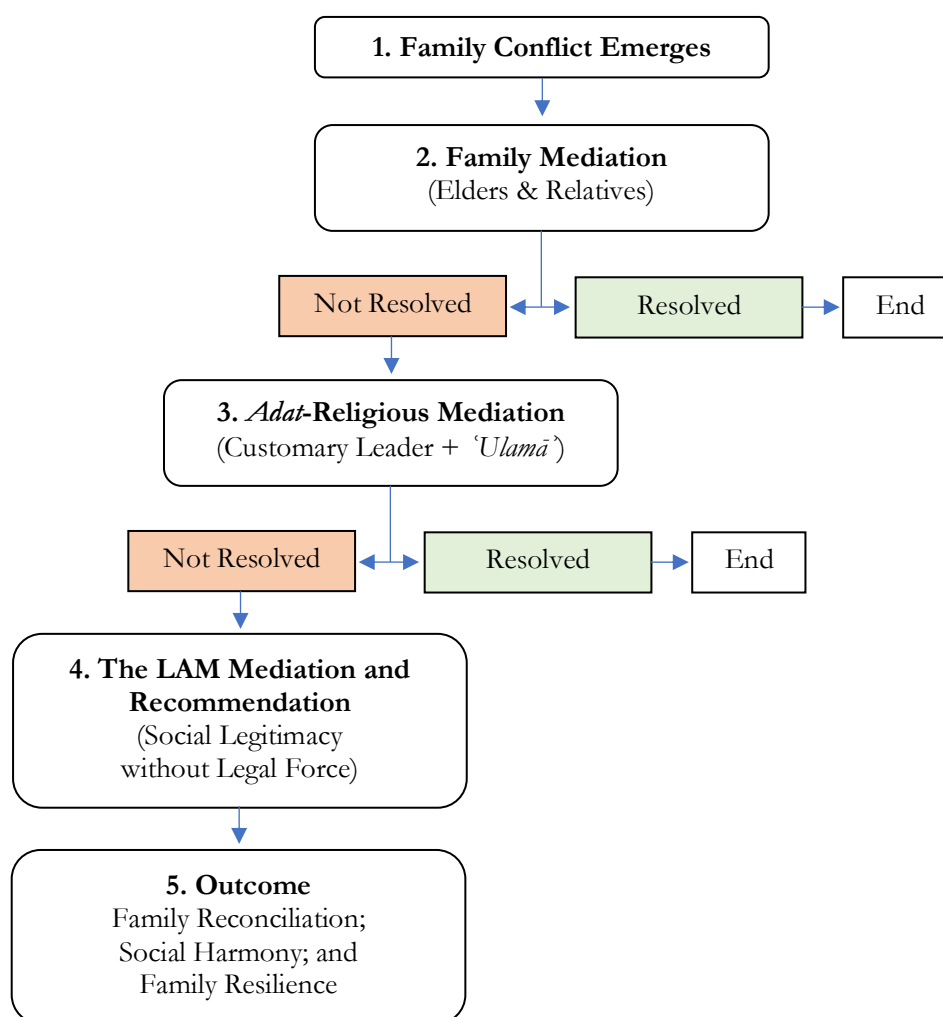
³⁶ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (April 2025).

³⁷ Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," 198–214.

³⁸ Adi Nur Rohman, "Shifting the Role of Mediation in Islamic Inheritance Disputes: An Overview of Islamic Legal Philosophy," *Diponegoro Law Review* 7, no. 2 (October 2022): 230–44; Muhammad Amin Syarifudin,

merely a party affected by the dispute but also the first social setting in which the conflict is negotiated and addressed. DN, a member of the LAM community in Lingga, stated: “*Internal family mediation is regarded as the most honorable form of dispute resolution, as it prevents domestic issues from becoming known to the wider community and safeguards family dignity.*”³⁹ This statement demonstrates that confidentiality and family honor are important considerations in choosing a dispute resolution mechanism.⁴⁰ The emphasis on patience, emotional restraint, respectful communication, and reciprocal responsibility at this stage indicates that internal family mediation constitutes a form of kinship-based normative ordering, in which conflict is regulated through kinship authority and social norms before customary authorities or formal institutions become involved.⁴¹

Figure 1
Mechanism of *Adat*-Based Family Dispute Resolution



Source: Authors' analysis of field data, 2025.

Herwastoeti Herwastoeti, and Dwi Ratna Indri Hapsari, “The Effectiveness of Application Mediation in Reducing Divorce Cases at Jombang Religious Court,” *Indonesia Law Reform Journal* 2, no. 3 (2022): 352–66.

³⁹ DN, “Personal Communication with an Official of the Lembaga Adat Melayu.”

⁴⁰ NL, “Personal Communication with an Official of the Lembaga Adat Melayu,” May 26, 2025.

⁴¹ Khalid Ali, “A Discourse on the Malay Cultural Identity Within the Malaysian Society,” 83–107.

