



Exploring the Phenomenon of Indonesian Legal Plurality: Reconvension of Law in Cases of Sasaknese Divorce and Marriage *Isbat*

Murdan

Institut Agama Islam Qamarul Huda

prof.murdan@gmail.com

Abstract: Reviewing on the research reports from several researchers such as Ratno Lukito on Legal Traditions in Indonesia, John R. Bowen on Islam-Law-Equality in Indonesia, Masnun on Islamic Law in Sasak Social Dynamics, and Murdan (the author himself) on Legal Interlegality in Sasak Community Marriages, shows that legal plurality is a fact in contemporary Indonesian law. However, in the context of resolving disputes and legal issues in court, judges often respond to the fact of legal plurality with different attitudes. Some judges only consider of the State law, sometimes they consider of religion and State law, and sometimes they accommodate all three laws (State law, religion and custom). Seeing the relativity of judges in responding to the fact of legal plurality, this article will discuss the side of legal convention in the context of legal plurality in context of Divorce and Marriage *Isbat* of Sasak Community. In this regard, this paper uses a qualitative line, and focus on empirical-descriptive-analytical. The depth approach follows the socio-legal studies, as a renewable trend in the development of legal science. Socio-legal studies are not only limited to considering the juridical-normative aspects of legal reasoning, but are collaborates-synergizes the juridical-normative, juridical-empirical and other socio-legal aspects. Finally, a paper will stress of legal reconventions as judges response to judging of divorce and *isbat* marriages case in Sasak community.

Keywords: Indonesian Legal Plurality, Legal Reconvension, Divorce, Marriage *Isbat*, Sasaknese, and judge response.

Introduction

Today, all the communities of the world recognize that the Indonesian community is the most diverse community of mankind in the entire nation of the 21st century or contemporary era. The fact and reality of the heterogeneity of the population of this country is driving the people of the world not to affirm Indonesia as a nation with the most diverse society. The Data and Statistics Centre for Education and Culture (PDSPK) of the Ministry of Education and Cultural Affairs of the Republic of Indonesia noted that, in Indonesia there are 6 popular religions and various other less popular beliefs that are also recognized by the

constitution of the country.¹ In addition to its religious excellence, Indonesian society also has a variety of tribes, cultures, races, ethnicities, groups, and so on. The Central Statistics Agency notes that there are thousands of ethnic tribes in Indonesia.² By 2010, the central statistical agency managed to estimate 1,300 ethnic groups in Indonesia.³

The existence of these kinds of societies will undoubtedly directly trigger the emergence of the plurality of laws or norms.⁴ Every society or human association must have its own rules of law or norms in conducting group activities. This is in line with the classical law adage that says that every society has a law.⁵ Not only does the pre-modern classical teaching of law recognize the continuity between society and law, but the 18th century legal doctrine also teaches that the law will emerge and grow with the pace of society, when the system is destroyed, then automatically the law also will disappear.⁶ Interestingly, this concept reinforced the early 21st century through the brilliant ideas of Brian Z.

¹ Popular religions in Indonesia are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. Meanwhile, religions that are not popular overall called Other Beliefs (Aliran Kepercayaan Lainnya). See Pusat Data dan Statistik Pendidikan dan Kebudayaan Kementerian (PDSPK) Kementerian Pendidikan dan Kebudayaan Republik Indonesia, *Analisis Kearifan Lokal Ditinjau dari Keragaman Budaya* (Jakarta: PDSPK Kemdighud RI, 2016), 21.

² Badan Pusat Statistik, "Mengulik Data Suku di Indonesia", *BPS-Statistics Indonesia* <https://www.bps.go.id/id/news/2015/11/18/127/mengulik-data-suku-di-indonesia.html>, diakses pada 20 Desember 2023.

³ Lihat William Ciputra, "10 Suku dengan Populasi Terbanyak di Indonesia, Minangkabau dan Batak Masuk Daftar", *Kompas.com*, <https://regional.kompas.com/read/2022/01/05/212041478/10-suku-dengan-populasi-terbanyak-di-indonesia-minangkabau-dan-batak-masuk?page=all>, diunggah pada 05 Januari 2022 dan diakses pada 20 Desember 2023.

⁴ Murdan, "Pluralisme Hukum (Adat dan Islam) di Indonesia", *Mahkamah: Jurnal Kajian Hukum Islam*, Vol. 1, No. 1, June 2016, 48-60.

⁵ The classical legal adage in question is a monumental statement before Christ by Marcus Tullius Cicero which reads *Ubi Societas Ibi Ius*, the meaning of the sentence is "where there is society, there is law". For further information, see Masnun dan Murdan, *Filsafat Hukum Keluarga Islam* (Mataram: Sanabil, 2019), 97.

⁶ The statement in question is the monumental expression of Friedrich Karl von Savigny (1779-1861), a legal figure who has been classified by recent legal scholars as a pioneer of the School of Legal History. He said that "des Recht vird nicht gemacht, es ist un wird mes dem Volke", the meaning of the sentence is "the law is not made, but is found in every soul and body of the nation (Volksgeist)". For more clarity, read Murdan, "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia Belakangan", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50, No. 2, December 2016, 505-535.

Tamanaha with the term of mirror theory of law.⁷ That is, if there are more than 7 (Seven) religions in Indonesia, then automatically over 7 (seven) religious laws practiced by Indonesian society in social life, including in marriage. Similarly, when more than 1,300 tribes in Indonesia, also automatically will be found more than 1300 types of legal norms practiced by Indonesian society in the contemporary era today, both in society in general, and in the conduct of family life in particular. In addition to the existence of such laws, Indonesia also has state laws that are very centralistic-charismatic-rational-pragmatic-secular, including in the rules of law concerning families. Seeing the various legal rules that are practiced by Indonesian society in societies, religions, nations, and countries more specifically on family relations, it requires scientific exploration capable of treating-compassing-harmonizing the multilegality of such rules.

Legal pluralism in Indonesia is a common phenomenon for Indonesian multicultural society. This naturally of the law urges and triggers a realistic attitude towards the harmonization of the norms of law. The encounter between customary, religious, and state law norms is a natural legal fact today in the marriage of Indonesian society. The attempt to embrace each other between the three legal norms or the three norms of law is practiced simultaneously and harmoniously by society as a subject of law. This is what is meant as inter-legality.⁸ The context of realistic phenomenon of multicultural society, that inter-legality will not only occur in the context of the encounter between customary law, religion, and the law of the state, but it can also be in other forms, namely, inter-cultural law, interreligious law-racial law-group-tribe, and so on.

