

Discursive Contestations Between Adat and Islam: Reinterpreting the Living Law of Intra-Clan Marriage in Minangkabau

Dody Sulistio*, Moh Soehadha**, Muhammad Nurul Mubin**,
Ahmad Mundzir***, Muhammad Mustajab****

*Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia

** Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia

***Universitas Islam Negeri Walisongo Semarang, Indonesia

****Universitas Islam Negeri Raden Fatah Palembang, Indonesia

Email: dody@uinjambi.ac.id

ABSTRACT

This study examines the prohibition of *kawin sesuku* (intra-clan marriage) in Minangkabau society as a manifestation of living Islamic law shaped through symbolic contestation between adat (custom) and Islam. Using a socio-legal framework that integrates Critical Discourse Analysis (CDA) and Bourdieu's field theory, the research analyzes three speeches from the 1980 Silit Air Panel Discussion to examine how normative authority is discursively negotiated. The findings reveal three interpretive configurations: heterodoxy (Dt. Nan Sati), orthodoxy (Dt. Tanaro), and compromise (Dt. Pamuncak), each mobilizing distinct forms of symbolic capital to sustain, challenge, or reformulate customary legitimacy. Law appears not as a fixed doctrinal text but as a social field where meaning and authority are continually reconstructed. The analysis shows how Islamic legal ideas, such as the objectives of Islamic law and legitimate customary practice, are selectively invoked to justify competing claims of moral order. The study contributes to understanding Islamic law as a living and negotiated system in which doctrinal reasoning interacts with socio-cultural practice. However, the reliance on archival speeches and elite discourse limits engagement with everyday legal experiences. Future ethnographic and comparative research is needed to explore how ordinary Muslims reinterpret and contest customary and religious norms in their lived legal consciousness.

[Penelitian ini mengkaji larangan kawin sesuku dalam masyarakat Minangkabau sebagai manifestasi *living Islamic law* yang terbentuk melalui kontestasi simbolik antara adat dan Islam. Dengan menggunakan kerangka socio-legal yang mengintegrasikan *Critical Discourse Analysis* (CDA) dan teori medan Pierre Bourdieu, penelitian ini menganalisis tiga pidato dalam Silit Air Panel Discussion tahun 1980 untuk menelaah bagaimana normative authority dinegosiasikan secara diskursif. Temuan penelitian menunjukkan tiga konfigurasi penafsiran, yaitu *heterodoxy* (Dt. Nan Sati), *orthodoxy* (Dt. Tanaro), dan *compromise* (Dt. Pamuncak), yang masing-masing memobilisasi bentuk *symbolic capital* yang berbeda untuk mempertahankan, menantang, atau merumuskan kembali legitimasi adat. Hukum dalam konteks ini tidak tampil sebagai teks doktrinal yang tetap, melainkan sebagai social field tempat makna dan otoritas terus direkonstruksi. Analisis menunjukkan bahwa gagasan hukum Islam seperti tujuan hukum Islam dan praktik adat yang sah dimobilisasi secara selektif untuk membenarkan klaim yang saling bersaing mengenai tatanan moral. Penelitian ini berkontribusi pada pemahaman hukum Islam sebagai sistem yang hidup dan dinegosiasikan, di mana penalaran doktrinal berinteraksi dengan

praktik sosial budaya. Namun, ketergantungan pada arsip pidato dan wacana elit membatasi keterlibatan penelitian ini dengan pengalaman hukum sehari-hari. Penelitian etnografis dan komparatif di masa depan diperlukan untuk menelaah bagaimana umat Islam biasa menafsirkan dan menegosiasikan norma adat dan agama dalam kesadaran hukum mereka sehari-hari.]

KEYWORDS

Adat and Islam, discursive legitimacy, kawin sesuku, living law, symbolic capital

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A. Introduction

The prohibition of *kawin sesuku* (intra-clan marriage) in Minangkabau society represents more than a surviving cultural relic; it manifests as a living Islamic law that continues to regulate social and moral life within a matrilineal kinship system. In this social structure, exogamy based on the maternal clan is not merely a customary norm but a social mechanism that defines boundaries of kinship and collective identity. While the Indonesian state legally recognizes only religious law as the formal basis for marriage validity (Law No. 1/1974, Article 2),¹ the Minangkabau community sustains this prohibition as part of its moral governance and communal order.² The endurance of this practice, even outside codified frameworks, illustrates how law in Muslim societies often resides not in legal texts but in lived norms, ritual obligations, and social expectations that bind community life.³

¹ Republic of Indonesia, "Law Number 1 of 1974 on Marriage," *State Gazette of the Republic of Indonesia*, 1974.

² Arifah Millati Agustina, "Protecting Women's Rights in Exogamous Society: Mahram in Minangkabau Customs," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 2 (December 2024): 205–20..

³ D Fakhyadi and M A Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar," *El-Mashlahah* 14, no. 1 (2024): 1–19; A Ibrahim, H Sulfinadia, and J P Roszi, "The Resilience of

The frequently invoked aphorism *adat basandi syarak, syarak basandi Kitabullah* (custom is founded on Islamic law, and Islamic law is founded on the Qur'an) has long been celebrated as a statement of harmony between *adat* and Islam. Yet beneath its conciliatory tone lies a complex interplay of authority, interpretation, and power that is not always balanced. The synthesis between *adat* and Islam emerged through selective historical processes in which customary and religious elites acted as arbiters of legitimacy and interpreters of divine order.⁴ Seen through this lens, *adat* becomes neither a neutral repository of local wisdom nor a passive expression of religion; it is a symbolic field where law, belief, and power continuously intersect. Critical Discourse Analysis (CDA) provides an analytical framework for examining how dominant narratives surrounding *adat* and *syarak* are constructed, reproduced, and naturalized through language and social practice. CDA focuses on discursive strategies, legitimation patterns, and ideological framing through which meanings and normative claims are organized at the textual level.⁵ This study does not treat Bourdieu's theory as a branch of CDA but employs it as a complementary sociological perspective. Through the concepts of field and symbolic power, discursive practices are interpreted as struggles over symbolic capital and legitimacy within a structured social arena.⁶

The historical experience of Nagari Sulit Air illustrates these tensions vividly. Since the early twentieth century, reformist figures such as Zainal Abidin Ahmad began to challenge established norms, including the *kawin sesuku* prohibition, which he viewed as inconsistent with Islamic notions of justice and modernity.⁷ The controversy reached a turning point in 1972, when the *Kerapatan Adat Nagari* (traditional council) of Sulit Air issued a decree permitting *kawin sesuku* for migrants, provided that the spouses belonged to different *datuk* lineages. The

Ungku Kali Practices as Marriage Guardian in Kurai Taji, Padang Pariaman Regency Masalah Perspective," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 55–71.

⁴ Christine E Dobin, *Islamic Revivalism in a Changing Peasant Economy: Central Sumatra, 1784–1847* (London & Malmö: Curzon Press, 1983); Ramayulis, "Traktat Marapalam 'Adat Basandi Syara'–Syara' Basandi Kitabullah' (Diktum Karamat Konsensus Pemuka Adat Dengan Pemuka Agama Dalam Memadukan Adat Dan Islam Di Minangkabau – Sumatera Barat)," *Teologia* 5, no. 1 (2011): 45–61; Zulfan Taufik and Muhammad Taufik, "Nagari Madani: Islamic Favoritism and Religious Freedom in Regional Development in West Sumatera, Indonesia," *Ulumuna* 27, no. 2 (December 2023): 692–714; M N A Muhajir, A S Assad, and N T Taudiyah, "Harmonizing Islamic Law and Local Culture: A Study of The Mampatangpulo Tradition in Duri, Enrekang Regency," *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 67–78.

