

LEGAL PLURALISM IN JEOPARDY: The Epistemological Clash Between State Marriage Law, Theological Sovereignty, and Javanese Cosmic Order (Weton)

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Abstrak

Penelitian ini mengkaji benturan epistemologis antara Undang-Undang Perkawinan Nomor 16 Tahun 2019, teologi Islam, dan tradisi weton Jawa di pedalaman Jawa melalui pendekatan sosio-legal yang memadukan antropologi hukum, sosiologi hukum, dan studi hukum kritis. Penelitian ini menjawab kesenjangan penting dalam kajian pluralisme hukum kontemporer, yang selama ini didominasi oleh cara pandang reduktif berbasis positivisme hukum atau ekonomi politik, sehingga mengabaikan dimensi di mana hukum negara, fikih Islam, dan kosmologi adat saling menegaskan legitimasi ontologis satu sama lain. Dengan menggunakan kerangka teoretis tiga lapis yang mengintegrasikan Pluralisme Hukum Sally Falk Moore, Pendekatan Sistem Maqashid Jasser Auda, dan Tipologi Kesadaran Hukum Ewick dan Silbey, serta metode etnografi hukum melalui wawancara mendalam, observasi partisipan, dan analisis intertekstual terhadap Undang-Undang Nomor 16 Tahun 2019, putusan Pengadilan Agama, naskah Primbon Jawa, dan teks-teks fikih Islam, penelitian ini mengungkapkan bahwa intervensi hukum negara secara paradoksial justru memicu resistansi berupa

lonjakan permohonan dispensasi kawin massal dan meluasnya praktik perkawinan yang tidak dicatatkan. Temuan penelitian ini melahirkan postulat teoretis baru Legalisme Sinkretik Subversif (Subversive Syncretic Legalism) yang menggambarkan bagaimana subjek hukum di tingkat akar rumput secara kreatif mensintesis otoritas teologis dan kosmologis untuk membangun sistem kontra-legitimasi yang secara pasif-subversif melumpuhkan efektivitas hukum positif negara. Penelitian ini menunjukkan bahwa simplifikasi hukum tanpa negosiasi epistemologis dengan struktur kosmologi lokal hanya akan melahirkan lubang hitam hukum (legal black holes) yang menyuburkan hukum bawah tanah (underground law).

Kata kunci:

Pluralisme Hukum, Weton Jawa, Legalisme Sinkretik Subversif, Antropologi Hukum, Studi Hukum Kritis

Abstract

This research examines the epistemological clash between Indonesia's Marriage Law Number 16 of 2019, Islamic theology, and Javanese *weton* tradition in interior Java through a socio-legal approach combining legal anthropology, sociology of law, and critical legal studies. The study addresses a critical gap in contemporary legal pluralism scholarship, which predominantly views post-2019 marriage dispensation phenomena through reductive lenses of legal positivism or political economy, neglecting the dimension where state law, Islamic jurisprudence, and customary cosmology mutually negate each other's ontological legitimacy. Employing a three-tier theoretical framework integrating Sally Falk Moore's Legal Pluralism, Jasser Auda's Maqashid Systems Approach, and Ewick and Silbey's Legal Consciousness Typology, alongside legal ethnographic methods through in-depth interviews, participant observation, and intertextual analysis of Law Number 16 of 2019, Religious Court decisions, Javanese *Primbon* manuscripts, and Islamic jurisprudence texts, this research reveals that state legal intervention paradoxically triggers resistance through a surge in mass marriage dispensation applications and the expansion of unregistered marriage practices. The findings generate a new theoretical postulate *Subversive Syncretic Legalism* describing how grassroots legal subjects creatively synthesize theological and cosmological authorities to create counter-legitimation systems that passively-subversively paralyze the effectiveness of positive state law. This research demonstrates that legal simplification without epistemological negotiation with local cosmological structures only produces legal black holes that nurture underground law.