Beginning or Starting from the reality and existence of legal struggles in the context of Indonesian legal pluralism,⁹ the paper before you will offer themes of discussion and scientific dialogue on the reconvention of law in context of the pluralistic of marriage law in contemporary Indonesia, more specifically in the case of divorce and marriage *isbat* of Sasak societies. This paper is based on the paradigm and the basic framework of the idea that the real identity of modern Indonesia lies in the fact of the plurality of its society as well as the complexity of its

⁷ See Brian Z. Tamanaha, *A General Jurisprudence of Law and Society* (New York: Oxford University Press, 2001), 51 dan 107.

⁸ The word interlegality is also often compared with the word harmonization between legal systems in Indonesia, namely between customary law systems, between Islamic legal systems and state legal systems. More clearly, look Murdan, "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia Belakangan", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50, No. 2, December 2016, 505-535.

⁹ Ratno Lukito, *Tradisi Hukum Indonesia* (Jakarta: Teras, 2008).

legal dynamics.¹⁰ The awareness of the entire Indonesian nation and nation of the urge made by him to this continuous and continuous harmonization of the law solely in order to preserve the existence of the identity of the nation, preserving the noble values that are the breath of Pancasila, preserve integrity and unity in the nation and the nation as well, and look to a more noble and wise national life and statehood. With the awareness of national identity, the nation and great nation of Indonesia will finally gain the right to true independence, as an independent (*Merdeka*), united (*Bersatu*), sovereign (*Berdaulat*), justice (*Adil*) and prosperous of all Indonesian people (*Makmur*). So this requires research and synergy of research that is overlapping to be considered by the government in taking the entire legal policy of the Indonesia Republic.¹¹

Sitting Case or Mapping Legal Issue

The divorce case was tried, examined, and decided by the Religious Court of Selong, East Lombok Regency, West Nusa Tenggara Province Number 1107/Pdt.G/2017/PA.Sel. is a divorce initiated by the wife. In the case, the names of the plaintiff and the defendant were not shown in a court ruling published to the general public, but in the judgment the court showed some identity of the claimant and defendant. The identity of the plaintiff is, age: 21 old, religion: Islam, education: not go to school, job: trader, residence: Gubuk Pernek, Apitaik village, Pringgabaya district, East Lombok Regency. In this case, the Prosecutor did not act on his own, but instead granted special authority to Idris, S.H. a lawyer or attorney, by means of a special authorization registered at the Civil Service of the Religious Court of Selong on October 30, 2017 as the Prosecution. Idris himself lives in the village of Paokmotong, Masbagik subdistrict, East Lombok Regency, West Nusa Tenggara Province. The claimant's identity is, age: 46 old, religion: Islam, education: not go to school, job: tradesman's, residence: Toron, Kerumut village, Pringgabaya subdistrict, East Lombok regency, Indonesia.

In case of the court decision Number 1107/Pdt.G/2017/PA.Sel. on Divorce, the plaintiff and the defendant H. Suhardi bin H. Mustapa had entered into a marriage according to Islamic doctrine on November 5, 2011 in the village of Toron, Kerumut village, Pringgabaya district, East Lombok district and the marriage was not registered according to the procedures of state law. When the plaintiff and the defendant got married on November 5, 2011, both plaintiffs and defendants were widows and

¹⁰ See John R. Bowen, *Islam, law and equality in Indonesia: An Anthropology of Public Reasoning*, Cambridge: Cambridge University Press, 2006.

¹¹ Murdan, "Pluralisme Hukum di Indonesia: *Interlegality* dalam Perkawinan Masyarakat Islam Sasak", *Disertation/Doctoral Theses*, Postgraduate Program of Sunan Kalijaga State Islamic University, Yogyakarta, 2020.

widows, and the marriage took place with a household of Rs. 100,000 (one hundred thousand rupees) owed or unpaid. After the petitioner and the defendant married, both parties lived a household life like a couple of husbands in general, living together in a house that is located in the border of Toron, the village of Kerumut, Pringgabaya subdistrict, East Lombok regency which is the address of Defendant. The domestic disharmony between the plaintiff and the defendant began in June 2017, from the plaintiff and the defendant continued clashes and quarrels that ended with domestic violence committed by the respondent against the plaintiff, and the accused did not give a living to the claimant as the obligation of the plaintiff. In this connection, the Prosecutor initiated the divorce of the Defendant through the Religious Court of Selong, Lombok Eastern Regency, Nusa Tenggara West Province, which is the jurisdiction of the absolute authority of Religious Court in Selong to judge, examine, and settle divorce matters at the residence of the Applicant and the Defendant.

The brief description is matter of legal issue No. 1107/Pdt.G/2017/PA.Sel. on Divorce, the applicant subsequently requested the religious court of Selong to trial, inspect, and resolve the lawsuits filed by the Respondent, with a number of petite claims, among them: First, To comply with the petition of the Prosecution in its entirety. Second, Declare the legality of the marriage between the defendant and the defendant held in November 2011, in Toron Village, Kerumut subdistrict of East Lombok Regency, in the form of divorce. Third, divorce the plaintiff from the defendant. Court coerces the plaintiff to pay the charges of lawsuit. Fourthly, if the council of judges finds otherwise, let the judgment of the court be in an unjust manner (Ex Aequo et Bono).

After the Religious Court of Selong examined, tried, and settled the case No. 1107/Pdt.G/2017/PA.Sel. Concerning the Divorce of the Claimant, the religious court of selong subsequently granted some of the Applicants' petitions with the following ruling: First, declaring the Defendant had been legally summoned to appear in the trial absent. Second, Applicant's petition was granted with *Verstek*. Third, confirming the validity of the marriage of the claimant with H. Suhardi bin H. Mustapa which was carried out in November 2011, in the village of Toron, village of Kerumut, district of Pringgabaya, East Lombok district, West Nusa Tenggara. Drop the divorce one Ba'in Shugra sued H. Suhardi bin H. Mustapa against the plaintiff. Fourthly, to charge the plaintiff to pay the costs of this matter in the amount of Rp. 551,000,- (five hundred and fifty one thousand rupiah).