⁵ Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (Abingdon, Oxon; New York, NY: Routledge, 2013); Norman Fairclough, Jane Mulderriig, and Ruth Wodak, "Critical Discourse Analysis," in *Discourse Studies: A Multidisciplinary Introduction*, ed. Teun A van Dijk (London: SAGE, 2011), 357–78; Ruth Wodak and Michael Meyer, *Methods of Critical Discourse Analysis*, 2nd ed. (London: SAGE Publications, 2009).

⁶ David Swartz, *Culture and Power: The Sociology of Pierre Bourdieu* (Chicago: University of Chicago Press, 1997); Pierre Bourdieu, *Language and Symbolic Power (Le Langage et Le Pouvoir Symbolique)*, ed. Gino Raymond and Matthew Adamson (Cambridge, MA: Harvard University Press, 1991).

⁷ Addiarrahman, *Sulit Air Dalam Lintas Sejarah* (Padang: Bersama Institute, 2003); A Saiin et al., "The Domination of Islamic Law in Customary Matrimonial Ceremonies: Islamic Values within the Malay Marriage Tradition in Kepulauan Riau," *Al-Ahwal* 16, no. 2 (2023): 320–41.

decision provoked contrasting responses, some praising its adaptive reasoning, others condemning its departure from ancestral ethics. These reactions reveal that *adat* norms are not static; they evolve through the friction between social endurance and interpretive innovation.⁸ Such moments expose law as a living process of negotiation, where moral order is continually reconstructed within shifting social horizons.

The Sulit Air Panel Discussion of 1980 later became a symbolic stage for these ideological debates. Three leading *adat* figures, Dt. Nan Sati, Dt. Tanaro, and Dt. Pamuncak, advanced divergent visions of legitimacy. One invoked the authority of *wahyu* (divine revelation) to question the validity of the prohibition, another defended the *doxa* or taken-for-granted truths of *adat* through genealogical and ethical reasoning (*raso jo pareso*), while a third proposed a reformist compromise through the multiplication of *suku* (clans).

This study draws upon Critical Discourse Analysis (CDA), particularly in the tradition developed by Fairclough and van Dijk, which conceptualizes discourse as a social practice embedded in relations of power and ideology⁹ Within this perspective, language does not merely reflect social reality but actively constructs and legitimizes particular visions of social order. Discursive strategies such as authorization, moral evaluation, rationalization, and naturalization function as mechanisms through which actors justify norms and stabilize social hierarchies.¹⁰ By examining how religious and customary references are articulated within public speeches, CDA enables an analysis of how claims to legitimacy are linguistically produced, circulated, and contested.

Methodologically, the analysis follows Fairclough's three dimensional model, which integrates textual analysis, discursive practice, and social practice.¹¹ At the textual level, the study identifies strategies of legitimation as formulated by van Leeuwen, including authorization through appeals to religious revelation or ancestral authority, moral evaluation through references to communal ethical values such as *raso jo pareso*, and rationalization through arguments related to social protection or genealogical reasoning.¹² At the level of discursive practice, the analysis focuses on processes of recontextualization, particularly how Islamic

⁸ Zulkifli Zulkifli et al., "Revitalizing 'Urf in State Legal Development: The Case of Minangkabau Marriage Traditions," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 2024): 841–62.

⁹ Teun A van Dijk, *Ideology: A Multidisciplinary Approach* (London: Sage, 1998); Fairclough, *Critical Discourse Analysis: The Critical Study of Language*.

¹⁰ Theo van Leeuwen, "Legitimation in Discourse and Communication," *Discourse & Communication* 1, no. 1 (2007): 91–112.

¹¹ Fairclough, *Critical Discourse Analysis: The Critical Study of Language*.

¹² van Leeuwen, "Legitimation in Discourse and Communication."

concepts and adat principles are selectively mobilized and reinterpreted in public discourse.

To situate these discursive processes within a broader socio legal structure, the study draws on Bourdieu's theory of the juridical field. In this perspective, law constitutes a structured social arena in which actors compete for the monopoly of legitimate interpretation of norms.¹³ Legal authority therefore does not derive solely from formal codification, but from the socially recognized capacity to define and impose valid interpretations of legal and moral principles.¹⁴ Through this lens, the Sulit Air debate can be understood not merely as a theological disagreement but as a contest within a localized juridical field over the authority to define legitimate marriage norms.

Read through the combined yet analytically differentiated lenses of CDA and Bourdieu's field theory, these speeches reveal how social actors mobilize religious and cultural capital to define what counts as legitimate within the moral economy of marriage. CDA enables a close examination of the discursive strategies through which legitimacy is articulated and naturalized in language, while Bourdieu's framework situates these discursive practices within a structured social field where actors compete for symbolic capital and recognition. Law thus emerges not merely as a textual norm but as a relational and performative practice continuously redefined through struggles over symbolic authority and juridical legitimacy.¹⁵

Previous studies have often approached the *kawin sesuku* prohibition primarily through normative Islamic legal frameworks, particularly the concepts of *maqāṣid al-sharī'ah* and *ʿurf ṣaḥīḥ*. Within this perspective, the prohibition is generally understood as a mechanism for protecting lineage and maintaining moral order. For example, Akmal (2025) interprets the rule as serving the protection of genealogy and social harmony. However, such interpretations rarely question how claims about *maṣlaḥa* are socially constructed and how authority to dSimilarly, Rahmi and Henny (2020) emphasize the historical continuity of the prohibition as evidence of its legitimacy, yet the question of who possesses the authority to define

¹³ Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *Hastings Law Journal* 38 (1987): 805–53.

¹⁴ Mikael Rask Madsen and Salvatore Caserta, "International Judicial Habitus: Pierre Bourdieu and the Cognitive Turn," in *International Legal Theory and the Cognitive Turn* (Oxford University Press, 2025).

¹⁵ Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977); John F Myles, "Interrogating Bourdieu on Language: Critical Discourse Analysis, Postmodernism and Ethnomethodology," in *Bourdieu, Language and the Media* (London: Palgrave Macmillan, 2010), 32–52; R Ismail and H A R Asso, "Traditions of Jayawijaya Muslim Society: Some Perspectives from Islam and Customs," *Millah: Journal of Religious Studies* 23, no. 2 (2024): 991–1020.

the moral value of tradition remains largely unexamined.¹⁶ When these assumptions are taken for granted, legal justifications may appear neutral while in fact reflecting underlying relations of authority and symbolic power.¹⁷

A similar tendency can be observed in the works of Fakhyadi and Samsudin (2024) as well as Sopyan and Suryani (2020), both of which describe the prohibition of *kawin sesuku* as a persistent form of *urf* compatible with Islamic ethical principles. While these studies contribute important insights into the normative foundations of the rule, they pay limited attention to the experiences of those who challenge or transgress the prohibition and subsequently face social sanctions or exclusion.¹⁸ In this context, the discourse surrounding adat law may also function as a means of legitimizing particular social arrangements and reinforcing existing hierarchies. Discursive processes such as authorization through appeals to religion or tradition, moral evaluation of proper conduct, and rationalization of social order play a central role in stabilizing these norms.¹⁹ Seen in this light, legal and religious arguments about the prohibition are not simply reflections of doctrine but part of ongoing struggles over legitimacy, authority, and symbolic power within the community.²⁰

Against this backdrop, the present study integrates socio-legal inquiry with CDA to interpret the *kawin sesuku* prohibition as a product of symbolic contestation. It resists the binary assumption that *adat* and Islam operate in perfect harmony, instead approaching them as dynamic and intersecting arenas of meaning where orthodoxy and heterodoxy engage in continuous negotiation. Drawing upon Bourdieu's field theory, figures such as *ninik mamak* (customary elders), *ulama* (religious scholars), *perantau* (migrants), and state officials are examined as agents who mobilize symbolic capital to preserve, challenge, or rearticulate customary orthodoxy.²¹ Within this framework, law is conceived not as a fixed doctrinal system but as a living process of social interaction where interpretation, legitimacy, and authority remain open to contestation.