Keywords:

Legal Pluralism, Javanese Weton, Subversive Syncretic Legalism, Legal Anthropology, Critical Legal Studies

Introduction

The interplay of state legislation, Islamic theology, and local cosmology forms a intricate landscape for legal scholarship in post-colonial societies. In Indonesia, this dynamic is clearly illustrated by the enactment of Law No. 16 of 2019, which raised the legal minimum age of marriage to 19 for both men and women. Intended to enforce legal compliance, this state intervention unexpectedly drove up applications for marriage dispensations and expanded the practice of unregistered marriages (*nikah siri*) within interior Javanese communities (Barkah, Sintang, & Morin, 2025; Royana, 2023). This outcome highlights a fundamental epistemological gap: state law, Islamic jurisprudence (*fiqh al-munakahat*), and customary norms rooted in Javanese cosmology do not simply differ in their text they challenge each other's core ontological legitimacy.

Existing literature frequently views post-2019 marriage dispensations through narrow frameworks, focusing either on enforcement failures under legal positivism or on structural poverty within political economy. These approaches overlook the dimension of epistemological pluralism, in which legal subjects act as active agents navigating overlapping normative orders to create hybrid systems of legitimacy. Although recent studies have explored *weton* calculation through the Islamic concept of '*urf* (custom) (El'Arifah, 2005; Handayani & Sari, 2026; Salamah, 2025), these inquiries remain largely doctrinal and fail to capture the socio-legal dynamics of agency and resistance. The state's assumption that uniform statutory reform leads to uniform compliance is contradicted by empirical evidence showing that local communities interpret, adapt, and resist statutory mandates through their own cultural frameworks (Moore, 1973; Suwanto Abbas et al., 2026).

This article argues that grassroots communities in interior Java practice what can be termed *Subversive Syncretic Legalism* a mechanism wherein Islamic authority and Javanese *weton* traditions are combined to form counter-legitimation systems that quietly undermine state law. Field evidence shows that individuals use religiously

valid yet unregistered marriages (*nikah siri*) as a shield to justify defying state regulations in order to honor *weton* requirements (Royana, 2023; Suwanto Abbas et al., 2026).

The *weton* calculation carries such strong ontological weight that bypassing it is seen not just as a cultural violation, but as an existential threat to family well-being (Handayani & Sari, 2026; El'Arifah, 2005). Within Islamic legal theory, this practice occupies an ambiguous space: it can be interpreted either as '*urf shahih* (valid custom preserving life, or *hifzh al-nafs*) or '*urf fasid* (corrupt custom that causes harm by encouraging underage marriage) (Auda, 2022; Musarrofa & Muttaqin, 2024). Utilizing Ewick and Silbey's (1998, 2003) framework, this study demonstrates how individuals fluidly shift between compliance and resistance in response to competing normative demands. The article is organized into five main sections: theoretical framework, methodology, empirical findings, discussion, and conclusion.

Discussion

The empirical findings in this study reveal the intricate entanglement between state law, Islamic theology, and Javanese cosmology, a condition that genuinely challenges classical assumptions in the study of legal pluralism. The following discussion is divided into five interrelated sections: how the *weton* tradition operates as a semi-autonomous social field, how *nikah siri* is used as an instrument of theological legitimation to sustain adherence to custom, how citizens' legal consciousness moves fluidly among various positions, how *weton* is assessed from the perspective of *maqashid syariah*, and how all these dynamics give rise to a new concept the author calls Subversive Syncretic Legalism.

***Weton* in Javanese Tradition as a Semi-Autonomous Social Field**

The persistence of the practice of calculating *weton* in determining wedding dates, even though it is neither required by positive law nor a condition for the validity of marriage in Islamic jurisprudence (Fadhilah, 2026), clearly demonstrates what Moore (1973) calls a semi-autonomous social field. In Tambaksari Kidul Village, Banyumas, this tradition is still maintained as a cultural heritage that embodies both the value of prudence and respect for ancestors (Fadhilah, 2026). Its legitimacy derives primarily from traditional authority passed down across generations, reinforced by the prestige of elders and religious figures regarded as understanding the intricacies of *weton* calculations

(Fadhilah, 2026). The elders serve as guardians of this knowledge, interpreting the neptu value of the combination of birth day and pasaran to determine auspicious wedding days (Fadhilah, 2026). This structure of authority operates independently of state legal institutions, forming its own normative order that is nevertheless genuinely obeyed by residents.