When internal family mediation fails, the dispute may escalate to the community level through the involvement of customary leaders.⁴² At this stage, the customary leader or *penghulu* conduct a more structured mediation process based on the principles of *musyawarah* and *mufakat*. These figures are trusted because of their knowledge of customary norms, social experience, and recognized standing within the community, and mediation may take place in settings regarded as neutral, such as customary halls or the residences of respected community elders. Through dialogue and deliberation, the parties are given an opportunity to express their respective views, while customary leaders seek to connect the specific dispute with values considered important by the community.⁴³ Thus, *musyawarah* functions not only as a mode of communication but also as a mechanism for generating social legitimacy for the resolution reached. When an agreement is achieved, the dispute is generally considered resolved at the community level without requiring the involvement of subsequent authorities.⁴⁴ This demonstrates that successful resolution is determined not primarily by the existence of a formal decision, but by the achievement of agreement, the parties' acceptance, and the capacity of the resolution to restore disrupted social relationships.

When mediation by customary leaders does not produce an agreement, the process may involve '*ulamā*' or *penghulu*.⁴⁵ The involvement of religious figures demonstrates that family dispute resolution in Lingga does not rely exclusively on *adat* but also draws upon religious normativity in understanding family obligations and responsibilities. ZR, a *penghulu* in Lingga, stated: "*Family disputes are usually mediated jointly by adat leaders and religious figures rather than through separate processes; they work together to facilitate deliberation by integrating customary norms with Islamic guidance, particularly in matters concerning marital obligations, domestic harmony, and moral conduct.*"⁴⁶ At this stage, religious figures generally do not act as judges issuing decisions that are legally binding under state law. Rather, they provide religious guidance consistent with Islamic teachings, together with explanations of the rights and obligations of spouses.⁴⁷ In matters concerning *nafaqah*, for example, Islamic norms may be invoked to explain a husband's responsibilities toward his wife and children, while *adat* provides a social framework concerning honor, responsibility, and the obligation to preserve family relationships.⁴⁸ Accordingly, the relationship between Islam and *adat* in this process is better understood as one of normative translation and negotiation than as the fusion of two legal systems into a single, fully uniform framework.

⁴² "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (June 2025).

⁴³ AS, "Personal Communication with a Penghulu," April 12, 2025.

⁴⁴ Citra Anggita and Tsuyoshi Hatori, "Customary Practices of Musyawarah Mufakat: An Indonesian Style of Consensus Building," *IOP Conference Series: Earth and Environmental Science* 589, no. 1 (November 2020): 012027; Muhammad Rudi Syahputra, Muksalmina, and Sari Yulis, "The Principles and Implementation of Case Settlement Through Aceh Customary Courts Process," *Justitia Jurnal Hukum* 8, no. 2 (2024): 146–63.

⁴⁵ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (May 2025).

⁴⁶ ZR, "Personal Communication with a Penghulu," May 25, 2025.

⁴⁷ LT, "Personal Communication with a Teacher," May 25, 2025.

⁴⁸ YN, "Personal Communication with a Homemaker," May 25, 2025.

When a dispute remains unresolved through the combination of customary and religious mediation, it may be referred to the LAM as a customary institution possessing stronger institutional authority. The LAM of Lingga Regency plays an important role in addressing family disputes that are more complex or prolonged. Unlike mediation at the family and community levels, LAM's involvement provides a more structured mechanism in which the appointed LAM officials or customary leaders act as mediators and advisers.⁴⁹ The process nevertheless remains oriented toward reconciliation and moral accountability rather than punishment or confrontation between the parties.⁵⁰ MJ, a community elder affiliated with the LAM in Lingga, stated: "*Recommendations issued by the LAM are not legally binding in the state-law sense, yet they carry significant social weight due to the institution's cultural authority and the community's collective respect for adat.*"⁵¹ This statement demonstrates an important form of authority in the socio-legal context: moral authority without formal legal coercive power. For example, the LAM recommendation may require a husband who has neglected his financial and moral responsibilities toward his wife and children to resume fulfilling his obligations and reaffirm his commitment to the family.⁵² Although such a recommendation cannot be enforced in the same manner as a decision of a state court, its delivery in the presence of customary leaders, religious figures, and extended family members may generate considerable moral pressure. Under such circumstances, compliance derives not solely from the threat of legal sanctions but also from the individual's desire to restore personal honor, maintain community trust, and avoid social stigma. This finding demonstrates that the effectiveness of a norm within a community does not always depend on state coercive power, as cultural legitimacy and collective expectations can constitute significant sources of compliance.⁵³

This pattern of compliance is associated with the use of social control mechanisms that are predominantly moral and relational within the Malay customary system. Customary sanctions in this context do not primarily take the form of physical or material punishment but rather involve advice, admonition, moral warnings, and, under certain circumstances, restrictions on social relationships.⁵⁴ TR, a member of the LAM community in Lingga, stated: "*In cases where one party persistently violates family norms, such as neglecting spousal duties or engaging in behavior that disrupts household harmony, customary leaders may issue formal admonitions or moral warnings.*"⁵⁵ For example, when a husband repeatedly fails to fulfill his financial obligations toward his family, customary leaders may summon him to a mediation forum and issue a moral admonition in the presence of family members or community leaders. The primary purpose of such admonition is not punishment but encouraging recognition of obligations and behavioral change. The absence of physical punishment or formal legal sanctions does

⁴⁹ PH, "Personal Communication with an Official of the Lembaga Adat Melayu," May 9, 2025.