¹⁶ Nailur Rahmi and Rinta Okta Henny, "Sanksi Adat Tentang Larangan Perkawinan Terhadap Orang Sesuku Dengan Pelaku Zina," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (2020): 329–42.

¹⁷ Z Zubir and K Bustamam-Ahmad, "The Dialectics of Islam and Custom in the Kenduri La'ot Tradition of the Coastal Muslim Community of East Aceh," *Jurnal Ilmiah Peuradeun* 10, no. 3 (2022): 905–28; R Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 239–54.

¹⁸ D Setiyawan et al., "Exploring Abhakalan Culture (Early Marriage) in Madura: A Dialogue of Customary Law, Religion, and The State," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 345–64; H Jubba et al., "Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqās'id Syarī'ah," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (2024): 305–30.

¹⁹ van Leeuwen, "Legitimation in Discourse and Communication."

²⁰ Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field."

²¹ Swartz, *Culture and Power: The Sociology of Pierre Bourdieu*.

Accordingly, this study seeks to analyze the *kawin sesuku* prohibition as a manifestation of living Islamic law constructed through symbolic practice and social negotiation within Minangkabau society. By tracing the discursive dynamics of the 1980 Silit Air Panel Discussion, the research demonstrates that the meaning of the prohibition is plural, evolving through layers of social debate and interpretive contest. The analysis highlights how actors mobilize symbolic capital to defend, challenge, or reformulate the legitimacy of adat, while Islamic legal concepts are selectively invoked as discursive resources to authorize competing claims about moral order and social norms.

Methodologically, this study adopts a qualitative socio-legal research design based on archival document analysis. The primary data corpus comprises three official speeches delivered at the 1980 Silit Air Panel Discussion, preserved in the Nagari Research Committee archive. These speeches were selected as the main corpus because they represent authoritative public statements produced within a formal deliberative forum involving customary elites, religious scholars, and community leaders. As such, the texts constitute historically situated discursive artifacts that capture competing interpretations regarding the prohibition of *kawin sesuku*. Secondary data were obtained from academic books and peer-reviewed journal articles that discuss Minangkabau adat, Islamic law, socio-legal theory, and discourse analysis, which function as contextual and theoretical references for interpreting the primary corpus.

Data were collected through systematic archival retrieval and document selection based on their relevance to debates on the *kawin sesuku* prohibition. The selected speeches were transcribed and organized as analytical units for qualitative examination. The analysis applies Critical Discourse Analysis, using Fairclough's three-dimensional framework, to examine textual features, discursive practices, and socio-socio contexts. Discursive strategies such as legitimation, authorization, and moral evaluation were identified and interpreted using Bourdieu's concepts of field and symbolic capital. The validity of interpretation was strengthened through contextual triangulation with relevant academic literature and consistent application of the analytical framework across the entire corpus.²² This methodological integration contributes a reflective analytical perspective by demonstrating how adat and Islamic legal reasoning are discursively negotiated in shaping the living practice of the *kawin sesuku* prohibition.

²² Titus Hjelm, "Discourse Analysis," in *The Routledge Handbook of Research Methods in the Study of Religion*, ed. Steven Engler (Routledge, 2022), 229–44.

B. Integration of Socio-Legal, Critical Discourse Analysis, and Habitus

Recent developments in socio-legal inquiry reveal a fundamental shift from viewing law as a static normative order to understanding it as a socially embedded practice shaped by language, culture, and power relations.²³ Within this framework, Minangkabau customary law cannot be reduced to a set of written norms; rather, it emerges as a living discourse continuously reproduced through symbolic actions and moral negotiations. The prohibition of *kawin sesuku* emerges not as an inherited tradition but as a site where religion, custom, and state authority intersect in the struggle for legitimacy.²⁴ Law here is not a detached system of rules but a moral language that guides collective life, often performed and reiterated through speech, ritual, and emotion. To understand this dynamic, one must move beyond codified texts and observe how meaning is enacted, contested, and stabilized within the rhythms of daily social interaction.

The socio-legal perspective invites a rethinking of living law as a symbolic practice rather than a doctrinal principle. What appears as obedience to custom is in fact the outcome of continuous negotiations among actors who possess different forms of authority and moral persuasion. Through narrative and oratory, the community reaffirms what counts as proper, sacred, and socially acceptable. In the debate over *kawin sesuku*, language becomes the medium through which symbolic power is exercised, naturalizing certain interpretations while marginalizing others.²⁵ The endurance of the prohibition reflects not the immobility of tradition but the community's capacity to reinvent consensus under the appearance of continuity.

Pierre Bourdieu's framework of field, habitus, and capital illuminates this process by showing how every social space is organized by struggles over legitimacy. Each actor mobilizes specific symbolic resources such as ancestral titles, interpretive authority, and religious knowledge to assert their vision of order.²⁶ Dt. Nan Sati, for example, draws upon religious and intellectual capital to challenge the prevailing doxa,²⁷ while Dt. Tanaro reinforces collective morality through the idiom of *raso jo*

²³ Gavin Sullivan, "Law, Technology, and Data-Driven Security: Infra-Legalities as Method Assemblage," *Journal of Law and Society* 49 (2022): S31–50; Joanne Conaghan, "Legal Research and the Public Good: The Current Landscape," *Legal Studies* 43, no. 4 (2023): 569–82; Miikka Hiltunen, "Exploring the Legal Making of the European Digital Economy," *European Law Open* 3, no. 3 (2024): 633–54; Jess Mant, "Working Politically: Combining Socio-Legal Tools to Study Experiences of Law," *German Law Journal* 21, no. 7 (2020): 1464–80.

²⁴ Fakhyadi and Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar"; Zulkifli et al., "Revitalizing 'Urf in State Legal Development: The Case of Minangkabau Marriage Traditions."

²⁵ Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Polity Press, 1991).

²⁶ Bourdieu, *Outline of a Theory of Practice*; Bourdieu, *Language and Symbolic Power*.

²⁷ Pierre Bourdieu, "The Forms of Capital," in *Handbook of Theory and Research for The Sociology of Education*, ed. Jhon G. Richardson (Greenwood Press, 2008), 241–58.

pareso. Meanwhile, Dt. Pamuncak occupies an intermediary position, articulating reform as an internal evolution of custom rather than as rupture. These contestations are not merely personal differences but expressions of deeper structural competition within the symbolic field of Minangkabau society. Through such engagements, law manifests as a living conversation sustained by multiple claims to moral truth.

Language in this context functions not merely as representation but as the substance of social life itself. Words carry the weight of heritage and aspiration, allowing speakers to reshape the boundaries between religion and culture. When elders speak in public deliberations, their utterances are not only interpretive but performative, producing the moral atmosphere that sustains collective identity. Law thus becomes a communicative act through which the community defines its own sense of harmony, justice, and propriety. Emotional resonance, metaphor, and collective memory intertwine to transform abstract norms into lived ethics. Through this process, the legal and the cultural become inseparable dimensions of social reproduction.

Integrating discourse analysis with Bourdieu's sociology of symbolic power deepens the understanding of how law is lived and felt. Language becomes the arena where social hierarchies are both reproduced and questioned, as Myles (2010) observes. In Minangkabau discourse, concepts such as *budi halus*, *patuik*, and *raso jo pareso* operate as moral instruments that discipline conduct while simultaneously legitimizing authority. Yet, their reinterpretation by reformist voices also opens new moral horizons within tradition. The interaction between orthodoxy and heterodoxy reveals that custom is not a frozen inheritance but a dynamic field where belief, reasoning, and affection converge.²⁸

Studies from other Indonesian regions further support this insight. Zubir and Bustamam-Ahmad (2022) in Aceh, Ismail and Asso (2024) in Papua, and Bukido et al. (2022) in Sulawesi show that the interplay between Islamic values and local customs is always dialogical, shaped by negotiation rather than opposition. Law in such settings operates through symbolic exchange rather than formal coercion. It is both constraint and creativity, a living practice that adapts to social change while preserving the emotional fabric of community life.²⁹ The Minangkabau case, in this sense, demonstrates how legality, morality, and belonging are woven together

²⁸ Bourdieu.