Social Enforcement Mechanisms and Cosmological Roots

Within this semi-autonomous field, the capacity to make rules and enforce them operates through social mechanisms, not formal sanctions. Families that ignore weton recommendations do not face legal punishment, but rather social consequences: community disapproval, anxiety about misfortune, and the potential for family disharmony (Handayani & Sari, 2026). The resilience of this tradition is inseparable from its roots sunk deep in Javanese cosmology, where the principle of *memayu hayuning bawana*, understood as maintaining the harmony of the universe, demands alignment between human action and the cosmic order (El'Arifah, 2005).

Within force through cultural coherence and ontological security, so that customary practices remain protected from state legal intervention even when such intervention has a formal legal basis.

The Normative Autonomy of Weton from State Law

This semi-autonomous such a cosmological framework, state legal norms become secondary; compliance with positive law cannot compensate for violations of the perceived cosmic balance. Therefore, this semi-autonomous social field maintains its binding field has the internal capacity to make rules and enforce them, which in turn protects customary practices from the reach of state law (Moore, 1973). The weton tradition operates through its own mechanisms of legitimation and compliance, independent of state recognition. Residents follow weton calculations not because state law requires it, but because this tradition carries cultural and spiritual authority that is deeply rooted, surpassing formal legal obligations (Fadhilah, 2026). The enforcement of weton norms occurs through social pressure, family expectations, and communal rituals, not through state sanctions. When a family chooses a wedding date based on weton, they are in fact participating in a normative system whose binding force is born from collective cultural consensus, not from legislative products.

A Comparison with Toba Batak Customary Law

A similar pattern is also evident in Batak Toba society, where clan ties function as a barrier between state law and customary law, protecting the latter from changes imposed by the state (Cambridge University Press, 2024). The clan system works as a semi-autonomous social field in which customary norms continue to govern marriage, inheritance, and dispute resolution, even though formally state law holds a higher position. This parallel normative order persists because it addresses social needs that state law cannot fulfill, particularly concerning identity, belonging, and communal recognition.

Weton and Broader Social Networks

In the Javanese context, the weton tradition performs a comparable function, retaining normative force even as it intersects with state-mandated marriage age provisions. The persistence of this tradition is inseparable from its attachment to broader social structures, including kinship networks, religious practices, and economic arrangements. Couples who follow weton calculations often receive material and emotional support from extended families, reinforcing the tradition's practical significance beyond mere cultural symbolism (Handayani & Sari, 2026). State law, by contrast, offers no equivalent framework for addressing the cosmological concerns that weton addresses, leaving communities to rely on customary mechanisms for maintaining social and spiritual harmony. The semi-autonomous social field thus persists because it provides services that state law cannot replicate, namely ontological security, communal cohesion, and intergenerational continuity (Suwanto Abbas et al., 2026).

Nikah Siri as Theological Legitimation of Adherence to Custom

Nikah Siri as a Solution for *Weton* Incompatibility

The phenomenon of nikah siri as a way out of weton incompatibility illustrates a strategic synthesis between theological and cosmological authority. Royana (2023) documents how residents of Selakambang Village take the path of nikah siri when weton calculations indicate incompatibility for an officially registered marriage. This practice functions as a precautionary measure, ensuring that couples do not fall into acts forbidden by Islamic teachings while still fulfilling customary obligations (Royana, 2023). Through nikah siri, couples maintain religious validity by fulfilling the pillars of marriage, namely ijab kabul, guardian, and witnesses, while avoiding the state registra-

tion bureaucracy that requires compliance with marriage age provisions (Royana, 2023). This dual legitimacy enables couples to meet both theological and customary demands simultaneously.

Instrumentalization of Theological Authority to Protect Customary Cosmology

The use of nikah siri in this context shows that theological instruments are not deployed to purify religious practice, but rather to save customary cosmology from the pressure of state law (Barkah, Sintang, & Morin, 2025). By claiming Islamic legal validity, society opens a space of legitimacy for customary adherence that remains outside the reach of state regulation. This strategic synthesis reflects pragmatic adaptation to competing normative pressures, in which theological authority provides justifying discourse for customs that state law cannot accommodate (Suwanto Abbas et al., 2026).

