



Shift in traditional marriage in the modern era: Between cultural preservation and socio-economic pressure

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Abstract

Study This aim analyze socio-legal burden socio-economic obligation customs in marriage (such as dowry and bride price'), relation between law customs and laws of the country, as well as the implications to gender equality in practice marriage customs in Indonesia. Through approach qualitative with combination analysis normative to law customs, regulations legislation and instruments right basic man as well as study empirical through interviews, observations procession marriage customs and studies documents, research This show that obligation customs still functioning as support identity and honor, but at a time can cause pressure economy and reproduction gender inequality if No arranged in a way proportional. On the other hand, asynchrony between confession legitimate according to customs and legitimacy according to state law creates vulnerability new for women and children, so that required reading repeat and dialogic on customary norms to be in harmony with principle justice, protection rights and sustainability life House ladder.

Keywords: Customary marriage, socio-economic burden, socio-legal approach

Introduction

Marriage customs is one of the institutions functioning social guard continuity of lineage, identity cultural and cohesion social in Indonesian society (Jumrah, 2010). Procession, symbols, and procedures marriage customs load mark religious, moral, and structure social that has inherited in a way hereditary (Nurbaiti, 2022) ^[13]. However, in the midst of modernization, urbanization, and change structure economics, practice marriage customs face various the challenges that make it issue crucial for reviewed in a way scientific (Implementation Traditional Marriage in Sungai Pinang Village, 2019).

One of problem the main thing that comes to the fore is increasing burden economy caused by various obligation customs like dowry, bride price, dowry, and series party ongoing customs days (Belis Tradition in Community Marriage Customs, 2018). Demands magnitude giving customs often not comparable with ability economy family, so that trigger debt, pressure financial, even postpone implementation marriage for partner young (Nadila Mardianti, 2020) ^[11]. Condition This cause paradox: in one side customs held in high esteem tall as honor family, on the other hand, becomes potential burden socio-economic obstacles welfare generation young (Analysis to Tradition Malay Community Marriage, 2019; Photographing Shift Meaning Wedding in Gorontalo City, 2020).

Besides aspect economy, gender relations in practice marriage customs also become highlight important (Meaning Traditional Marriage of the Blau Naitimu Tribe, 2021). In several community, women Still placed in position weak bargaining, good in the process of proposing, determining magnitude giving customs, as well as in taking decision related marriage (Review) Legality of Customary Marriage of the Anak Dalam Tribe, 2020). Tradition customs certain can implications for the confirmation stereotypes role domestic women, dependency economy, and its limitations room participation in realm public (Nurbaiti, 2022) ^[13]. This cause question about how far the

marriage customs in harmony with principle gender equality and justice guaranteed by the constitution and various instrument right basic human (Review) Legality of Customary Marriage of the Anak Dalam Tribe, 2020).

Other problems that are not lost important is tug-of-war between provision law customs with state law, in particular Constitution Marriage and regulation related protection women and children (Implementation Traditional Marriage in Sungai Pinang Village, 2019). In practice, it is still found cases marriage age early, polygamy-based legitimacy customs, or settlement divorce in a way custom that are not fully integrated with mechanism law national (Analysis to Tradition Marriage in Malay Society, 2019). Situation This cause potential violation right children and rights women, and cause uncertainty law for the parties involved (Review Legality of Customary Marriage of the Anak Dalam Tribe, 2020).

In the middle change fast social, generation young start questioning relevance and ideal form of implementation marriage customs in today's era (Photographing Shift Meaning Marriage in Gorontalo City, 2020). Some are trying do negotiation and reinterpretation mark customs to be more adaptive, for example with simplify procession or rationalize magnitude obligation economy, meanwhile part other chooses take off part element customs Because considered burdensome (Jumrah, 2010; Nadila Mardianti, 2020) ^[11]. Dynamics This show existence tension between desire preserve identity culture with need ensure justice, protection rights and sustainability economy family (Photographing Shift Meaning Wedding in Gorontalo City, 2020).

In a way academic and practical, research about marriage customs become urgent Because can give runway empirical for effort update practice customs to be more responsive to issue gender justice, protection right fundamental rights and change structure economy society (Implementation Traditional Marriage in Sungai Pinang Village, 2019; Review Legal Issues of Customary Marriage of the Anak

Dalam Tribe, 2020). Findings study expected capable identify in a way concrete forms burden socio-economic, patterns gender relations, and harmonization problems between law customs and laws of the country in practice marriage Customs (Belis Tradition in Community Marriage Customs, 2018; Analysis to Tradition Malay Community Marriage, 2019). Study results the important as base formulation recommendation policies, guidelines for institution customs and apparatus enforcer law, as well as material education public for push practice marriage fixed customs value tradition, but fairer, rationa, and protective rights parties involved, especially women and generations young (Meaning Traditional Wedding of the Blau Naitimu Tribe, 2021; Photographing Shift Meaning Wedding in Gorontalo City, 2020).