²⁹ Zubir and Bustamam-Ahmad, "The Dialectics of Islam and Custom in the Kenduri La'ot Tradition of the Coastal Muslim Community of East Aceh"; Ismail and Asso, "Traditions of Jayawijaya Muslim Society: Some Perspectives from Islam and Customs"; Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi."

through discourse, allowing the law to live not in statutes but in shared acts of remembrance, speech, and ethical reflection.

C. Discursive Contestation in the 1980 Sulit Air Panel Discussion Forum

The Sulit Air Panel Discussion held in January 1980 marked a decisive moment in the historical negotiation of Minangkabau customary law. It was not merely a gathering of elders but a performative arena where moral authority and interpretive legitimacy were publicly tested. The 1972 decree of the *Kerapatan Adat Nagari* (KAN), which permitted *perantau* or migrants to marry within the same *suku* under specific genealogical conditions, became the catalyst for a broader debate about the moral foundation of custom.³⁰ The speeches delivered by the *datuk* were not expressions of personal conviction but acts of symbolic positioning within the social field. Each speaker, through language, performed the labor of maintaining or transforming meaning, showing that discourse itself functions as a form of legal and moral practice.³¹

The interpretive tensions that unfolded in the forum reveal the multiplicity of symbolic orientations operating within Minangkabau society. Dt. Nan Sati voiced a reformist impulse, seeking to displace inherited dogma through divine reasoning. His discourse invited the audience to consider *adat* not as an immutable heritage but as a moral system open to reinterpretation. In contrast, Dt. Tanaro embodied the conservative habitus, grounding his argument in the collective affect of kinship and ancestral duty. His tone affirmed stability over change, translating custom into an emotional order that safeguards communal harmony. Between them stood Dt. Pamuncak, who chose negotiation rather than confrontation, weaving together elements of tradition and reform through his advocacy of clan multiplication as a symbol of adaptability.

This triadic configuration represents the discursive anatomy of symbolic contestation within living law. What emerges from their exchange is not a simple opposition between orthodoxy and heterodoxy but a dynamic continuum of moral reasoning. Each speech becomes a node in a network of power, culture, and belief, where the legitimacy of *adat* is both affirmed and questioned. Through this process, law is revealed as dialogical rather than dogmatic, a social text that gains authority through repetition, persuasion, and collective memory. The interplay

³⁰ Dt. Tanaro, "Tanggapan Atas Prasaran Dt. Nan Sati Dalam Diskusi Panel I Larangan Kawin Sesuku (Response to the Presentation by Dt. Nan Sati in Panel Discussion I on the Prohibition of Intra-Clan Marriage)" (Jakarta: Archive of the Research Committee on Clan Multiplication, Sulit Air, 1980).

³¹ Pierre Bourdieu, "The Intellectual Field: A World Apart," in *In Other Words: Essays Towards a Reflexive Sociology* (Cambridge: Polity Press, 1990), 141.

between continuity and transformation reflects the essence of a living tradition, one that sustains itself not by resisting change but by reinterpreting its moral vocabulary in the language of the present.

The symbolic positions of these three figures can be mapped according to their linguistic strategies and the social theories that illuminate them. As summarized in Table 1, each actor articulates a particular mode of legitimacy shaped by the interplay of habitus and discourse. Dt. Nan Sati employs reinterpretation and subversion to unsettle the sacred boundaries of custom. Dt. Tanaro reaffirms orthodoxy through emotional naturalization and genealogical reasoning. Dt. Pamuncak, in turn, transforms negotiation into a cultural virtue by translating social adaptation into the grammar of consensus. Their voices, while divergent, converge in demonstrating how *adat* persists through speech, not silence, and how every utterance becomes a moral experiment in preserving the coherence of community life.

Table 1. Mapping of speeches, analytical units, and Bourdieu–CDA framework

No	Speaker	Speech Segment	Main Theme	Bourdieu Concepts	CDA Framework (Fairclough, van Dijk, van Leeuwen)
1	Dt. Nan Sati	Opening and Custom Critique	Delegitimization of Intra-Clan Marriage Prohibition	Heterodoxy, symbolic subversion, conversion of symbolic capital	Recontextualization; Ideological Square; Legitimation by Authorization
2	Dt. Tanaro	Defense of Custom	Reaffirmation of Customary Orthodoxy	Doxic naturalization, reproduction of dominant habitus, misrecognition	Discursive Alignment; Legitimation by Tradition and Moral Evaluation; Ideological Maintenance
3	Dt. Pamuncak	Clan Multiplication	Reformist Compromise within Custom	Symbolic negotiation, strategic reinscription	Adaptive Recontextualization; Discourse Mitigation; Legitimation via Rationalization

The table illustrates how the debate functioned as a performative rehearsal of authority, where moral language, cultural metaphor, and rational argument intertwined to redefine the relationship between *adat* and *syarak*. The Sulit Air forum, therefore, should not be remembered as a mere intellectual disagreement but as a social event where law was lived through speech. It was in the act of speaking that the boundaries of legitimacy were drawn, challenged, and redrawn,

revealing that in Minangkabau society, the endurance of law depends less on codification than on the eloquence of those who dare to interpret it.

Each discursive configuration in the 1980 Sulit Air forum is grounded in particular strategies of language, symbolism, and moral persuasion that reveal how authority was textually produced. The speeches were not mere utterances but acts of interpretation that shaped the collective imagination of law and morality. As seen in Table 2, the statements of each *Datuk* represent *distinct modes* of negotiating legitimacy, ranging from subversive reinterpretation to the reaffirmation of orthodoxy and the pursuit of adaptive compromise. These voices show that the relationship between *adat* and *syarak* was not merely complementary but constituted a dynamic terrain in which different logics of truth confronted and reconfigured one another. The texts thus operate as fragments of a living discourse in which religion and culture continuously seek balance within a shared moral horizon.

Table 2. Distinct discursive strategies of each speaker

No	Speaker	Key Discursive Strategies	Speech Excerpts
1	Dt. Nan Sati ³²	Deconstruction of the origins of the marriage prohibition; use of divine revelation as legitimizing authority; reframing <i>adat</i> as non-Islamic; metaphor of foundation-wall to reorder <i>adat-syariat</i> relations	"Hukum <i>adat</i> cannot stand alone without being accompanied by <i>hukum agama</i> (religious law). <i>Syarak mengata, adat memakai</i> , meaning that <i>syarak</i> —or the verses of the Qur'an and Hadith—holds the primary legal authority." " <i>Raso</i> and <i>pareso</i> , when fortified with ethical traits such as <i>sehina semalu</i> , are artificial and synthetic kinship bonds, not natural instincts." "The Prophet Muhammad married his daughter Fatimah to his cousin Ali ibn Abi Talib, both from the Banu Hashim clan."
2	Dt. Tanaro ³³	The prohibition as an ancestral mandate; <i>raso jo pareso</i> as a moral compass; <i>adat</i> as a communal and natural ethic; harmonization of <i>adat</i> and religious argumentation	"Before Islam came to Minangkabau, communal life was guided by <i>alur dan patut</i> , based on <i>raso jo pareso</i> and refined emotions." "The prohibition protects vulnerable women by ensuring they have many kin who will defend them." "The Prophet Muhammad said: 'Marry from afar so that you may have healthy children.'"
3	Dt. Pamuncak ³⁴	Compromise narrative with <i>buhua</i>	"If the KAN decision were implemented in

³² Dt. Nan Sati, "Prasaran Dalam Diskusi Panel I Larangan Kawin Sesuku (Presentation in Panel Discussion I on the Prohibition of Intra-Clan Marriage)" (Jakarta: Archive of the Research Committee on Clan Multiplication, Sulit Air, 1980).