Nikah Siri from the Perspective of Fiqh

From the perspective of fiqh, nikah siri fulfills the pillars and conditions of marriage: ijab kabul, guardian, and witnesses (Royana, 2023). These elements constitute the essential requirements for the validity of marriage in Islamic jurisprudence, so that the bond is regarded as valid in the eyes of religious authority and society. The fulfillment of these conditions provides a sense of religious security for the couple, affirming that their bond is recognized by divine law and accepted by their religious community. Such religious recognition carries considerable social weight, since society generally regards religious legitimacy as more fundamental than state registration (Barkah, Sintang, & Morin, 2025).

Dual Legitimacy: Religiously Valid, State-Unrecognized

Nevertheless, nikah siri remains invalid and illegal in the eyes of state law because it is not registered with official institutions (Royana, 2023). This condition gives rise to a dual legitimacy structure: religiously valid, state-unrecognized. Society utilizes this theological validity as a shield to justify the disregard of state law for the sake of customary adherence. By claiming religious legitimacy, couples and their families can openly justify their decision to bypass state registration, framing the act not as a legal violation but as a religious obligation or customary necessity. This deployment of theological authority effectively paralyzes state legal sanctions, because residents prioritize religious and customary legitimacy over state recognition (Suwanto Abbas et al., 2026). This dual legitimacy structure ultimately enables

society to maintain customary practices, including respecting weton calculations, while preserving their religious identity and social standing, even when such practices run counter to state legal provisions.

Nikah Siri as a Form of Legal Syncretism

This phenomenon aligns with what Isra and Tegnan (2021) call legal syncretism, a rather different way of looking at how various laws interact when people encounter them in everyday life. Unlike the classical legal pluralism model that merely acknowledges the existence of various legal orders without discussing the relations among them, legal syncretism highlights the creative blending of normative systems in everyday practice (Isra & Tegnan, 2021). This perspective recognizes that legal subjects do not merely choose among competing legal orders, but actively combine elements from various traditions to construct solutions suited to their respective circumstances.

Rather than following the classical legal pluralism model that emphasizes diversity without prioritizing harmony (Isra & Tegnan, 2021), this phenomenon actually demonstrates creative synthesis in which theological instruments are adopted not to purify religion, but to save customary cosmology from state pressure. Rural Javanese communities deploy fiqh concepts, such as the validity of nikah siri, not primarily for religious reasons, but as strategic resources to protect customary practices from state intervention (Royana, 2023). This instrumental use of theological authority reveals a pragmatic orientation, in which religious legitimacy becomes a vehicle for the preservation of cosmological tradition, effectively eroding state legal authority while maintaining communal identity and customary obligations (Barkah, Sintang, & Morin, 2025).

Fluid Legal Consciousness Among Grassroots Legal Subjects

Fluid Movement Across Positions of Legal Consciousness

Empirical data show that legal subjects are not fixed on a single typology of legal consciousness, but rather move fluidly across various categories, simultaneously undertaking tactical maneuvers With the Law while positioning themselves Against the Law. Rural Javanese communities demonstrate this flexibility through their strategic responses to state marriage regulations. When couples submit dispensation applications to the Religious Court, they are in fact engaging in state legal procedures, thus positioning themselves With the Law by utilizing available legal mechanisms (Suwanto Abbas et al., 2026). However, the same couples may at the same time reject state norms by

making weton calculations the primary determinant of wedding timing, positioning themselves Against the Law when state provisions clash with customary obligations (Royana, 2023). This simultaneous engagement across categories shows that for legal subjects, these positions are not mutually exclusive, but rather complementary strategies for navigating competing normative demands.

Legal Consciousness as a Contextual Response

Such flexibility also calls into question the relationship between law and structure, by showing that legal consciousness is in fact a dynamic response to confronting normative pressures (Ewick & Silbey, 1998; 2003; Silbey, 2005). Legal consciousness is not a fixed attribute of individuals or communities, but rather a contextual and adaptive orientation, shaped by specific circumstances and available resources. In the Javanese context, legal subjects strategically deploy different forms of legal consciousness, depending on whether what they seek is state recognition, religious legitimacy, or customary justification. This pragmatic orientation enables society to hold multiple normative commitments at once, maintaining customary traditions while avoiding direct confrontation with state authority (Barkah, Sintang, & Morin, 2025).