⁵⁰ FK, "Personal Communication with an 'Ulamā'," June 5, 2025.

⁵¹ MJ, "Personal Communication with an Official of the Lembaga Adat Melayu."

⁵² IM, "Personal Communication with a Customary Leader," April 14, 2025.

⁵³ Erniwati Erniwati et al., "Customary Sanctions for Strengthening Moral Order and Social Harmony in South Sumatra Communities," *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 2 (August 2025): 417–37.

⁵⁴ Adi Syahputra Sirait et al., "Assessing Criminal Penalties in Marriage Law: A Comparative Study of Policy Frameworks within Indonesian and Malaysian Legislation," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 255–70; Asrizal Saiin et al., "Examining Malay Customary Marriage Law in the Malay Countries: An 'Urf Perspective," *Al-Qadba: Jurnal Hukum Islam dan Perundang-Undangan* 10, no. 1 (2023): 1–18.

⁵⁵ TR, "Personal Communication with an Official of the Lembaga Adat Melayu."

not mean that noncompliance carries no social consequences. Continued noncompliance may affect the community's trust in an individual, diminish social reputation, or result in certain forms of social distancing.⁵⁶ Thus, social control within the customary community operates primarily through the internalization of norms and collective expectations.⁵⁷ Nevertheless, the power of community pressure should be understood critically because the same mechanisms that may encourage responsibility and reconciliation may also constrain individual autonomy when expectations to preserve family harmony are placed above the interests or safety of vulnerable family members.

These *adat*-based dispute resolution mechanisms do not operate separately from state law but coexist alongside formal legal institutions and procedures.⁵⁸ In practice, in Lingga Regency, *adat*-based resolution generally functions as an initial or complementary mechanism, while formal legal avenues are pursued when customary mediation fails to produce a resolution or when the nature of the dispute requires state intervention.⁵⁹ When conflicts cannot be resolved at the family, community, religious, or LAM levels, customary leaders may coordinate with village authorities or relevant state institutions. This pattern demonstrates that *adat* and state law are not necessarily in a competitive relationship but may operate complementarily, with distinct sources of legitimacy and spheres of authority. The LAM does not replace the authority of courts or state institutions, particularly because customary recommendations do not possess the same binding force as formal legal decisions. Instead, *adat*-based mechanisms provide a dispute resolution space that is closer to the parties' social lives before a dispute enters the formal legal arena. From the perspective of legal pluralism, this pattern demonstrates that family dispute resolution in Lingga proceeds through the sequential mobilization of multiple normative sources: family norms at the initial stage, *adat* at the community level, religious values and authority at the subsequent stage, and state law when informal mechanisms are no longer sufficient. Accordingly, *adat*-based dispute resolution can be understood as a socio-legal mechanism connecting families, communities, customary authorities, religious authorities, and state legal institutions.⁶⁰

⁵⁶ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (June 2025).

⁵⁷ Oluremi B. Ayoko, Yue Zhang, and Julie Nicoli, "Conflict and Socio-Cultural Adaptation: The Mediating and Moderating Role of Conflict Communication Behaviors and Cultural Intelligence," *The International Journal of Human Resource Management* 33, no. 17 (September 2022): 3451–91.

⁵⁸ Muhammad Shuhufi and Arip Purkon, "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 2023): 138; Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at the Panyabungan Religious Court," *MIL.Rev: Metro Islamic Law Review* 2, no. 2 (November 2023): 155; Fadhil Fadani and Muhammad Adib Alfarisi Adib, "The Harmonization of Customary, State, and Islam in the Practice of Dayak-Muslim Senganan Customary Inheritance in Sintang, Indonesia," *Al-Mazaahib: Jurnal Perbandingan Hukum* 12, no. 2 (December 2024): 137–64.

⁵⁹ AN, "Personal Communication with a Homemaker," April 29, 2025.

⁶⁰ Balawyn Jones and Amira Aftab, "Inside Indonesia's Religious Courts: An Argument for Domestic and Family Violence Screening and Exemption from Compulsory Mediation," *Oxford Journal of Law and Religion* 12, no. 2 (June 2023): 217–31; Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," 198–214; Warman et al., "From Communal to Individual," 161–83; Irma Suryani et al., "Between Culture and Safety: The Paradox of Protecting Domestic Violence Victims in Mediation at the Batusangkar Religious Court, Indonesia," *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 331–58.