³³ Tanaro, "Tanggapan Atas Prasaran Dt. Nan Sati Dalam Diskusi Panel I Larangan Kawin Sesuku (Response to the Presentation by Dt. Nan Sati in Panel Discussion I on the Prohibition of Intra-Clan Marriage)."

<i>simta</i> ; adaptation through clan multiplication; discursive repair of KAN 1972; delegation of authority to younger leaders	Sulit Air, the issue would be resolved." "Babuhua simta means a bond that can be loosened for new developments or tightened as necessary." "Use religious knowledge and reasoning, adat based on syarak adapted to its time." "The time is ripe for young penghulu to scientifically plan future developments."
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The symbolic construction of meaning within these speeches reveals a complex interplay between ideology, emotion, and legitimacy. Dt. Nan Sati articulates a heterodox intervention that seeks to relocate the source of authority from communal custom to divine revelation, using scriptural references as instruments of moral critique. His reinterpretation challenges the notion of sacred kinship by framing it as an artificial construct sustained by social convention rather than theological necessity. Dt. Tanaro, on the other hand, embodies the moral orthodoxy of Minangkabau society, grounding his argument in *raso jo pareso* as the emotional grammar of collective ethics. His justification situates the prohibition as a form of social protection rather than restriction, aligning communal affect with religious reasoning. Dt. Pamuncak introduces a mediating narrative, proposing that adaptation is possible when rooted in consensus and refined sensibility, presenting a model of reform that remains faithful to the emotional coherence of *adat*.

These divergent strategies exemplify the dialogical structure of Minangkabau legal consciousness. Each speaker operates within a field where legitimacy is inseparable from symbolic mastery and interpretive power. The forum thus becomes a performative stage where words act as instruments of governance and persuasion. The pattern of debate suggests that law does not reside in the text itself but in the circulation of meanings that emerge from public deliberation. Within this interaction, metaphors, ancestral memories, and ethical sentiments converge to form a living archive through which the community negotiates its identity and moral direction.

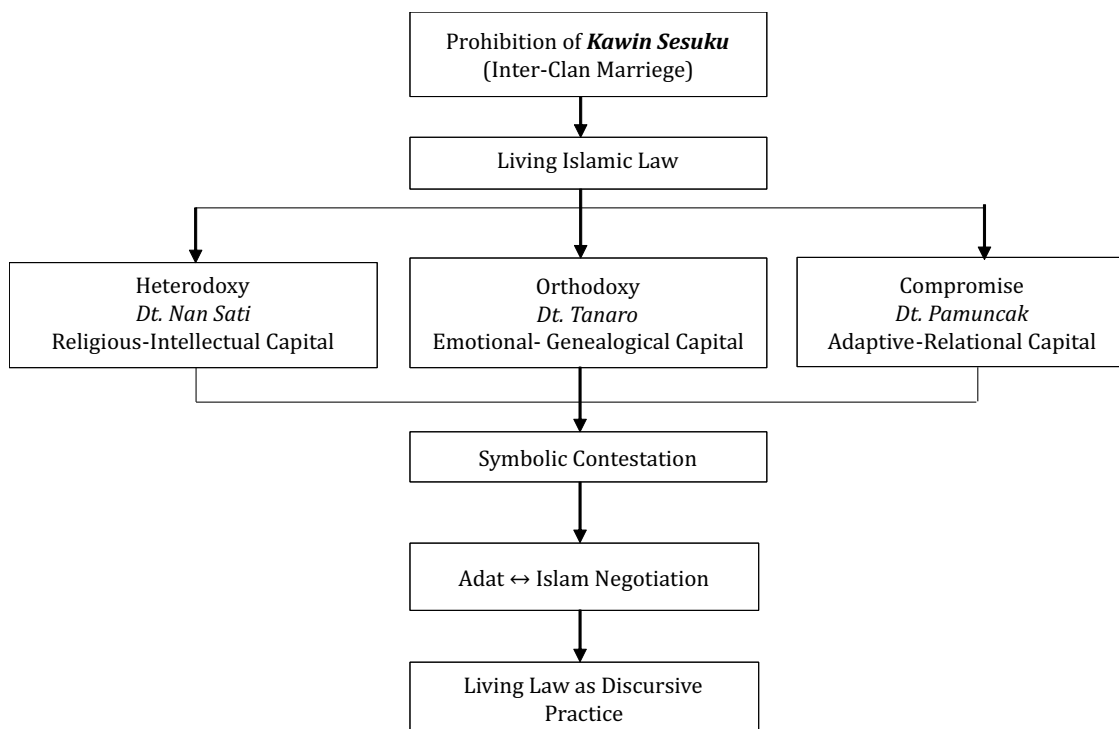
Earlier studies on the *kawin sesuku* prohibition tended to frame the issue within a binary of custom and Islamic law, focusing either on the preservation of cultural heritage or the pursuit of normative harmony. Analyses that codified *adat* as a cultural institution or defended the prohibition as a stabilizing force in social

³⁴ Dt. Pamuncak, "Prasaran Dalam Diskusi Panel II Larangan Kawin Sesuku (Presentation in Panel Discussion II on the Prohibition of Intra-Clan Marriage)" (Jakarta: Archive of the Research Committee on Clan Multiplication, Sulit Air, 1980).

order,³⁵ did not sufficiently account for the performative dimension of symbolic power. Likewise, inquiries into religious–customary negotiation often overlooked how actors articulate authority through language and emotion.³⁶ The Silit Air forum demonstrates that legitimacy is not determined by doctrine alone but emerges from the interplay between text, speech, and the moral imagination of the community. Law becomes persuasive because it resonates affectively, not merely because it claims divine or ancestral sanction.

The triadic interactions among *Dt. Nan Sati*, *Dt. Tanaro*, and *Dt. Pamuncak* can be visualized as a dynamic symbolic field in which Islamic and customary authorities continually negotiate legitimacy. This relationship is illustrated in Figure 1, which maps the Discursive Field of Living Islamic Law in Minangkabau.

Figure 1. Discursive Field of Living Islamic Law in Minangkabau (Centered on the *Kawin Sesuku* Prohibition)



³⁵ Zulkifli et al., "Revitalizing 'Urf in State Legal Development: The Case of Minangkabaunese Marriage Traditions"; Fakhyadi and Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar."

³⁶ Jubba et al., "Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqās'id Syarī'ah"; Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi."

The figure positions the *Prohibition of Kawin Sesuku* as the central normative issue that activates the living dynamics of Islamic law. Through heterodox, orthodox, and compromise discourses, the figure highlights how each actor mobilizes distinct forms of symbolic capital such as religious intellectual, emotional genealogical, and adaptive relational to sustain, challenge, or reformulate the legitimacy of *adat*. Together, these discursive forces constitute a performative space of negotiation where *adat* and *Islam* intersect,³⁷ producing a living law that is continually redefined through speech, emotion, and moral reasoning.

The textual fragments from the forum reveal that the discourse of *adat* and *syarak* functions as a field of contestation where language and belief continually produce new configurations of authority. The *datuk* do not only preserve heritage but also reinterpret it through the vocabulary of devotion, reason, and affection. Their discursive practices reflect a fluid epistemic order in which truth is not fixed but negotiated through dialogue and reflection. This dynamic underscores that the endurance of the *kawin sesuku* prohibition lies not in its immutability but in its capacity to be rearticulated within shifting moral horizons. The law lives precisely because it is spoken, debated, and felt, sustaining its relevance through the continuous renewal of meaning.³⁸

D. Reformulating the Islamic Meaning in Adat: Symbolic Critique and Heterodox Reinscription of the Intra-Clan Marriage Prohibition Norm

The speech delivered by H.I.A.L. Dt. Nan Sati in the 1980 Sulit Air Panel Discussion constitutes a profound act of symbolic intervention in the moral discourse of Minangkabau society. His address did not merely question the validity of the *kawin sesuku* prohibition but sought to reconstruct the epistemic foundation of customary authority. The context of his argument emerged from the aftermath of the 1972 *Kerapatan Adat Nagari* decision, which cautiously permitted intra-clan marriages among migrants under specific genealogical considerations. Within this shifting horizon, his discourse became a site of epistemological negotiation, where law, religion, and custom confronted one another through reasoned speech. From

³⁷ Siti Adibah Binti Mohmad Jeofrey and M Zaki, "Islamic Law and Customary Law in the Prohibition of Sogit Marriage in Sabah, Malaysia," *Islamic Law and Social Issues in Society* 1, no. 1 (2025): 85–96.