Three Strategies: With the Law, Against the Law, and Before the Law

Society pursues several strategies simultaneously: submitting dispensation applications en masse to the Religious Court (positioning With the Law), choosing nikah siri to honor weton (positioning Against the Law), and occasionally fulfilling all state requirements fully (Before the Law). Each strategy has its own function in the broader effort to navigate clashing normative demands. Dispensation applications enable society to engage with state institutions while still pursuing customary goals (Suwanto Abbas et al., 2026). Nikah siri enables couples to maintain religious validity and customary adherence without state intervention (Royana, 2023). Full compliance occurs when customary and state provisions happen to align, or when families lack the resources to pursue alternative paths.

This multi-positioning affirms that legal subjects are not fixed on a single typology, but rather strategically move between compliance and resistance based on contextual assessment of which normative order offers the most convincing legitimacy. Society weighs available options according to their respective circumstances, considering the pros and cons of each strategy in relation to religious obligations,

customary expectations, and state legal provisions (Barkah, Sintang, & Morin, 2025).

Flexible Utilization of Normative Resources

This flexibility is also evident in how society deploys resources from multiple normative systems at once. Residents draw on fiqh concepts, customary traditions, and state legal mechanisms as available resources to construct responses suited to the context of marriage decision-making. This strategic deployment does not occur through formal legal reasoning, but through everyday practices that blend elements from various normative orders to address practical problems (Ewick & Silbey, 1998). Suwanto Abbas et al. (2026) show that the application of kafa'ah and weton in the socio-legal development of marriage law in East Java reveals that weton calculations are widely regarded as a cultural expression of kafa'ah, reflecting a collective effort to maintain household harmony. Such interpretation effectively bridges two different normative frameworks: the requirement of compatibility in marriage fiqh and the Javanese customary emphasis on cosmic compatibility. By framing weton in fiqh terminology, society integrates customary practice into religious discourse, strengthening its legitimacy in both normative systems at once.

Weton as a Cultural Expression of Kafa'ah

Although rooted in tradition, weton is often interpreted through a religious lens, thereby also shaping society's view of marriage readiness (Suwanto Abbas et al., 2026). This dynamic interaction between Islamic fiqh and Javanese wisdom preserves local tradition while enriching understanding of compatibility in Indonesian marriage law. The entry of weton into the discussion of kafa'ah demonstrates how local custom acquires religious meaning through reinterpretation, enabling society to maintain customary practice without being considered contrary to Islamic teachings (Suwanto Abbas et al., 2026). This process of reinterpretation is a form of normative negotiation, in which customary tradition is reframed within dominant religious discourse, so that its relevance is maintained in contemporary social life. The result is a hybrid understanding of marriage readiness that encompasses both religious and cultural dimensions, reflecting the lived reality of Indonesian Muslims navigating multiple normative commitments (Barkah, Sintang, & Morin, 2025).

Weton in the Perspective of Maqashid Shariah: 'Urf Shahih or 'Urf Fasid

1. Jasser Auda's Systems Approach to Maqashid Shariah

The application of Jasser Auda's (2022) systems approach to maqashid shariah provides an analytical foundation for assessing whether the weton tradition qualifies as 'urf shahih (valid custom) or 'urf fasid (deviant custom). Auda's framework emphasizes the importance of assessing custom based on its alignment with the noble objectives of shariah, particularly the preservation of life, lineage, intellect, religion, and property. This systems approach enables scholars to move from rigid textual interpretation toward contextual assessment that considers both religious principles and social reality. Fadhilah (2026) argues that this practice can be categorized as 'urf shahih when understood as a form of effort and cultural tradition that is not believed to determine fate absolutely and does not contradict the principle of tawhid. In this interpretation, weton functions as a cultural consideration, not a determining force, reflecting prudence in decision-making without sacrificing religious conviction. Conversely, weton becomes 'urf fasid when it gives rise to the belief that it has absolute power to determine a person's good or bad fate, independent of God's will (Fadhilah, 2026). This classification depends on how society understands and practices the tradition, affirming the importance of contextual assessment rather than wholesale endorsement or rejection.