Adat-Based Family Dispute Resolution: Marital Conflicts and Extended Family Conflicts

The findings demonstrate that *adat* in the Malay community of Lingga Regency functions as one of the principal mechanisms through which domestic and family disputes that may disrupt household harmony and kinship relations are addressed. Based on the field findings, two main categories of family disputes are handled through *adat*-based mechanisms: (a) marital conflicts between husbands and wives, and (b) extended family conflicts concerning responsibilities, moral conduct, relational boundaries, and relationships among kin (see Table 2).⁶¹ Although these two categories differ in character, they generally follow the staged resolution mechanism described in the preceding section, beginning with internal family mediation and, when necessary, progressing to the involvement of customary leaders, religious figures, and the LAM. Marital conflicts are more often addressed at the family or community level because they primarily concern the relationship between spouses, whereas extended family conflicts tend to involve more parties and have broader implications for kinship networks.⁶² Accordingly, the involvement of customary and religious leaders becomes more important when a conflict extends beyond the spousal relationship and begins to affect relationships among families.

Table 2
Categories of Disputes Identified during the Fieldwork

Dispute Category	Forms of Dispute
Marital Conflicts (Husband-Wife)	▪ Financial neglect, including failure to provide <i>nafaqah</i>; ▪ Domestic disagreements and recurrent quarrels; ▪ Infidelity or suspicion of extramarital relationships; ▪ Lack of communication and emotional disconnection; ▪ Conflicts concerning the division of household roles and responsibilities; ▪ Intentions to divorce or disputes concerning separation.
Extended Family Conflicts	▪ Disputes concerning responsibilities for caring for parents or children; ▪ Conflicts between in-laws; ▪ Disputes concerning inheritance expectations that have not entered formal legal proceedings; ▪ Moral conduct perceived as affecting family reputation; ▪ Conflicts concerning the boundaries of extended family involvement in the household; ▪ Disputes concerning child-rearing and guardianship roles.

Source: Authors’ analysis of field data collected in Lingga Regency, 2025.

The first category comprises marital conflicts between husbands and wives. Such conflicts are generally understood as internal family matters that should, to the extent possible, be addressed through mechanisms rooted in local values and social relationships before being brought before formal legal institutions.⁶³ These conflicts include persistent

⁶¹ “Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency” (May 2025).

⁶² ZR, “Personal Communication with a Penghulu.”

⁶³ Munadi Usman et al., “The Role of Customary Law in Family Resilience and Divorce Prevention: Phenomenological Studies in Indonesia,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 2024): 823–

domestic quarrels, neglect of marital obligations, financial neglect in the form of failure to provide *nafaqah*, emotional distance, communication breakdowns, disagreements over the division of household responsibilities, and intentions to divorce. Such conflicts may be influenced by economic pressures, changing social roles, and differing expectations arising from changing lifestyles.⁶⁴ Within the Malay community, marital conflict is understood to have consequences extending beyond the spousal relationship because it may affect children, relationships with extended family members, and community harmony. Accordingly, *adat*-based mechanisms prioritize reconciliation and the restoration of relationships before the parties consider resolution through formal legal institutions. Divorce is culturally regarded as an option that should generally be pursued only after various efforts at resolution and reconciliation have been undertaken;⁶⁵ however, this orientation does not preclude recourse to formal legal mechanisms when conflicts cannot be resolved amicably or when particular interests and rights require legal protection.⁶⁶

One case documented during the fieldwork illustrates this pattern. The conflict began when a husband gradually ceased providing regular financial support and increasingly spent time away from home without adequate explanation. This situation generated tension, recurrent arguments, and emotional distance between the spouses, eventually leading the wife to express her desire to separate. Consistent with the *adat*-based dispute resolution mechanism, the matter was initially addressed through internal family mediation. Senior relatives attempted to bring the parties together by reminding them of their marital obligations and the importance of preserving family relationships. When these efforts failed to produce sustained change, the matter was brought before customary leaders, who convened a mediation meeting involving the spouses, their respective families, and community figures. Guided by the principle of *musyawarah* and *mufakat*, the customary leaders, together with a religious figure, facilitated dialogue and provided guidance concerning spousal responsibilities based on Islamic values. Following the deliberation, the husband acknowledged his shortcomings and expressed his willingness to resume fulfilling his financial obligations and improve his conduct, while the wife agreed to continue the marriage based on renewed understanding and agreement. The agreement was reinforced through a moral commitment made in the presence of family members and community leaders, without requiring further sanctions.⁶⁷ This case demonstrates that *adat*-based mediation can provide a space for acknowledging responsibility, renegotiating obligations, and restoring relationships without immediately entering formal legal proceedings.⁶⁸

40; Tijani Abdul-Lateef Aremu, Musa-Jeje Ibrahim Aladire, and Alimi Lawal Sikiru, "An Assessment of Independent Shari'a Panel (ISP) and Its Roles in Resolving Marital Conflicts in Osun State of Nigeria," *Al-Ahkam* 32, no. 2 (October 2022): 233–52.