³⁸ Mohammad Adib, "Agen Dan Struktur Dalam Pandangan Piere Bourdieu," *Jurnal BioKultur* 1, no. 2 (2012): 91–110; Myles, "Interrogating Bourdieu on Language: Critical Discourse Analysis, Postmodernism and Ethnomethodology"; Sullivan, "Law, Technology, and Data-Driven Security: Infra-Legalities as Method Assemblage."

the standpoint of social field dynamics, his stance can be seen as a heterodox intervention sustained by intertwined forms of symbolic capital, including religious insight, customary authority, and diasporic experience, which allowed him to voice a critique while remaining legitimate within the established hierarchy of power.³⁹

At the heart of his argument lies a rhetorical and theological opposition between *agama bumi* (earthly religion) and *agama langit* (celestial religion). The former refers to forms of belief and social practice rooted in pre-Islamic heritage. At the same time, the latter represents divine revelation as the supreme source of normativity by constructing this binary, Dt. Nan Sati situates the prohibition on intra-clan marriage not as a divine injunction but as a contingent product of historical and social development. His well-known assertion that “*adat yang sebenarnya adat, bersendi syarak, syarak bersendi Kitabullah*” becomes a pivot for redefining moral legitimacy.⁴⁰ The statement signifies not only an appeal to revelation but also a displacement of interpretive authority, redirecting it from the collective memory of the elders to the transcendent domain of divine law. Within this move, the moral architecture of *adat* is restructured, and its truth claims are subordinated to the hierarchies of *syarak*.

This critique expands further into a deconstruction of the matrilineal kinship system. Dt. Nan Sati’s depiction of clan-based kinship as an “imaginary abstraction” and “irrational instinct” reflects a critical gesture toward what Bourdieu identifies as *misrecognition*, the process through which social conventions are sanctified as moral truths.⁴¹ Such framing challenges the epistemic sanctity of *adat*, exposing its moral grammar as a construct mediated by social interest and symbolic continuity rather than revelation. Yet his critique does not seek to dismantle *adat* entirely; it engages in a dialogical process that affirms the possibility of reinterpretation from within. In this sense, his act of dissent functions as a symbolic subversion, destabilizing inherited doxa while simultaneously reaffirming the need for a moral foundation rooted in revelation.⁴²

Beyond critique, his speech also presents a constructive project. Through the selective invocation of Qur’anic verses, prophetic hadiths, and the exemplary marriage of Fatimah and Ali from the Banu Hashim lineage, he reconstructs a framework of normative authority grounded in divine authorization. His method

³⁹ David L Swartz, “Forms of Capital: General Sociology, Volume 3: Lectures at the Collège de France 1983–84,” *Contemporary Sociology* 51, no. 6 (2022): 467–69; Swartz, *Culture and Power: The Sociology of Pierre Bourdieu*.

⁴⁰ Terdapat dalam prasaran Dt Nan Sati dalam diskusi Panel tanggal 27 Januari 1980 hal. 11.

⁴¹ Robert M Entman, “Framing: Toward Clarification of a Fractured Paradigm,” *Journal of Communication* 43, no. 4 (1993): 51–58.

⁴² Irfan Ajvazi, “Bourdieu’s Language and Symbolic Power,” April 2022.

bypasses *ijtihad* grounded in local consensus, proposing instead that authentic law derives from revelation as the ultimate source of morality.⁴³ This rhetorical gesture resonates with contemporary analyses that emphasize how reinterpretations of *syariah* serve to reorganize local legitimacy and reconfigure the relationship between religion and culture.⁴⁴ The metaphor of the social building, where *syariah* is described as the foundation and *adat* as the wall, captures the epistemic structure he envisions. This image articulates a hierarchy of norms that places religion at the base of moral architecture while allowing custom to exist as its visible form. Within this configuration, the principle “*adat berbuhua simta, syara’ babuhua mati*” operates as an interpretive key for reconciling continuity and change.

This mode of reinscription is not exclusive to the Minangkabau context. Similar patterns of adaptation are found in other Muslim societies in Indonesia, where Islamization unfolds through cultural negotiation rather than rupture.⁴⁵ In Jayawijaya, for instance, indigenous pig-feasting rituals have been transformed into permissible communal meals framed within Islamic ethics.⁴⁶ In the *gama* marriage traditions of Mongondow, Islamic principles are woven into customary ceremonies to maintain local legitimacy. At the same time, the *Mampatangpulo* death ritual in Enrekang continues as long as it does not contradict the *syariah*.⁴⁷ These parallels suggest that Dt. Nan Sati’s position aligns with broader trajectories of cultural adaptation within Indonesian Islam, where reform does not negate tradition but redefines its moral grammar through revelation.

What is most striking in his rhetorical approach is his refusal to abandon the symbolic language of *adat*, even as he challenges its authority. He speaks as an insider who reclaims the cultural idiom to translate Islamic universality into local expression. The use of metaphors, aphorisms, and oral proverbs reflects an attempt to bridge two epistemologies, one grounded in ancestral memory and another in divine revelation. This rhetorical intimacy with tradition allows the

⁴³ Dt. Nan Sati, “Tanggapan Terhadap Bahasan Pembahas Dalam Diskusi Panel I (Response to the Discussants’ Comments in Panel Discussion I)” (Jakarta: Archive of the Research Committee on Clan Multiplication, Sulit Air, 1980).

⁴⁴ Ibrahim, Sulfinadia, and Roszi, “The Resilience of Ungku Kali Practices as Marriage Guardian in Kurai Taji, Padang Pariaman Regency Masalahah Perspective”; Zulkifli et al., “Revitalizing ‘Urf in State Legal Development: The Case of Minangkabaunese Marriage Traditions.”

⁴⁵ Muhammad Adib Alfari et al., “Negotiating Customary Law and Fiqh Norms: The Transformation of the Mepahukh Tradition in the Indigenous Marriage Practices of the Alas People in Southeast Aceh,” *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (2025): 72–93.

⁴⁶ Ismail and Asso, “Traditions of Jayawijaya Muslim Society: Some Perspectives from Islam and Customs.”

⁴⁷ Nur Rahmawati and Abdul Muid Nawawi, “Kesetaraan Gender Dalam Tafsir Al-Mishbah: Antara Teori Konflik Sosial Dan Teori Struktural Fungsional,” *Jurnal Bimas Islam* 17, no. 1 (July 2024): 161–84.

reformist impulse to appear as continuity rather than rupture.⁴⁸ Such a strategy aligns with empirical observations that successful reconciliations between Islam and local custom depend on the religion's ability to inhabit local symbols while maintaining theological coherence.⁴⁹ His discourse thus exemplifies a form of symbolic renewal that does not reject *adat* but situates it within a broader horizon of Islamic moral reasoning.

The heterodoxy of Dt. Nan Sati, therefore, is not antagonistic but dialogical. It does not oppose religion and custom as binary opposites but redefines their relationship through the hermeneutic of reinterpretation. His reading of the kawin sesuku prohibition does not amount to negation but to transformation—an effort to reinterpret local norms by mobilizing broader Islamic legal principles as a source of legitimacy, where the purpose of law is justice and human flourishing.⁵⁰ Through this process, the sacred and the social are reconciled not by erasing their difference but by rearticulating their interdependence. His intervention reveals that reform within tradition is possible when moral imagination operates through dialogue rather than confrontation.