2. Multidimensional and Contextual Assessment

This ambivalent position reflects the multidimensional nature that characterizes Auda's (2015) maqashid framework, in which an expanded horizon allows seemingly contradictory propositions to be reconciled for the sake of achieving a more holistic meaning. Auda's systems approach encourages scholars to consider multiple dimensions of a practice simultaneously, namely its social function, religious implications, and cultural meaning, rather than reducing assessment to a single criterion. The ability of this tradition to be assessed differently depending on its form, whether as wise cultural consideration or as deterministic superstitious belief, affirms the importance of contextual assessment rather than general endorsement or rejection. When society treats weton as one among many considerations in marriage decisions, without giving absolute power to its calculations, this practice aligns with Islamic principles of careful deliberation and trust in God's will (Fadhilah, 2026). However, when this tradition becomes absolute, displacing faith and rational reasoning, it contradicts basic Islamic teachings. Such a contextual approach acknowledges that the

same practice can carry different meanings and implications depending on how it is understood and practiced, while encouraging scholars and policymakers to assess local traditions based on their actual form, not on predetermined judgment.

Subversive Syncretic Legalism: A New Theoretical Postulate

1. Definition and Passive-Subversive Character

The findings above give rise to a new theoretical postulate: Subversive Syncretic Legalism. This concept describes a condition in which legal subjects at the grassroots level cross-fertilize theological authority (Islamic fiqh) and local cosmology (Javanese weton tradition) to construct a counter-legitimacy system that passively-subversively paralyzes the effectiveness of state positive law. Unlike forms of legal resistance that openly challenge state authority, this phenomenon operates through indirect mechanisms: society does not openly reject state law, but rather constructs an alternative normative framework that renders state legal provisions secondary or even irrelevant (Royana, 2023). By combining fiqh validity and customary cosmological obligation, society constructs a parallel legitimacy structure that satisfies both religious and customary demands, while evading the state regulatory framework (Suwanto Abbas et al., 2026).

Such synthesis effectively paralyzes state legal authority without the need for direct confrontation, because subjects frame their actions within religious and customary discourse that actually possesses higher social legitimacy than state law. The passive-subversive nature of this legalism lies in its ability to render state law functionally powerless: society complies with its own normative system, while state regulation remains formally intact but practically unenforced (Barkah, Sintang, & Morin, 2025). This condition challenges conventional understanding of legal compliance, revealing how legal subjects creatively construct legitimacy outside the state framework.

2. An Extension of Moore's Semi-Autonomous Social Field Theory

This finding extends Moore's (1973) theory of the semi-autonomous social field by showing that various normative orders do not merely run parallel, but are actively crossed to produce resistance. Moore's framework indeed acknowledges that social fields have the internal capacity to make rules that protect themselves from state law, but has not fully explored how these fields actively combine elements from different normative systems to construct counter-legitimacy.

This Javanese case shows that society does not merely maintain separate legal orders, but creatively blends theological and customary resources to construct a hybrid legitimacy framework that effectively erodes state legal authority (Isra & Tegnan, 2021). Such active synthesis represents a far more dynamic form of legal pluralism than Moore imagined.

3. Problematising Ewick and Silbey's Tripartite Model

This finding also problematizes Ewick and Silbey's (1998) tripartite model by showing that the Against the Law position can coexist with tactical maneuvers With the Law. Subjects are not fixed on a single typology, but move fluidly across categories, strategically deploying theological resources to justify customary defiance. This flexibility challenges the assumption that legal consciousness operates through stable categories, and instead shows that legal subjects take positions according to context based on available resources and circumstances encountered (Silbey, 2005). The tripartite model itself needs to be re-conceptualized to explain such simultaneous cross-category engagement.

4. A Challenge to Hierarchical Assumptions in Classical Legal Pluralism

This concept ultimately challenges the classical legal pluralism assumption that state law always dominates customary law (Isra & Tegnan, 2021). Conventional legal pluralism studies often start from the assumption of a hierarchical relationship, in which state law occupies the highest position, while customary and religious law function as subordinate or residual systems. Such a perspective underestimates the capacity of local communities to construct alternative normative frameworks that effectively paralyze state legal authority. Conversely, this concept reveals far more complex dynamics, in which legal subjects creatively combine various normative authorities to construct a hybrid legitimacy system that undermines state law while maintaining ontological security through customary and religious adherence. Javanese society demonstrates this complexity through the way they utilize fiqh validity to justify customary practice, effectively rendering state marriage regulations functionally powerless without directly challenging state sovereignty (Royana, 2023; Suwanto Abbas et al., 2026).