⁶⁴ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (April 2025).

⁶⁵ HM, "Personal Communication with an 'Ulamā'," April 14, 2025.

⁶⁶ AS, "Personal Communication with a Penghulu."

⁶⁷ WD, "Personal Communication with a Religious Leader."

⁶⁸ Sayful Mujab and Nabila Luthvita Rahma, "Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia," *De Jure: Jurnal Hukum dan Syar'iah* 14, no. 2 (2022): 304–16; Muhamad Hasan Sebyar et al., "Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic

Another case illustrating marital conflict involved a couple from one of the villages in Lingga Regency. According to AN, the conflict began when the husband gradually ceased providing regular financial support to the household and increasingly stayed away from home without a clear explanation. The situation subsequently developed into tension, recurrent arguments, and emotional distance between the spouses, eventually leading the wife to express her intention to separate. As an initial step, the wife sought assistance from her parents and close relatives, who attempted to reconcile the couple by reminding them of their marital obligations and the importance of preserving family unity. These efforts failed to produce sustained change because the husband again neglected his responsibilities, and the conflict continued. The matter was then brought before customary leaders, who organized a mediation meeting based on the principle of *musyawarah* and *mufakat*.⁶⁹ A religious figure also participated by explaining the rights and obligations of husbands and wives from an Islamic perspective and encouraging reconciliation. However, the process did not produce a definitive agreement, and the matter was subsequently referred to the LAM as a further stage in the *adat*-based dispute resolution mechanism. As explained by MJ, “*At first, the family tried to settle the matter internally, but because the husband repeatedly neglected his responsibilities and the arguments continued, the wife’s family eventually asked the LAM to facilitate mediation.*”⁷⁰ This statement demonstrates that the escalation of a dispute does not automatically lead to a state institution but instead proceeds through the gradual mobilization of multiple sources of authority regarded as legitimate within the community.

At the LAM mediation, the meeting was attended by both spouses, close relatives, customary leaders, and a religious figure. During the process, the mediators emphasized the husband’s obligation to fulfill his financial responsibilities and perform his role responsibly within the marriage, while also encouraging the wife to consider reconciliation if genuine behavioral change occurred. Following the *musyawarah*, the husband acknowledged his shortcomings and expressed his willingness to resume providing financial support and improve his conduct. No material or physical sanction was imposed; instead, the LAM issued a formal moral warning in the presence of representatives from both families and community leaders. SF explained, “*We did not punish him in a legal sense, but we gave him a clear moral warning before both families that if he failed again, it would affect his standing and trust within the community.*”⁷¹ Following the process, both parties agreed to continue the marriage, and, according to the informant, no further conflict of similar intensity was reported. This finding demonstrates that the LAM’s influence in dispute resolution derives not primarily from coercive authority but from a combination of customary legitimacy, social oversight, and community reputation. In other words, customary recommendations that lack the binding force of state-

Jurisprudence,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 81–100; Wahyu Utami and Yogabakti Adipradana Setiawan, “Reconstructing Indonesia’s Bipartite Labor Dispute Resolution through Customary Bedamai: A Legal Pluralism Perspective,” *Syariah: Jurnal Hukum dan Pemikiran* 26, no. 1 (2026): 196–218.

⁶⁹ AN, “Personal Communication with a Homemaker”; Erha Saufan Hadana et al., “Negotiating Customary Justice and Social Reconciliation: The Role of Peumat Jaroe in Acehnese Dispute Resolution,” *Ablika: Jurnal Hukum Keluarga Dan Hukum Islam* 3, no. 1 (June 2026): 90–117.

⁷⁰ MJ, “Personal Communication with an Official of the Lembaga Adat Melayu.”

⁷¹ SF, “Personal Communication with an Official of the Lembaga Adat Melayu.”

law decisions may nevertheless generate compliance because the parties take into account the social and moral consequences of noncompliance.⁷²

The second category comprises conflicts among members of the extended family, particularly those concerning moral conduct, role boundaries, and the distribution of responsibilities. These include conflicts between in-laws, disagreements over the care of elderly parents, differing views concerning child-rearing, expectations regarding inheritance, and conduct perceived as potentially bringing shame to or disrupting family relationships.⁷³ Such conflicts are more complex because they involve more than one family unit and may affect intergenerational relationships. Accordingly, these disputes more frequently require the involvement of customary leaders, religious figures, or LAM to facilitate dialogue and restore relationships among relatives. Within the Malay community, unresolved extended family conflicts may develop into problems affecting kinship solidarity and broader social relationships. *Adat* intervention, therefore, derives its legitimacy not only from the existence of an individual dispute but also from the need to maintain relational boundaries, a balance of obligations, and the continuity of relationships among relatives. Under such circumstances, customary and religious leaders may serve as mediators who assist the parties in distinguishing between obligations toward the nuclear family and obligations toward the extended family without undermining either form of relationship.⁷⁴