The Reconvension Term in Judiciary Pragmatism of Indonesian Positive Law

The term reconvention is a familiar legal term known in Indonesian court and judicial law. The academician of legal scholar and all legal practitioners in Indonesia is no stranger to this term of reconvention.¹² They only use the term of reconvention, when they want to explain the meaning of the reconvention in context of court room, they always parallel or talk directly with the term convention.¹³ In the legal context, convention is an inseparable term from reconvention. According to the dynamics of the law of civil proceedings, reconvention can be understood as a legal attempt in the form of a retaliation claim, a repayment claim, or a complaint against a complainant's action, or an action against the complainants' action. So, the convention is a legal claim brought by the complainant or the plaintiff to the court.¹⁴ According to Yahya Hope, as explained by Yuliana, reconvention is a lawsuit filed by the plaintiff or the defendant as a retaliatory lawsuit against the lawsuit brought by the complainant or the claimant.¹⁵ Through this legal mechanism, the defendant or defendant can file a redress claim when the proceedings are contradictory in the trial process (replicate and duplicate), and the reverse claim is made without having to file a new claim to the court. If a new claim is brought before a court, the legal activity shall not be called reconvention, except the new claim separated from the previous one. The new claim brought by this plaintiff may not be said reconvention; it is the original claim called convention.¹⁶

¹² According to Rizky's and friend article, the use of the word reconvention in Indonesian Legal Procedure is inspired by the original Dutch term *Reconventie* (eis in *reconventie*), as opposed to *Conventie* (eis in *contentie*). Rezky Mokodongan and colleague, "Gugatan Rekonvensi dalam Sengketa Pertanahan Menurut Perspektif Hukum Perdata", *Lex Privatum* Vol. VIII/No. 2/Apr-Jun/2020, 126-133.

¹³ A complete explanation of the counterclaim should be found in Safira's statement, she said "A counterclaim is a lawsuit originating from the opposing party. The defendant becomes a reconvention plaintiff, while the previous lawsuit is called a convention lawsuit. Case examinations and decisions are carried out simultaneously, either in one decision or two decisions". More clearly, see Marta Eri Safira, *Hukum Acara Perdata* (Ponorogo: Nata Karya, 2017), 42.

¹⁴ According to M. Yahya Harahap, lawsuits in court are common in the form of two cases, namely voluntary lawsuits and contentious lawsuits. A voluntary lawsuit is a matter that is unilateral (*ex-party*), does not contain disputes (undisputed matters), and is solely in the interests of the applicant. Meanwhile, contentious claims are disputes or disputes that arise from two or more parties (between competing parties). A more comprehensive explanation can be read in Yahya's book, see M. Yahya Harahap, *Hukum Acara Perdata* (Jakarta: Sinar Grafika, 2017), 29-117.

¹⁵ Yulia, *Hukum Acara Perdata* (Lhokseumawe: Unimal Press, 2018), 45.

¹⁶ The original lawsuit was initiated by the Plaintiff as a Convention and the defendant's answer was in the form of a counterclaim as a Reconvention. So,

The legal provisions concerning reconvention and this convention are already regulated in Article 132a (Herzien Inlandsch Reglement-Het Herziene Indonesisch Reglement) H.I.R., in Indonesian translated as the Renewed Indonesians Regulations (R.I.R.). The purpose of this reconvention practice is solely to establish a trial process that holds a solid foundation of a simple, quick, low-cost, and affordable trial. Through this combination of lawsuits, the claimant can save costs, time, and energy in the trial process.¹⁷ Initially, the provision on reconvention in the H.I.R. was only known in state courts, but with the rule of law in Indonesia, reconvention was also known in the Religious Courts. Instance is, the Decision of Kalianda Religious Court No. 0264/Pdt.G/2014/PA.Kla on Divorce. The divorce application initiated by this husband is considered to be detrimental to the wife's right, so, the wife filed a retaliatory action or reconvention against the divorce request of the applicant in the case.¹⁸ In the terms of the Civil Procedure Law, reconvention can be understood as a response or a retaliatory claim of the defendant or defendant against a claim submitted by the plaintiff or petitioner to the court. Thus, in a single trial, two claims are merged or cumulated in one trial process, i.e. between the original claims (conventions) originating or originating from the plaintiff or the complainant with the re-convention claims of the defendant or the claimant.¹⁹

A reconvention claim is only permissible before the judge's judgment is read, and more precisely can be filed in the reciprocal process (*replik-duplik*) between the plaintiff/claimant and the accused/accused. Appeals for retaliation may be made either in writing or orally.²⁰ The explanation of reconvention above is intended to eliminate misunderstandings of the use of the word reconvention in this scientific work. The use of the word reconvention in this paper is not like the

the composition is that the initial plaintiff is a convention plaintiff and directly a reconvention defendant and a reconvention Plaintiff. Look, Achmad Hasan Basri and Rina Suryanti, *Hukum Acara Perdata: Sebuah Pengantar* (Jember: Al-Bidayah, 2023), 47-51.

¹⁷ See Legal rules, Article 132, Number 1, Herzien Inlandsch Reglement (H.I.R.).

¹⁸ Look Santi Fatmala, "Analisis Hukum Islam terhadap Putusan Pengadilan Agama Kalianda Nomor 0264/Pdt.G/2014/PA.Kla tentang Permohonan Cerai Talak Suami dan Gugatan Rekonvensi Istri", *Skripsi-Bachelor Thesis*, Syariah Faculty of Universitas Islam Negeri Raden Intan, Lampung, 2017.

¹⁹ Wahyu Andi Wibowo, "Gugatan Balik (Rekonvensi) sebagai Suatu Acara Penyelesaian Perkara Perdata dalam Peradilan di Pengadilan Negeri Klaten", *Skripsi-Bachelor Thesis*, Faculty of Law, Universitas Muhammadiyah, Surakarta, 2008, 3.

²⁰ Kusbianto and Rina Melati Sitompul, *Bunga Rampai Hukum Acara Perdata* (Medan: Enam Media, 2020), 48-50.

narrow meaning absorbed in the law of the event, but rather to explain that the attitude of the judge of the Religious Court in Lombok that accommodates or considers the three legal systems in dissolving matters of marriage. Those three legal systems are Aboriginal, Islamic, and State law. So, the word reconvention in this writing is more used to look at the litigation activity of the judges' assembly in considering the aspects of customary law, religious (Islamic) law, and the law of the state in dissolving or giving legal status to the case of marriage application and divorce in the marriage of the Sasak community in Lombok.