The intellectual significance of Dt. Nan Sati's discourse lies in its capacity to demonstrate how reinterpretation becomes an instrument of epistemic agency within local Muslim societies. In the study of living law, his position affirms the continuity between textual revelation and social practice, showing that reinterpretation is not a sign of deviation but a mode of preservation. The reorganization of meaning that he initiates aligns with the broader trajectory of Islamic legal thought in Indonesia, where authority emerges from negotiation rather than imposition.⁵¹ Thus, his speech offers not only an interpretive window into the Minangkabau moral universe but also a theoretical insight into how law, religion, and custom coexist as intertwined dimensions of the Muslim experience.

⁴⁸ Merlijn van Hulst et al., "Discourse, Framing and Narrative: Three Ways of Doing Critical, Interpretive Policy Analysis," *Critical Policy Studies* 19, no. 1 (January 2025): 74–96.

⁴⁹ R Bukido et al., "Reception of Marriage Age Limit in Marriage Law in Indonesia," *Samarah* 7, no. 1 (2023): 146–74; Jubba et al., "Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqās'id Syarī'ah."

⁵⁰ Bambang Wahyudi et al., "Ecological Justice in Islamic Family Law: Integrating Maqasid Al-Shari'ah with Environmental Ethics in Post-Pandemic Societies," *Islamic Law and Social Issues in Society* 1, no. 2 (2025): 160–84; Rahmi Hidayati Al Idrusiah et al., "Faskh Law Reformulation in Malaysia: A Critical Examination of Terengganu Sharia Court Case," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 303–20; Tri Gunawan et al., "Digital Nikah and Smart Contracts: Legal Reconstruction of Islamic Marriage in the Blockchain Era," *Islamic Law and Social Issues in Society* 1, no. 2 (2025): 185–203.

⁵¹ Fauzi Iswari, I. Gusti Ayu Ketut Rachmi Handayani, and Lego Karjoko, *Portrait of Ulayat Land Conflicts in Minangkabau Customary Law Community: Alternative Resolutions Under Islamic Law*, *Al-Istinbath: Jurnal Hukum Islam*, vol. 10, 2025; Z Muttaqin, "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory by Roscoe Pound," *El-Mashlahah* 11, no. 2 (2021): 97–115.

E. Affirming Symbolic Orthodoxy: Discursive Strategies in Defending the Intra-Clan Marriage Prohibition (Speech by H. SY.Z. Dt. Tanaro, 27 January 1980)

The speech of H. SY.Z. Dt. Tanaro in the 1980 Sulit Air Panel Discussion constitutes a deliberate effort to reaffirm symbolic orthodoxy within the Minangkabau moral order. His discourse re-anchors *adat* as a repository of ancestral wisdom that shapes collective ethics and emotional sensibility. Rather than debating the rule of *kawin sesuku*, he re-enacts the moral power of tradition by framing it as the natural expression of *raso jo pareso* and *kehalusan rasa*. This form of argument reproduces what may be called the dominant *habitus*, ensuring that inherited norms endure through everyday moral consciousness.⁵² Through this lens, *adat* is not a set of formal prohibitions but a lived ethic that binds community, emotion, and identity.

The logic of legitimation in Dt. Tanaro's speech rests on authorization and moral rationalization. References to legendary figures such as Datuk Ketemanggungan and Datuk Perpatih Nan Sabatang evoke a timeless genealogy of authority that sanctifies the marriage prohibition as communal heritage. By asserting that the rule protects women from vulnerability, he situates *adat* as a moral framework of care rather than constraint. The *suku* system thus emerges as a moral network that ensures women's dignity through collective guardianship. Within this symbolic economy, the endurance of the prohibition is grounded in affection and solidarity, where duty is not imposed but emotionally willed by the community.

The central axis of his reasoning lies in emotional knowledge rather than juridical abstraction. The principle of *raso jo pareso* conveys a moral intelligence rooted in empathy, patience, and restraint. When desire yields to the awareness of kinship boundaries, *adat* transforms into a bodily ethic that disciplines through feeling. This inner discipline exemplifies symbolic control, where moral awareness becomes embodied and self-regulating. Law, in this sense, is internalized as conscience rather than external coercion, making the prohibition an extension of communal sensitivity. Through such embodiment, *adat* achieves continuity without textual enforcement, relying instead on the affective rhythm of everyday life.

Religion enters this discourse as reinforcement rather than opposition. The citation of the prophetic advice to "marry from afar" is paired with contemporary knowledge of genetic health to construct the view that *adat* coheres with *maṣlaḥa*, the Islamic ideal of public good. This alignment illustrates a process of

⁵² Tanaro, "Tanggapan Atas Prasaran Dt. Nan Sati Dalam Diskusi Panel I Larangan Kawin Sesuku (Response to the Presentation by Dt. Nan Sati in Panel Discussion I on the Prohibition of Intra-Clan Marriage)."

recontextualization, in which religious discourse is translated into the moral vocabulary of custom to stabilize the symbolic order.⁵³ The sacred thus supports continuity, transforming religion into a cultural adhesive that legitimizes, rather than challenges, the moral logic of *adat*.⁵⁴

The synthesis of *syarak* and *adat* in his argument produces a dialectical unity that resists binary opposition. Islamic reasoning is invoked to validate inherited truths, positioning religion as the guarantor of social harmony. This reflects an ideological operation that affirms the in-group of traditionalists as morally coherent while rendering reformist voices marginal or disruptive.⁵⁵ Through such framing, orthodoxy becomes emotionally persuasive by aligning revelation with collective memory. Religion, rather than being the catalyst of transformation, becomes the language through which tradition secures its permanence.

Dt. Tanaro's orthodoxy is not passive adherence but an active reconstruction of legitimacy. He combines ancestral authority, refined sentiment, and empirical logic into a cohesive moral argument. This synthesis demonstrates that *adat* can adapt through selective reinterpretation while maintaining its symbolic borders. The prohibition on *kawin sesuku* survives not through resistance to change but through the ability to express adaptation in familiar idioms that sustain communal trust.⁵⁶ Within this continuity, the moral force of *adat* is maintained through persuasion rather than compulsion.

Sociological observations further support this interpretation. The endurance of the prohibition depends on both moral affection and social sanction, where violations are met with corrective responses designed to restore harmony.⁵⁷ Such mechanisms reveal that law in Minangkabau operates through emotional consensus rather than punitive control. Transgression is framed not as an expression of individual freedom but as a failure of collective dignity. Through this framing, moral order persists as a shared emotional truth rather than as a codified set of regulations.

The linguistic texture of Dt. Tanaro's speech reinforces this ideological reproduction. Common expressions such as *adat turun-temurun, kita, and sejak dahulu kala* presuppose unity and erase the possibility of internal dissent. As

⁵³ Fairclough, *Critical Discourse Analysis: The Critical Study of Language*.

⁵⁴ Susi Susanti et al., "From Social Solidarity to Transactional Relations: The Transformation of the Ompangan Tradition in Marriage Celebrations Among the Madurese Muslim Community in Kubu Raya," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (2025): 1–24.

⁵⁵ van Dijk, *Ideology: A Multidisciplinary Approach*.

⁵⁶ Fakhyadi and Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar."

⁵⁷ Rahmi and Henny, "Sanksi Adat Tentang Larangan Perkawinan Terhadap Orang Sesuku Dengan Pelaku Zina."

linguistic theory explains, consensus in traditional societies is often sustained by rhetorical devices that naturalize agreement and render ideology invisible.⁵⁸ In this light, the power of orthodoxy lies not merely in the authority of figures but in the subtle authority of language itself. The endurance of the *kawin sesuku* prohibition, therefore, arises from its ability to harmonize belief, emotion, and speech into a coherent and affectively persuasive moral universe.