One extended family conflict involved a married couple and the husband's parents concerning living arrangements and financial responsibilities. The wife felt that her in-laws were excessively involved in household decision-making, while the husband was placed in a difficult position because he had to maintain his obligations toward his parents while also preserving his marital relationship. The conflict escalated when differing views regarding financial contributions and childcare responsibilities generated open tension between the wife and her mother-in-law. According to KR, "*This kind of dispute often starts from small misunderstandings, but because there is no clear boundary between the nuclear family and the extended family, it can develop into a serious conflict affecting the whole household.*"⁷⁵ Initial efforts to resolve the matter within the family were unsuccessful, prompting community leaders to intervene and facilitate a meeting involving both families. The process demonstrates that extended family conflicts often do not arise solely from a particular action but from unclear boundaries of authority and expectations between the nuclear and extended families.⁷⁶

Following the staged resolution mechanism described above, the conflict was subsequently addressed through *adat*-based mediation led by community figures, with all

⁷² Firdaus Arifin et al., "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism," *Khazanah Hukum* 7, no. 1 (April 2025): 92–104; Erdianto, S. Putra, and Elmayanti, "Settlement of Customary Violation in the Coastal Part of Pelalawan Regency," *IOP Conference Series: Earth and Environmental Science* 1181, no. 1 (May 2023): 012022.

⁷³ "Field Notes from Observations of Household and Family Dispute Resolution Practices in Malay Communities in Lingga Regency" (April 2025).

⁷⁴ Warman et al., "From Communal to Individual," 161–83; Jones and Aftab, "Inside Indonesia's Religious Courts," 217–31.

⁷⁵ KR, "Personal Communication with a Customary Leader," April 29, 2025.

⁷⁶ Zainal Arifin, Maskota Delfi, and Sidarta Pujiraharjo, "Tunggu Tubang and the Extended Family Property Inheritance System in Semende Community, Indonesia," *Social Identities* 29, no. 3 (May 2023): 243–65; Warman et al., "From Communal to Individual," 161–83.

parties participating in a *musyawarah* forum. During the process, customary leaders emphasized the restoration of relational balance rather than determining which party was entirely right or wrong, while the religious figure emphasized the importance of respecting parents while maintaining harmony within the marital relationship. BR explained, “*We do not decide who is right or wrong in a strict sense; instead, we guide them to find a balanced solution that respects both family obligations and marital harmony.*”⁷⁷ Through the deliberative process, the parties reached an agreement establishing clearer boundaries concerning household decision-making, while the in-laws agreed to reduce their direct involvement in the couple’s domestic affairs. The parties were also encouraged to apologize to one another as part of restoring mutual respect and trust. No formal sanctions were imposed, but the customary leaders issued a moral reminder to all parties to respect relational boundaries and preserve family harmony. Because consensus had been reached through mediation by customary and religious leaders, the matter was considered resolved at the community level and was not referred to LAM. This case demonstrates that *adat*-based mechanisms function not only to resolve spousal conflicts but also to negotiate the boundaries between nuclear and extended families through dialogue, compromise, and the renegotiation of responsibilities in ways acceptable to the parties.⁷⁸

Negotiated Legal Pluralism in *Adat*-Based Family Dispute Resolution

The findings demonstrate that *adat*-based family dispute resolution in the Malay community of Lingga Regency constitutes a socio-legal mechanism operating at the intersection of *adat*, Islamic normativity, kinship authority, and state law.⁷⁹ In practice, the relationship between *adat* and Islam does not simply entail the integration of two legal systems into a single, uniform normative order; rather, it involves a process of interaction and negotiation undertaken by various actors according to the type of dispute and the needs of the parties. *Adat* provides the social setting, procedures of *musyawarah* and *mufakat*, and community legitimacy, whereas Islamic norms provide orientations concerning spousal responsibilities, family obligations, morality, and reconciliation. These two sources of normativity are mobilized sequentially through family mediation, the involvement of customary and religious leaders, and, ultimately, institutional mediation by the LAM. Accordingly, the legitimacy of a resolution derives not only from social acceptance of *adat* but also from the perception that the mediation process and its outcome are consistent with Islamic values as lived within the community.⁸⁰ These findings demonstrate that legal pluralism⁸¹ operates not merely through

⁷⁷ BR, “Personal Communication with a Customary Leader,” May 10, 2025.

⁷⁸ Misran Ramli et al., “State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (May 2024): 872–90; Safrijal et al., “Settlement of Meugoe Blang Disputes Through Customary Law of Aceh,” e525–e525.

⁷⁹ Nordin et al., “Integrating Islamic Law and Customary Law,” 89–111; Warman et al., “From Communal to Individual,” 161–83; Ramli et al., “State, Custom, and Islamic Law in Aceh,” 872–90.