Juridical Review of Terms Defendant Divorce-*Gugatan* and Divorce-*Talak* in Religious Court Decisions of Indonesian Judiciary

The word divorce is not explicitly found in Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage, as well as in Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning Implementing Regulations of Law Number 1 of 1974 concerning Marriage. However, the legal language used in some of the regulations above is divorce lawsuits. For example, this legal language can be seen in Article (40) point (1) of Law Number 1 of 1974 concerning Marriage, which regulates that "divorce lawsuits are submitted to the court".²¹ The legal language of divorce lawsuits is used in its entirety in the implementing regulations of Law Number 1 of 1974, for example it can be found in article 20 of Government Regulation Number 9 of 1975 which regulates that "Divorce lawsuits are submitted by the husband or wife or their proxies to the Court whose jurisdiction includes the defendant's residence."²² Enactment or Law Number 1 of 1974 does not regulate divorce in detail, but Law Number 1 of 1974 delegates the regulation of divorce to other statutory regulations or below.²³

Through the orders of article (39) point (3) and article (40) point (2) this is the background for the practical rules regarding divorce, and is fully regulated in Government Regulation Number 9 of 1975 concerning implementing regulations of Law of the Republic of Indonesia

²¹ See article 40, Number 1 Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan.

²² See article 20 Number 1 Peraturan Pemerintah Republik Indonesia Nomor 9 tahun 1975 tentang Peraturan Pelaksana Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan.

²³ Delegation of authority is further regulated in article 39 point 3 and article 40 point 2 of Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Article 39 point 3 regulates, "procedures for divorce before a court hearing are regulated in these statutory regulations". Article 40 point 2 regulates, "the procedures for filing a lawsuit in point 1 of this article are regulated in separate statutory regulations".

Number 1 of 1974 on Marriage, and several other statutory regulations under the Law of the Republic of Indonesia Number 1 of 1974 on Marriage. The rules regarding divorce in Government Regulation Number 9 of 1975 concerning implementing regulations of Law of the Republic of Indonesia Number 1 of 1975 regulate in quite large articles, starting from article (14) to article (36), and the legal language used is divorce-lawsuit. Interestingly, in some legal regulations there is no legal language for divorce, but in court decisions the word divorce has become the everyday legal language of state judicial institutions.

If it is not found in the two legal regulations which are the basic rules for marriage in Indonesia, then where can the legal language for divorce been found? One of the legal regulations regarding marriage which is quite similar to using the words divorce in articles regarding divorce is the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law. Explicitly, the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law does not use legal language similar to the words divorce-lawsuit. For husbands who want to divorce their wives or divorce based on the husband's initiative, the Compilation of Islamic Law uses the word *talak*, whereas if the divorce is based on the wife's initiative, the Compilation of Islamic Law uses the word lawsuit-divorce.²⁴ Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law regulates divorce in more detail than other regulations, such as Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage and Government Regulation Number 9 of 1975 concerning implementing regulations of Law of the Republic of Indonesia Number 1 of 1974 Marriage.

From the explanation above, it can be concluded that the legal language of divorce and divorce used by the Religious Courts in deciding divorce cases, could be inspired by the legal language used by the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law, which was published in several articles about divorce. So, is it permissible for the court to prioritize the legal language used in the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law rather than Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage and Government Regulation Number 9 of 1975 concerning implementing regulations of the Republic of Indonesia Law? Indonesia Number 1 of 1974 Marriage as the main regulation of marriage law in Indonesia? starting from article (39) point (3) and article (40) point (2) of Law of the Republic of Indonesia Number 1 of 1974

²⁴ Articles 117-147 Instruksi Presiden Republik Indonesia Nomor 1 tahun 1991 Tentang Kompilasi Hukum Islam.

concerning Marriage,²⁵ which delegates the authority to regulate divorce to the regulations below, one of which is Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law. From the juridical delegation process, it can be concluded that the legal language used by the Compilation of Islamic Law can be used by courts in deciding cases and legal disputes. Note that the legal rules contained in the Compilation of Islamic Law must not conflict with the basic rules of marriage law, namely Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage. Moreover, the main objective of the Compilation of Islamic Law is to serve as a guide for religious judges in examining, adjudicating and deciding civil cases in religious courts. Through a strong legal basis, religious court decisions will have binding power (*Bindende Kracht*), power of evidence (*Bewijzende Kracht*), and power of execution (*Executoriale Kracht*).²⁶

Legal Reconvension in Divorce and Marriage Isbat Cases at the Selong Religious Court, East Lombok, West Nusa Tenggara Province, Indonesia.

The word legal reconvention used in this paper essentially aims to explain the attitude of religious judges who consider customary, religious and state law in adjudicating and deciding cases of divorce and marriage isbat. The parent term of the word legal reconvention can be equated with the word interlegality. The word interlegality itself emerged from Murdan's (the author of this article's) creation of the word interlaw or harmonizing of norm.²⁷ In his research, Murdan saw that the word interlegality was used to explain the phenomenon of unity, integration, or mutual positive impact between one norm and another legal norm in the context of legal plurality.²⁸ Still in the context of legal plurality in Indonesia, before the word legal interlegality was used by Murdan, the word "legal struggle" was first used by Ratno Lukito to explain the phenomenon of legal interaction in Indonesian legal

²⁵ Delegation of authority is further regulated in article 39 point 3 and article 40 point 2 of Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Article 39 point 3 regulates, "procedures for divorce before a court hearing are regulated in these statutory regulations". Article 40 point 2 regulates, "the procedures for filing a lawsuit in point 1 of this article are regulated in separate statutory regulations".

²⁶ Sudirman L, *Hukum Acara Peradilan Agama* (Kota Parepare: IAIN Parepare Nusantara Press, 2021), 118-119.

²⁷ Murdan, "Pluralisme Hukum di Indonesia: *Interlegality* dalam Perkawinan Masyarakat Islam Sasak", *Disertasi-Doctoral Thesis* (Yogyakarta: Universitas Islam Negeri Sunan Kalijaga, 2020), 29.