F. Narratives of Moderation and Evolutionary Interpretation: Discursive Strategies in the Clan Multiplication Discourse (Speech by Dt. Pamuncak)

The speech of Dt. Pamuncak, in the 1980 Sulit Air Panel Discussion, represents a distinctive attempt to mediate change within the symbolic order of the Minangkabau. Positioned between the critical reasoning of Dt. Nan Sati and the orthodoxy of Dt. Tanaro, his discourse situates transformation within the moral rhythm of continuity.⁵⁹ Rather than opposing the prohibition of *kawin sesuku*, he redefines it as a matter of adaptive interpretation, proposing the multiplication of *suku* as a pathway for renewal from within. This articulation reflects the awareness that preservation and transformation are not opposites but complementary movements in the life of *adat*. The argument, therefore, unfolds as a reflective engagement in which adaptation becomes a dialogical process sustained by moral sensibility and social participation.⁶⁰

The 1972 *Kerapatan Adat Nagari* decision serves as his point of departure. Describing it as “a decision neither male nor female,” Dt. Pamuncak interprets its ambiguity as a symptom of reform that lacked cultural resonance. His critique does not reject the decision but treats it as evidence that change without affective legitimacy remains incomplete. The references to ritual feasts and communal gatherings function as reminders that transformation in Minangkabau must carry symbolic weight to be recognized as meaningful. Through the principle of *budi halus dan patuik* or refined feeling and propriety, he underscores that law in *adat* cannot be detached from the ethical texture of emotion and mutual care. Authority in this sense arises through persuasion and shared awareness rather than through formal command.⁶¹

Dt. Pamuncak’s assertion that the number of *suku* can increase introduces a form of epistemic flexibility. By noting that several *nagari* have more than four *suku*, he

⁵⁸ Wodak and Meyer, *Methods of Critical Discourse Analysis*.

⁵⁹ Bourdieu, *Language and Symbolic Power (Le Langage et Le Pouvoir Symbolique)*.

⁶⁰ Pamuncak, “Prasaran Dalam Diskusi Panel II Larangan Kawin Sesuku (Presentation in Panel Discussion II on the Prohibition of Intra-Clan Marriage).”

⁶¹ Pamuncak.

reframes legitimacy as responsive to social need rather than to ancestral fixation. This position reflects a rational mode of justification where the coherence of *adat* depends on its capacity to accommodate new realities.⁶² The *Undang-Undang Bernagari* is thus approached not as a rigid text but as an evolving framework open to contextual interpretation. Through this reasoning, interpretive authority is gradually redistributed toward new actors capable of mediating between custom and change. What emerges is not an abandonment of tradition but a rearticulation of its living meanings through collective reasoning.

The concept of *babuhua simta*, or the flexibility of custom, encapsulates Dt. Pamuncak's moral orientation. He interprets it as an ethical principle that allows social bonds to be tightened or relaxed through deliberation. This suggests that the durability of *adat* depends on its sensitivity to context and emotion. Legitimacy arises when reform resonates with the community's affective expectations. This process resembles the mechanism of affective authority, where agreement is built through emotional attunement rather than juridical enforcement.⁶³ Through proverbs, natural imagery, and oral expressions, Pamuncak transforms abstract reform into moral resonance, situating renewal within familiar linguistic and symbolic forms.

When he refers to the 1972 decision as "tragic," he identifies the gap between formal decision and lived acceptance. His appeal for the younger generation to become "painters of history" reflects a vision of distributed authorship in which meaning is collectively sustained. This gesture can be read as an instance of interpretive interaction, in which law and custom evolve through ongoing dialogue across generations.⁶⁴ Within such a relational process, tension between tradition and modernity becomes a productive space for redefining shared values.⁶⁵ The focus shifts from opposition to coexistence, where negotiation itself constitutes a moral act.

The moderation expressed in Pamuncak's reasoning reveals how adaptation is often achieved through relational rather than confrontational means. His discourse exemplifies a gradual realignment of values that preserves harmony while responding to change. Studies on Minangkabau society indicate that such renewal frequently takes the form of symbolic adjustment rather than direct rupture.⁶⁶ Similar dynamics are observed in other Muslim communities where cultural and

⁶² Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1992).

⁶³ Wodak and Meyer, *Methods of Critical Discourse Analysis*.

⁶⁴ Anselm L Strauss, *Qualitative Analysis for Social Scientists* (Cambridge: Cambridge University Press, 1987).

⁶⁵ D Fakhyadi et al., "Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law," *Al-Ahkam* 35, no. 1 (2025): 1–30.

⁶⁶ Rahmi and Henny, "Sanksi Adat Tentang Larangan Perkawinan Terhadap Orang Sesuku Dengan Pelaku Zina."

religious adaptation occurs through layered reinterpretation that retains coherence within local moral frameworks.⁶⁷ Through this relational pattern, transformation emerges as interpretive participation rather than ideological replacement.

The narrative texture of his speech indicates that customary decision-making is guided by moral storytelling and emotional coherence. Law appears not as an autonomous structure but as a series of narratives that mediate between memory, feeling, and reflection. As discourse theory suggests, this narrative mode generates social cohesion that exceeds what formal legislation can secure.⁶⁸ The *kawin sesuku* debate thus becomes an instance of how language, emotion, and social memory intertwine to maintain the continuity of moral order. Reform, in this light, manifests as reinterpretation rather than rupture, a process through which tradition continually dialogues with itself.

The interpretive balance embodied in Dt. Pamuncak's discourse highlights the dialogical essence of Minangkabau's living law. His reasoning avoids dichotomies between progress and preservation, opting instead for a reflective movement that acknowledges their co-dependence. Through moderation, the law retains vitality not because it resists change but because it allows meaning to be rediscovered within shared experience. In this relational ethics, *adat* and transformation coexist as parallel expressions of the same search for equilibrium within the community's moral and symbolic universe.

G. Conclusion

The study shows that the prohibition of *kawin sesuku* in Minangkabau society operates not simply as a doctrinal rule but as a form of living law produced through ongoing negotiation between Islam and *adat*. The 1980 Sulit Air Panel Discussion illustrates how this negotiation unfolds within a symbolic field where different actors advance competing interpretations of moral legitimacy. The speeches of Dt. Nan Sati, Dt. Tanaro, and Dt. Pamuncak reveals that authority in Islamic family norms is constructed through discursive practices that combine religious references, customary reasoning, and social recognition. Rather than reflecting a fixed doctrinal consensus, the prohibition emerges as the outcome of interpretive struggles within the community.

The findings further demonstrate that Islamic legal concepts acquire meaning through selective social use. Within the Minangkabau context, such concepts

⁶⁷ Ismail and Asso, "Traditions of Jayawijaya Muslim Society: Some Perspectives from Islam and Customs."

⁶⁸ Fairclough, Mulderrig, and Wodak, "Critical Discourse Analysis"; Wodak and Meyer, *Methods of Critical Discourse Analysis*.

function both to maintain moral cohesion and to authorize hierarchical interpretations of kinship and gender relations. Understanding family norms through discourse, therefore, reveals how legal meaning is embedded within broader relations of symbolic power. This perspective suggests that debates over Islamic family law cannot be separated from the social processes through which moral authority is constructed and maintained.

The implications extend beyond the Minangkabau context. In broader Muslim societies, the relationship between law, gender, and culture suggests that family law reform must consider how moral legitimacy is produced within local symbolic settings. Legal reasoning derives authority not only from doctrine but also from social experience, collective memory, and cultural recognition. Understanding these dynamics underscores the importance of approaches that combine linguistic analysis, ethnographic insight, and critical social theory to examine how legal norms are maintained or transformed.

This study is limited by its reliance on elite archival discourses that privilege male voices and formal rhetoric. The absence of women's perspectives and everyday experiences leaves unexplored how the prohibition operates within the intimate and affective realms of family life. Future research should therefore employ ethnographic and gender-sensitive approaches to examine how ordinary Muslims, particularly women, reinterpret, negotiate, or challenge such norms in their lived practices. Comparative research across regions may further illuminate how living Islamic law evolves within different configurations of religion, culture, and social change.

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