⁸⁰ Munawar et al., “A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia,” 323–46; Sulaeman et al., “Negotiating Gender Justice in Minangkabau Marital Disputes,” 39–49; Halil Khusairi et al., “Harmonization of Values Sumbang Marriage with Islamic Marriage Law: An Integrative Study of Conflict and Socio-Legal Reconstruction in Kerinci,” *El-Ushab: Jurnal Hukum Keluarga* 9, no. 1 (May 2026): 435–52.

⁸¹ Griffiths, “What Is Legal Pluralism?,” 5–8.

the coexistence of multiple normative orders but through the mobilization, negotiation, and accommodation of different sources of authority in addressing concrete disputes.

These findings extend previous scholarship, which has generally positioned *adat* as an institution that sustains social order, consensus, and cultural identity while emphasizing the historical and normative proximity between *adat* and Islam in Muslim societies.⁸² Whereas some of the existing literature continues to examine this relationship primarily at the normative, institutional, or cultural-preservation levels, this study demonstrates how normative pluralism operates in practice through distinct stages and divisions of roles among different actors. Kinship authority is mobilized at the initial stage, customary and religious leaders become involved as conflicts develop, and the LAM assumes a more prominent role when disputes require stronger institutional authority. This pattern demonstrates that authority within legal pluralism is dynamic and can be negotiated in response to the escalation of a dispute. The perspective of social integration helps explain why this mechanism tends to prioritize reconciliation and the restoration of relationships over adversarial adjudication.⁸³ Thus, the contribution of this study extends beyond demonstrating that *adat* and Islam coexist; it shows that actors actively select, translate, and combine different sources of legitimacy to produce resolutions regarded as socially and religiously acceptable.⁸⁴

The findings also demonstrate that the objectives of *adat*-based dispute resolution extend beyond the termination of individual conflicts. *Musyawarah*, *mufakat*, moral persuasion, acknowledgment of wrongdoing, apologies, and the reaffirmation of responsibilities enable the parties to restore relationships and renegotiate their respective obligations. In this sense, the mechanism can be understood as a form of relational justice because the success of a resolution is determined not primarily by identifying which party is right or wrong but by the capacity of the process to restore communication, trust, and shared responsibility.⁸⁵ This finding expands the understanding of family resilience by demonstrating that resilience does not simply mean preserving a marriage or preventing divorce but also encompasses a family's capacity to confront conflict, restore relationships, and sustain networks of social support.⁸⁶

⁸² Nordin et al., "Integrating Islamic Law and Customary Law," 89–111; Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," 198–214; Sitti Mawar and Muhammad Iqbal, "Multicultural Dispute Resolution System in Aceh Before and After the Issuance of the Customary Institution Qanun," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 1 (2025): 560–74.

⁸³ Durkheim, *The Division of Labour in Society*, 135–37.

⁸⁴ Chatarina Rusmiyati et al., "Participatory Governance of Customary Forests: Institutional Collaboration in Islamic Law and Customary Law Perspectives," *Al-Manabiji: Jurnal Kajian Hukum Islam* 20, no. 1 (2026): 21–42; Mansur et al., "Mediating Tradition: The Role of Law Enforcement in Customary Law Disputes," 1183–208; Raihan A. Yusoph, "Hybridizing Justice: Cultural Legitimacy and the Limits of Traditional Dispute Resolution in Lanao Del Sur, the Philippines," *Asian Journal of Peacebuilding* 13, no. 2 (2025): 207–30.

⁸⁵ Bibi Suprianto, "The Use of Ritual in Mediating Customary Land Disputes by the Dayak Kantuk Community in West Kalimantan, Indonesia," in *Religion, Decolonization, and the Planetary Community: Voices from the Indonesian Archipelago*, ed. Whitney A. Bauman, Samsul Maarif, and Jonathan Davis Smith (Taylor and Francis, 2025), 273–81; Ardian Kurniawan et al., "Hukum Adat dan Nilai Restoratif: Kontekstualisasi Penyelesaian Konflik Sumbang Adat di Jambi," *Masalah-Masalah Hukum* 53, no. 2 (2024): 111–22; Khairil Anwar et al., "Dayak Ngaju Customary Sanctions as a Rehabilitation Mechanism for Drug Addicts in Central Kalimantan," *El-Maslahah* 15, no. 1 (June 2025): 165–88.

⁸⁶ Opik Rozikin et al., "Contextualizing Maqāṣid Al-Sharī'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 2 (September 2025): 344–62.