²⁸ Murdan, "Membaca Perkawinan Masyarakat Islam Sasak dari Perspektif Interlegalitas Hukum", dalam *Al-Aḥwāl*, Vol. 10, No. 2, Desember 2017 M/1439 H, 115-133.

plurality.²⁹ Apart from the words interlegality and legal struggle, the author himself, before using the word interlegality, first uses the word legal harmonization to explain this phenomenon.³⁰

According to the provisions of Indonesian positive law, divorce cases decided by the Selong Religious Court, East Lombok cannot actually be examined, tried and decided by the court, because the marriage between the Plaintiff and the Defendant was not carried out based on state legal procedures. The marriage of the Plaintiff and Defendant on November 5 2011 in Toron hamlet, Kerumut Village, Pringgabaya District, East Lombok Regency was carried out in accordance with Islamic teachings, and was not carried out based on state legal procedures or was not registered at the Pringgabaya Religious Affairs Office.³¹ Seeing that the marriage between the Plaintiff and the Defendant has not yet received recognition or legitimacy from the state, the plaintiff requested two legal materials in the dictum of his lawsuit, first regarding marriage *isbat*, and second regarding divorce.³² Thus, the Selong Religious Court Decision Number 1107/Pdt.G/2017/PA.Sel. In essence, this is not limited to deciding a contested divorce case, but the decision also contains the issue of marriage *isbat*. The marriage *isbat* itself is not recognized in Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage and Government Regulation Number 9 of 1975 concerning implementing regulations of Law of the Republic of Indonesia Number 1 of 1974 on Marriage, but is known in the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning Compilation of Islamic Law, which is regulated in article (7). Article (7) number (2) of the Compilation of Islamic Law regulates that "In the event that the marriage cannot be proven by a Marriage Certificate, the marriage *isbat* can be submitted to the Religious Court."³³

²⁹ Ratno Lukito, *Pergumulan Hukum Islam dan Adat di Indonesia* (Jakarta: INIS, 1998).

³⁰ Murdan, "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia Belakangan", dalam *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50, No. 2, Desember 2016, 505-535.

³¹ See article 2, point 2 Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan.

³² Dictum is also known as Petitem (singular) and Petita (plural). According to Herman and Andry Effendy, the Petitem is the conclusion of a lawsuit which contains details one by one of what the applicant/plaintiff requests/demands to the court to be tried, examined and decided. Or it can also be defined as, the Petitem is the final conclusion of the lawsuit which contains details of the plaintiff's demands against the defendant. For more clarity, read Herman dan Andry Effendy, *Hukum Acara Peradilan Agama* (Praya: FP Aswaja, 2021), 31.

³³ In context of Indonesian statutory marriage law, the marriage laws that can be submitted to the Religious Court are limited to matters that are: with

Article (7) of the Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law is the legal basis for Indonesian Islamic communities who do not register their marriages to submit applications for marriage *isbat* to the Religious Courts. Through this legal effort, they hope that their marriage will gain legitimacy from the state. In the dictum or Petitem for divorce filed by the Plaintiff, the Plaintiff requests the Selong Religious Court to: First, the court grants the Petitem of the Plaintiff's lawsuit. Second, the Court validated the marriage of the Plaintiff and Defendant which took place on November 5 2011. Third, the Court divorced the Plaintiff from the Defendant. In the Selong Religious Court Decision Number 1107/Pdt.G/2017/PA.Sel. fully grant the Plaintiff's request. This shows that the state really cares about its people or society, even though from the beginning of independence the state encouraged all people to register their marriages. It turns out that in reality, there are still many Indonesian people who are very disobedient to the will of the country, even though the country has been independent for more than 70 years.³⁴

Through the judge's accommodative decision as a representation of the state, it shows that the state has been very kind to its people. The state has passed various policies and maximized various outreach programs so that people can register their marriages. However, in reality there are still many people who ignore state regulations. When people who do not comply with the will of the state experience problems with the administration and legitimacy of their marriages, the state immediately tries to be present and comes to solve the problems of those (citizens) who do not comply with state regulations (naughty). This judge's decision shows the progressive nature of judges, so that one form of implementation of progressive law is the Selong Court decision, Number 1107/Pdt.G/2017/PA.Sel.³⁵ Even though new methods of law

regard to: (a) The existence of a marriage in the context of a divorce settlement; (b) Loss of Marriage Certificate; (c) There is doubt about whether or not one of the conditions of marriage is valid; (d) The existence of a marriage that occurred before the enactment of Law No. 1 of 1974 and; (e) Marriages carried out by those who do not have obstacles to marriage according to Law No. 1 of 1974. See article (7) Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam.

³⁴ This marriage registration order has been started since the beginning of the independence of the Republic of Indonesia, this is proven by the emergence of several Legislation, as Undang-Undang Republik Indonesia Nomor 22 Tahun 1946 Tentang Pencatatan Nikah, Talak dan Rujuk, and Undang-Undang Republik Indonesia Nomor 32 Tahun 1954 Tentang Penetapan Berlakunya Undang-Undang Republik Indonesia Nomor 22 Tahun 1946.

³⁵ See M. Zulfa Aulia, "Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi", *Undang: Jurnal Hukum*, Vol. 1 No. 1 (2018): 159-185, DOI: 10.22437/ujh.1.1.159-185.

are offered, such as progressive legal reasoning, the state must still take a firm stance towards its people who do not register their marriages. Either way, the state has tightly closed legal solutions for people who do not comply with the state's administrative provisions in marriage matters. Or, the state could take a stand, revoke or delete the article on marriage *isbat* for those who marry after the ratification of Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage and all its implementing regulations.

There are various juridical consequences and social impacts of the state's lack of firmness regarding the issue of marriage registration, for example, the state is tantamount to destroying the order of contemporary and multicultural society in Indonesia today. For example, it is becoming increasingly difficult to reduce the rate of early marriage, domestic violence, maintaining the quality of education for the nation's children, and so on. Thus, one of the effective steps taken by the state to reduce the rate of early marriage, divorce rate, polygamy rate, rate of domestic violence, and various acts detrimental to the state and citizens is through marriage registration. If the state still provides legal solutions to those who do not want to register their marriage, then the state will destroy the fabric of its own society.³⁶ Today's Indonesian people can no longer be bound by the noble teachings of custom and sacred religious teachings, especially young people who want to get married. This state's indecisiveness has resulted in many problems that have emerged recently, from the continued increase in early marriage,³⁷ the continued increase in the divorce rate,³⁸ the increasing trend of polygamy,³⁹

³⁶ "the existence of law is one thing, its merit or the demerit is another." Read David Lyons, *Ethics and the rule of law* (New York: Cambridge University Press, 1984), 63

³⁷ Maika Dian Agustin dan Riski Apriliani, "Faktor Penyebab Melonjaknya Angka Perkawinan Anak di Kalangan Remaja Selama Pandemi Covid 19", *Sipakalebbi*, Vol. 6, No. 1, 2022, 65-70.