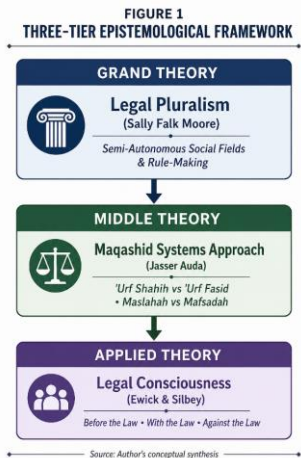
This synthesis enables society to preserve cosmological tradition and religious identity while strategically navigating state legal provisions. The hybrid legitimacy system that emerges from this provides society with practical solutions to conflicting normative demands as

well as existential security rooted in the cultural and religious frameworks they know, revealing the resilience of local normative orders amid a plural legal environment.

Table 1. Typology of Legal Consciousness in Javanese Marriage Practices

Typology	Behavioral Indicator	Manifestation in Weton Context
Before the Law	Submitting to and complying with state legal norms	Complying with the minimum marriage-age requirements stipulated under Law No. 16 of 2019
With the Law	Utilizing legal mechanisms and exploiting available legal loopholes	Filing multiple applications for marriage-age dispensation with the Religious Courts to reconcile <i>weton</i> considerations with statutory requirements
Against the Law	Resisting or circumventing state law through alternative forms of normative legitimation	Choosing <i>nikah siri</i> (unregistered marriage) to preserve marriage arrangements based on <i>weton</i> calculations

Source: Adapted from Ewick & Silbey (1998).



Conclusion

This study set out to trace the epistemological friction between Indonesia's Marriage Law No. 16 of 2019, Islamic theology, and the Javanese *weton* tradition in the interior regions of Java, working through a socio-legal lens that draws together legal anthropology, sociology of

law, and critical legal studies. What emerges from the findings is somewhat counterintuitive: rather than producing the compliance the state intended, legal intervention has instead provoked resistance, visible in the surge of dispensation applications and the growing recourse to *nikah siri*. What this suggests is that state law, Islamic jurisprudence, and customary cosmology are not simply different in their textual content they actively undercut one another's claims to ontological legitimacy.

The main theoretical contribution advanced here is the concept of Subversive Syncretic Legalism. It captures a pattern in which ordinary legal subjects, at the grassroots level, blend theological authority with local cosmological beliefs to fashion their own counter-legitimation systems, ones that quietly but effectively blunt the force of positive state law. Communities turn to Islamic instruments such as *nikah siri* not out of a desire to purify religious observance, but as a way of shielding customary cosmology from state interference (Royana, 2023; Suwanto Abbas et al., 2026). Through this kind of strategic blending, communities manage to hold on to their customs while still preserving their religious standing and social identity.

These findings push Moore's (1973) notion of the semi-autonomous social field further, showing that normative orders are not just coexisting in parallel but are being deliberately fused together to generate resistance. They also complicate Ewick and Silbey's (1998) three-part typology, since legal subjects in this context do not stay neatly within one category they move fluidly between them, at times pursuing tactical engagement "with the law" while simultaneously positioning themselves "against the law" (Silbey, 2005). Viewed through Auda's (2022) *maqashid* framework, *weton* can be read as '*urf shahih*' when treated as a form of cultural prudence, yet it slides into '*urf fasid*' the moment it hardens into deterministic belief that overrides divine will (Fadhilah, 2026).

Taken together, these results point to a broader lesson: legal reform in pluricentric, postcolonial states cannot simply rely on uniform legislation that brushes aside local ways of knowing. Oversimplified state law tends to leave behind legal black holes, spaces where underground law quietly takes root. Real reform, then, calls for genuine epistemological negotiation with local cosmological structures an acknowledgment that legal subjects build legitimacy out of multiple normative frameworks, ones that cannot simply be flattened into a state-centric model of what compliance should look like.

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