Accordingly, *adat*-based mediation may contribute to particular dimensions of family resilience, but such contributions are conditional and cannot be assumed to result automatically from reconciliation. Reconciliation can be considered a contribution to family resilience only when it produces meaningful relational change without compromising the rights and interests of vulnerable family members. In this context, social cohesion is not constructed through normative uniformity but through the capacity of different normative authorities to find common ground when addressing concrete conflicts.⁸⁷

At the institutional level, the findings demonstrate that customary authority and state law do not stand in a substitutive relationship. The LAM possesses strong social and moral legitimacy, but its recommendations do not have the binding or enforceable force of decisions issued by state legal institutions. Nevertheless, the LAM recommendations may generate compliance through social reputation, moral authority, and community expectations, demonstrating that social effectiveness does not necessarily correspond to formal legal enforceability.⁸⁸ *Adat*-based mechanisms should, therefore, be understood as complementary mechanisms that provide a dispute resolution space closely connected to kinship structures and cultural values rather than as substitutes for state law. Theoretically, this study contributes to scholarship on Islamic law and socio-legal studies by demonstrating that Islamic law in Malay society acquires practical form through its interpretation and negotiation with *adat* and community authorities. Accordingly, the relationship between Islamic law and *adat* is more appropriately understood as negotiated legal pluralism than as a dichotomy between two competing legal systems.⁸⁹ The Lingga Regency case demonstrates that the continuing relevance of *adat*-based mechanisms in contemporary Muslim societies depends on their capacity to adapt to and interact with Islamic normativity and state law while ensuring the protection of rights, the voluntariness of the parties, and access to state legal institutions when *adat*-based resolution is inadequate.

Conclusion

This study demonstrates that *adat*-based family dispute resolution in Lingga Regency constitutes a socio-legal mechanism shaped by the dynamic interaction of Islam, Malay values, kinship authority, and customary institutions. The resolution process unfolds through multiple stages, beginning with internal family mediation and potentially progressing to the

⁸⁷ Nicole Deitelhoff and Cord Schmelzle, "Social Integration Through Conflict: Mechanisms and Challenges in Pluralist Democracies," *Kolner Zeitschrift Fur Soziologie Und Sozialpsychologie* 75 (2022): 69–93; Akhmad Sukris Sarmadi et al., "Restorative Justice Principles in Banjar Customary Inheritance Disputes: A Normative Analysis of Out-of-Court Settlement Institutions through Adat Badamai," *El-Mashlahab* 15, no. 2 (December 2025): 415–36; Hawa' Hidayatul Hikmiyah Hawa et al., "Harmonizing Culture and Religious Traditions in Multi-Religious Families," *Santara: Journal of Islamic Law and Humanity* 1, no. 2 (2025): 105–17.

⁸⁸ Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," 198–214; Miti Yarmunida et al., "Revisiting Masuk Kaum: Contextualising Local Custom in Contemporary Islamic Family Law through 'Urf and Maṣlahah," *MILRev: Metro Islamic Law Review* 5, no. 2 (2026): 1025–46.

⁸⁹ Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," 89–111; Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," 155; Teguh Setyobudi, Roibin Roibin, and Zaenul Mahmudi, "Autopoietic System of Pitungan as Legal Functionalism in Javanese Family Harmony," *Syariah: Jurnal Hukum dan Pemikiran* 26, no. 1 (July 2026): 145–74.

involvement of customary leaders, religious figures, and the *Lembaga Adat Melayu* (LAM), with *musyawarah* (deliberation), *mufakat* (consensus), moral responsibility, respect for family relationships, and relational restoration as its primary orientations. The findings demonstrate that *adat* and Islam operate neither as entirely separate normative systems nor as systems that are invariably integrated harmoniously; rather, they are mutually interpreted and negotiated in response to concrete disputes. Within this process, *adat* provides social legitimacy and a deliberative space, while Islamic values offer orientations concerning obligations, responsibility, and reconciliation. Family resilience, therefore, is shaped not solely through formal legal regulation but also through the capacity of families and communities to restore communication, trust, responsibility, and social relationships following conflict. However, the contribution of *adat*-based mechanisms to family resilience is conditional and cannot be equated simply with the preservation of marriage, particularly where reconciliation confronts violence, coercion, or serious violations of family members' rights.

This study contributes to Islamic law scholarship by demonstrating that Islamic law in Malay society does not operate as an isolated doctrinal system but acquires social form through its interaction with *adat* and local structures of authority. The involvement of religious figures in mediation, the use of Islamic principles to articulate family obligations, and community recognition of the LAM's authority demonstrate how Islamic normativity is localized through social practices without losing its normative function. From a socio-legal perspective, these findings extend the understanding of legal pluralism beyond the mere coexistence of multiple normative orders toward negotiated legal pluralism, namely, a process through which different sources of authority are selected, translated, and accommodated to produce socially legitimate resolutions. Nevertheless, this study is limited to several villages in Lingga Regency and relies primarily on qualitative data concerning mediation experiences and practices; therefore, its findings are not intended to be directly generalized to Malay communities as a whole. Future research should expand comparative analysis across Malay communities, strengthen the examination of gender and power relations within *adat*-based mediation, and investigate more closely the relationship between customary mechanisms, the LAM, religious courts, and state legal institutions. Such comparative approaches are important for assessing the extent to which the negotiated legal pluralism identified in Lingga can explain variations in the operation of Islamic law and *adat* in family dispute resolution across contemporary Muslim communities in Indonesia and Southeast Asia.

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