³⁸ Muhammad Sholeh, "Peningkatan Angka Perceraian di Indonesia: Faktor Penyebab *Khulu'* dan Penyebabnya", *Qonuni*, Vol. 01, No. 01, 2021, 29-40. Baca juga, **Syanaa Putri Herla Dita Ayuningtyas, "Penyebab Banyaknya Kasus Perceraian di Indonesia, Karena Apa?"**, *UMM dalam Berita Koran Online*, <https://www.umm.ac.id/id/arsip-koran/radar-sulbar/penyebab-banyaknya-kasus-perceraian-di-indonesia-karena-apa.html>, **uploaded in Rabu, 28 December 2022, read in 17 January 2024.**

³⁹ Admin Pengadilan Agama Bojonegoro Kelas A, "Angka Poligami di Bojonegoro Tercatat Semakin Meningkat", <https://www.pa-bojonegoro.go.id/Angka-Poligami-di-Bojonegoro-Tercatat-Semakin-Meningkat>, **uploaded in 17 November 2022, read in 17 January 2024.**

violence against women and children,⁴⁰ violence between wives and in-laws,⁴¹ violation of norms between in-laws and in-laws,⁴² and so on.

Divorce lawsuit case decided by the Selong Religious Court Number 1107/Pdt.G/2017/PA.Sel. Cases of divorce is a concrete manifestation of the state's indecisiveness in matters of marriage or marriage registration. Until this case was decided, it was recorded in the decision that the Plaintiff had been a widow twice. Of course, the Sasak people who live on the southern island of Lombok see this phenomenon as a serious problem. They did not hesitate to give the Plaintiff social status as an immoral woman. Marriage failure for the Sasak people in the South Lombok region is a huge disgrace. Of course, it is very different from several Sasak communities who live in the East Lombok area where this divorce case occurred.⁴³ Several communities in this region and North Central Lombok, West Lombok and Mataram see widowhood as a social tool that can be profitable in the local political context. Widows often receive higher electability than other candidates, both female legislative candidates and even more so male legislative candidates. This widow status also often appears in various local political narratives, especially in several areas of East Lombok.⁴⁴

The most interesting about this legal case is the social facts behind the court decision. One of the social facts behind the decision that is hidden in this case is that there is a negative impact of early marriage carried out by the Plaintiff. This divorce lawsuit was decided by the Selong court in 2017, in 2017 the plaintiff was 21 years old, and the Plaintiff married the Defendant in 2011, in 2011 the Plaintiff was 15 years

⁴⁰ Humas Kota Bandung, "Tren Kekerasan Terhadap Perempuan dan Anak Meningkat, Jangan Selalu Anggap Negatif", <https://www.bandung.go.id/news/read/8759/tren-kasus-kekerasan-perempuan-dan-anak-meningkat-jangan-selalu-angga>, uploaded in 27 November 2023, and accessed in 17 January 2024.

⁴¹ Imam Sholehudin, "Istri dan Mertua Terlibat Konflik, Suami Harus Bagaimana?", <https://www.jawapos.com/kesehatan/013174/istri-dan-mertua-terlibat-konflik-suami-harus-bagaimana>, uploaded ini 12 November 2016, and accessed in 17 January 2024.

⁴² Bahtiar Rifa'i, "Kisah Viral Menantu-Mertue Selingkuh Berujung Rozy-Rihanah Tersangka", <https://news.detik.com/berita/d-6894449/kisah-viral-menantu-mertua-selingkuh-berujung-rozy-rihanah-tersangka>, uploaded in 24 Agustus 2023, and accessed in 17 January 2024.

⁴³ Masnun, "Hukum Islam dan Dinamika Sosial: Studi Pemikiran Hukum Islam Para Tuan Guru di Pulau Lombok NTB," *Disertation/Doctoral Thases*, Postgraduate Program of Sunan Kalijaga State Islamic University, Yogyakarta, 2011.

⁴⁴ This is the result of the researcher's latest research as Masnun and Elly Suziana's companion in conducting research on "Electability of Female Legislative Candidates in Lombok in 2019". Masnun and Elly's research is research funded by the DPP and PolGov, Gadjah Mada University.

old. This means that in 2011 the Plaintiff should not have met the requirements for marriage because the Plaintiff was not over 16 years old. What is very unfortunate is that, before the Plaintiff married the Defendant, the Plaintiff was a widow. This means that before the age of 14, the Plaintiff was married to a man other than the Defendant. This case is a major impact of the state not daring to take a firm stance on marriage registration. Children never think about the future like adults who think about the fate of their descendants (children), their future marital status, and so on. Therefore, a valuable reflection on this matter is that it is time for the state to take a firm stance in the interests of marriage administration as a means of social control on the one hand,⁴⁵ and on the other hand as a means of maintaining the growth and development of healthy, intelligent, brilliant and productive young generations. 40 (forty) or 30 (thirty) ago, Indonesian society probably did not really need marriage administration, because the environment and culture of society could still bind each other verbally.⁴⁶ In recent years, the culture of modern society which is based on written culture and administrative culture has become very fast, so that, if marriage administration requirements are not fulfilled, it will trigger the emergence of various more complex social problems in society.⁴⁷ One concrete example of this is the divorce case decided by the Selong Religious Court Number 1107/Pdt.G/2017/PA.Sel.

Explore the judge's decision of Selong Religious Court Number 1107/Pdt.G/2017/PA.Sel. Regarding the application for marriage *isbat* and divorce lawsuit or contested divorce, it is very clear that the panel of judges not only considers the legality side, but also the panel of judge tries to look at the issue in an integrative-holistic-comprehensive manner. The judge's efforts to look at the case comprehensively can be seen from the attitude of the panel of judges who ignored or set aside Islamic law and customary law in their decision. However, the judges are very visible in making efforts to accommodate, harmonize, and integrate Sasak Customary, Islamic and State law in their decisions.⁴⁸ This can be seen

⁴⁵ Roscoe Pound was say law as tools of social engineering. Read, Yacob Djasmani, "Hukum Sebagai Alat Rekayasa Sosial dalam Praktik Berhukum di Indonesia", *MMH*, Jilid 40, No. 3 Juli 2011, 365-374.

⁴⁶ Agus Budijarto, "Pengaruh Perubahan Sosial Terhadap Nilai-Nilai yang Terkandung dalam Pancasila", *Jurnal Kajian Lemhannas RI*, Edisi 34, Juni 2018, 5-21.

⁴⁷ Masnun and Murdan, *Filsafat Hukum Keluarga Islam* (Mataram: Sanabil, 2019), 234.

⁴⁸ The judge's legal reasoning in the court decision is similar to Pound's legal reasoning era. For the Scholars of the Pound era, they ended the long debate with the assertion that the most fundamental foundation of law was ethics. Ethics is a source of basic principles in the exercise of social control, including the legal regulations that operate to carry out social control. See Roscoe Pound, *An*

from the granting of the marriage *isbat* request. If the panel of judges only considered the legal aspect, of course the request for marriage *isbat* would not be granted. The legal consequence is that the application for divorce is automatically immediately rejected, because the marriage between the Plaintiff and the Defendant was not carried out based on state legal procedures, but only used the provisions of Islamic law. The wisdom of the panel of judges is what encourages the application for marriage *isbat* and divorce initiated by the wife to be granted by the court. Selong Religious Court judge's decision Number 1107/Pdt.G/2017/PA.Sel. on applications for *isbat* marriage and divorce, this shows that in the case of legal pluralism, one norm and legal system will not always dominate other norms and legal systems. Rather, one legal system can mutually reconcile with other legal norms through a dialogical interactionist process, which will produce or lead to legal interlegality.

Conclusion

As the closing statement of this scientific article, it may be very relevant to give a slight note of a pioneer and early 20th century legal thinker named Roscoe Pound, who was a professor of law at Harvard Law School. Pound affirms that positive laws approved by rulers throughout history always have foundations. For example, in the ancient Greek and Roman times, scholars argued whether the rule of law would be constructed from the right by nature or the enactment and convention. For the Scholars of the Pound era, they ended the long debate with the assertion that the most fundamental foundation of law was ethics. Ethics is a source of basic principles in the exercise of social control, including the legal regulations that operate to carry out social control.⁴⁹

The important record of the Pound in the early 20th century BC appears to have been revived at the beginning of the 21st century through the judgment of the Religious Court of Selong No. 1107/Pdt.G/2017/PA.Sel. The decision or verdict of the Court publishes that the judge is not merely an administrator of a court embroiled by a sense of legal positivism with a veil of legal certainty. This is demonstrated by the attitude of the judges who tried the case of divorce and marriage with case No. 1107/Pdt.G/2017/PA.Sel. Reading the judgment of this court will remind the law scholars of the progressive law advocated by the legal scientist in Indonesia Satjipto Rahadjo which was later popularized by Mahfud MD. The judges that examined, tried, and decided on this matter not only considered the aspects of the law of the

Introduction to Philosophy of Law (New Haven: The Yale University Press, 1922), 15-20.

⁴⁹ Roscoe Pound, *An Introduction to Philosophy of Law* (New Haven: The Yale University Press, 1922), 15-20.

whole State, but they also considered the aspect of religious law and customary law of Sasak. First, the matters decided by this court are marriage and the marriage is not registered or carried out under the law of the State. That is, if the judge only considers the legal aspects of the state, then the court will automatically turn to examine and judge this divorce case. Second, since the judges do not have the authority under the laws of the States to investigate and trial this matter, the petition subsequently asks for a marriage order to the court. Thirdly, the judge accepts the request for marriage, and also the petitioner's claim for divorce with the plaintiff.

The fact that the Court synergizes, collaborates, and integrates between State law, religion, and custom in a single court ruling is what is imposed as a reconvention of law in this writing. In addition, it is also seen in this case the merger of two legal matters, on the one hand the divorce and on the other there are matters of marriage. These two legal matters are merged into one thing, this is also very closely related to the reconvention of the law. The strong currents and times of legal positivism have shaken the dynamics of law in the last few decades, then triggered a sharp criticism of the law itself, and that shaking has directly blown the ideas of progressive law, critical legal studies, to socio-legal studies. With the appearance of this judgment, it seems to give a factual signal that the shell of progressive law, and so on it has managed to enter the courts and other legal institutions in the homeland. Standardization: (1) contains one paragraph that answers the purpose of writing and/or commenting on its findings; (2) may provide recommendations and/or new implications/perspectives; (3) there are no new references and comments other than those under discussion; (4) make conclusions should be without containing laws and regulations. (11 pt)

Bibliography

- Admin Pengadilan Agama Bojonegoro Kelas A. "Angka Poligami di Bojonegoro Tercatat Semakin Meningkat." PABojonegoronews. Uploaded 17 November 2022, accessed 17 January 2024. <https://www.pa-bojonegoro.go.id/Angka-Poligami-di-Bojonegoro-Tercatat-Semakin-Meningkat>,
- Agustin, Maika Dian and Apriliani Riski. "Faktor Penyebab Melonjaknya Angka Perkawinan Anak di Kalangan Remaja Selama Pandemi Covid 19." *Sipakalebby*, Vol. 6, No. 1, 2022, 65-70.
- Aulia, M. Zulfa. "Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi." *Undang: Jurnal Hukum*, Vol. 1, No. 1, 2018, 159-185. DOI: 10.22437/ujh.1.1.159-185.

- Ayuningtyas, Syanaa Putri Herla Dita. "Penyebab Banyaknya Kasus Percerian di Indonesia, Karena Apa?." UMM Berita Koran Online. Uploaded 28 December 2022, accessed 17 January 2024. <https://www.umm.ac.id/id/arsip-koran/radar-sulbar/penyebab-banyaknya-kasus-perceraian-di-indonesia-karena-apa.html>,
- Badan Pusat Statistik. "Mengulik Data Suku di Indonesia." BPS-Statistics Indonesia <https://www.bps.go.id/id/news/2015/11/18/127/mengulik-data-suku-di-indonesia.html>, accessed 20 December 2023.
- Basri, Achmad Hasan and Rina Suryanti. Hukum Acara Perdata: Sebuah Pengantar. Jember: Al-Bidayah, 2023.
- Bowen, John R. Islam, law and equality in Indonesia: An Anthropology of Public Reasoning. Cambridge: Cambridge University Press, 2006.
- Budijarto, Agus. "Pengaruh Perubahan Sosial Terhadap Nilai-Nilai yang Terkandung dalam Pancasila." Jurnal Kajian Lemhannas RI, Ed. 34, June, 2018, 5-21.
- Ciputra, William. "10 Suku dengan Populasi Terbanyak di Indonesia, Minangkabau dan Batak Masuk Daftar." Kompas.com. uploaded 05 January 2022, accessed 20 December 2023. <https://regional.kompas.com/read/2022/01/05/212041478/10-suku-dengan-populasi-terbanyak-di-indonesia-minangkabau-dan-batak-masuk?page=all>,
- Djasmani, H. Yacob. "Hukum Sebagai Alat Rekayasa Sosial dalam Praktik Berhukum di Indonesia." MMH, 40, No. 3 July, 2011, 365-374.
- Fatmala, Santi. "Analisis Hukum Islam terhadap Putusan Pengadilan Agama Kalianda Nomor 0264/Pdt.G/2014/PA.Kla tentang Permohonan Cerai Talak Suami dan Gugatan Rekonvensi Istri." Skripsi. Fakultas Syariah Universitas Islam Negeri Raden Intan, Lampung, 2017.
- Harahap, M. Yahya. Hukum Acara Perdata. Jakarta: Sinar Grafika, 2017.

- Herman and Effendy Andry. *Hukum Acara Peradilan Agama*. Praya: FP Aswaja, 2021.
- Herzien Inlandsch Reglement (H.I.R).
- Humas Kota Bandung. "Tren Kekerasan Terhadap Perempuan dan Anak Meningkatkan, Jangan Selalu Anggap Negatif." *Bandungnews*. uploaded 27 November 2023, accessed 17 January 2024. <https://www.bandung.go.id/news/read/8759/tren-kasus-kekerasan-perempuan-dan-anak-meningkat-jangan-selalu-angga>.
- Instruksi Presiden Republik Indonesia Nomor 1 tahun 1991 tentang Kompilasi Hukum Islam.
- Kusbianto, Sitompul and Rina Melati. *Bunga Rampai Hukum Acara Perdata*. Medan: Enam Media, 2020.
- L., Sudirman. *Hukum Acara Peradilan Agama*, Kota Parepare: IAIN Parepare Nusantara Press, 2021.
- Leon, Yosep. "Mahfud MD Bangga Ikut Menyaksikan Dhaup Ageng Kadipaten Pakualaman." *Harianjogja.com*, uploaded 10 January 2024, accessed 14 January 2024.
- Lukito, Ratno. *Interpersonal Law in Modern Indonesia: Trapped Between Pluralism and Uniformism*. Yogyakarta: Center for the Study of Law and Social Change (CLSC), 2007.
- Lukito, Ratno. *Pergumulan Hukum Islam dan Adat di Indonesia*. Jakarta: INIS, 1998.
- Lukito, Ratno. *Polemik Agama, Hukum dan Negara*. Yogyakarta: Belukar, 2005.
- Lukito, Ratno. *Tradisi Hukum Indonesia*. Yogyakarta: Teras, 2008.
- Lyons, David. *Ethics and the rule of law*. New York: Cambridge University Press, 1984.
- Masnun and Murdan. *Filsafat Hukum Keluarga Islam*. Mataram: Sanabil, 2019.
- Masnun. "Hukum Islam dan Dinamika Sosial: Studi Pemikiran Hukum Islam Para Tuan Guru DI Pulau Lombok NTB." *Disertation/Doctoral Thases*. Postgraduate Program of Sunan Kalijaga State Islamic University, Yogyakarta, 2011.

- Murdan. "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia Belakangan." *Asy-Syir'ah: Jurnal Ilmu Syariah dan Hukum*, Vol. 50, No. 2, December, 2016, 506-535.
- Murdan. "Membaca Perkawinan Masyarakat Islam Sasak dari Perspektif Interlegalitas Hukum." *Al-Aḥwāl*, Vol. 10, No. 2, December, 2017 M-1439 H, 115-133.
- Murdan. "Pluralisme Hukum di Indonesia: Interlegality dalam Perkawinan Masyarakat Islam Sasak." *Disertation/Doctoral Thases, Postgraduate Program of Sunan Kalijaga State Islamic University, Yogyakarta, 2020.*
- Pound, Roscoe. *An Introduction to Philosophy of Law*. New Haven: The Yale University Press, 1922.
- Pusat Data dan Statistik Pendidikan dan Kebudayaan Kementerian (PDSPK) Kementerian Pendidikan dan Kebudayaan Republik Indonesia. *Analisis Kearifan Lokal Ditinjau dari Keragaman Budaya*. Jakarta: PDSPK Kemdigbud RI, 2016.
- Putusan Pengadilan Agama Selong Nomor 1107/Pdt.G/2017/PA.Sel. tentang Cerai Gugat.
- Rifa'i Bahtiar. "Kisah Viral Menantu-Mertua Selingkuh Berujung Rozy-Rihanah Tersangka." *Detiknews*. Uploaded 24 August 2023, accessed 17 January 2024. <https://news.detik.com/berita/d-6894449/kisah-viral-menantu-mertua-selingkuh-berujung-rozy-rihanah-tersangka>,
- Safira, Marta Eri. *Hukum Acara Perdata*. Ponorogo: CV. Nata Karya, 2017.
- Sholeh, Muhammad. "Peningkatan Angka Perceraian di Indonesia: Faktor Penyebab Khulu' dan Penyebabnya." *Qonuni*, Vol. 01, No. 01, 2021, 29-40.
- Sholehudin, Imam. "Istri dan Mertua Terlibat Konflik, Suami Harus Bagaimana?." Uploaded 12 November 2016, accessed 17 Januari 2024. <https://www.jawapos.com/kesehatan/013174/istri-dan-mertua-terlibat-konflik-suami-harus-bagaimana>,
- Tamanaha, Brian Z. *A General Jurisprudence of Law and Society*. New York: Oxford University Press, 2001.

Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan

Undang-Undang Republik Indonesia Nomor 22 Tahun 1946 tentang Pencatatan Nikah, Talak dan Rujuk.

Undang-Undang Republik Indonesia Nomor 32 Tahun 1954 tentang Penetapan Berlakunya Undang-Undang Republik Indonesia Nomor 22 Tahun 1946.

Wibowo, Wahyu Andi. "Gugatan Balik (Rekonvensi) sebagai Suatu Acara Penyelesaian Perkara Perdata dalam Peradilan di Pengadilan Negeri Klaten." Skripsi. Surakarta: Universitas Muhammadiyah, 2008.

Yulia. Hukum Acara Perdata. Lhokseumawe: Unimal Press, 2018.