Research methods

Study This use socio-legal method with approach qualitative, which combines analysis normative to provision law (law customs, regulations legislation about marriage, protection women and children) with study empirical to practice social issues in society. The socio-legal approach was chosen Because issue marriage customs No only related with text law, but also with mark culture, relations power and dynamics socio-economic aspects that surround implementation. Primary data is planned obtained through interview deep with partner husband wife, character customs, religious figures, officials' village/sub-district, and, if relevant, apparatus enforcer law or institution protection women and children. The primary data equipped with observation participatory or non-participatory to procession marriage customs for describe in a way concrete form obligation custom, patterns interactions, as well as position bargaining of each party in practice.

Secondary data collected through studies document to regulation legislation, decisions court (if there is), script/narrative customs, as well as results study relevant previous about marriage customs, burdens economy customs, and gender relations. Determination techniques informant using purposive sampling and snowball sampling in order to reach parties who have experience direct and knowledge deep related marriage custom. Data analysis was carried out in a way qualitative through stages data reduction, data presentation, and data extraction conclusion, with compare findings empirical and framework normative for identify forms tension and point meeting between law customs, state laws, and principle right basic man in practice marriage Customs. Data validity is maintained through triangulation source (compare information different informants), triangulation methods (interviews, observations, and studies) documents), and confirmation results findings to informant key (member check).

Results and Discussion

Socio-Economic Burden of Customary Obligations in Traditional Marriage

Based on findings research, obligations customs like dowry, dowry money, and various form giving other customs remain understood public as symbol respect, binding kinship, and markers seriousness man for build House (Nasmi, 2025; Belis Tradition in Community Marriage Customs, 2018) ^[12]. Belis and dowry money are interpreted as as dowry that lifts dignity women and their families, at the same time show readiness economy candidate husband

(The Meaning of Belis in Marriage Customs, tt; Uang Panai' Tradition in Regency Jeneponto, tt). In many communities, success fulfil obligation customs This Still viewed as form prestige family, so that magnitude giving often pushed up along improving social status and education candidate bride women (Islamic Law Review of Belis Tradition, 2023; Uang Panai' and Women's Social Status, tt).

At the same time, field data show that meaning symbolic the side by side with burden real that is felt couples and families, in particular party men who must bear cost in amount big. Informant men and religious figures in several area confess that the nominal dowry or buy can reach dozens until hundreds million rupiah, even billions, especially If Woman originate from family respected or educated high (Understanding and Tradition of Bride Price, 2023; Bride Price Tradition in Bugis Tribe Wedding Customs, tt). Conditions This push part candidate bride for owe, sell asset family, or postpone wedding in long time to arrive demands customs fulfilled (Tradition of Bride Price in Bugis Tribe Wedding Customs, tt; Impact Belis Tradition in Customary Marriage, tt).

From perspective socio-economic, demands obligation high customs create gap between ideal norms and capacity economy real society, especially among medium to Below (Tradition of Uang Panai' in Regency Jeneponto, tt). Pressure For fulfil standard customs make Lots family feel forced adapt self with pattern consumption party size and nominal dowry high to maintain honor and avoiding social stigma (Bride Price and Women's Social Status, tt; The Meaning of Bride Price and Women's Social Status, tt). Phenomenon This strengthen what some say researchers called as the "commercialization" of marriage customs, where the values family and spirituality slowly shifted by logic prestige, consumption, and demonstration ability economy (Bride Money': Highlights Paradigm Shift, tt; Comparison Belis and Uang Panai' Tradition, tt).

Implications burden economy the No only felt at the stage pre-marital, but also has an impact on stability economy House ladder post contract or reception (Impact Belis Tradition in Traditional Marriage, tt). Debt taken for pay buy or dowry money' can reduce ability partner young fulfil need basic, set aside savings, and building asset productiv, so that influence quality life marriage in the years beginning (Tradition of Uang Panai' in Regency Jeneponto, tt). Some study take notes existence case conflict House stairs rooted in pressure financial remainder obligation customs, including dispute between family when agreement payment buys or dowry money No fulfilled fully (Bride Money': Highlights Paradigm Shift, tt; Belis: A Tradition Dawan Tribe Marriag, tt).

Socio-economic burden obligation customs also have dimensions generational, especially for generation young people who are starting questioning rationality demands cost marriage customs (Photographing Shift Meaning Wedding in Gorontalo City, tt). In one sid, generation young Still feel bound for comply customs to maintain harmony family big and avoid conflict with parents; on the other hand, they realize that demands too much cost tall hinder plan Marriage and future planning (Uang Panai' Tradition in Bugis Tribe Wedding Customs, tt; Belis Tradition in Community Wedding Customs, 2018). Tension This put generation young in position bargaining dilemma: between loyalty to traditions and needs will life more marriage simple and

sustainable in a way economy (Impact Belis Tradition in Customary Marriage, tt).

In context relation social, high nominal value of belis and dowry money functioning as status markers and instruments differentiator class social (Bride Price and Social Status of Women, tt; Bride Price Tradition and Social Status of Women, tt). Women from family educated or respected tends to be "priced" at a higher customary nominal high, so that strengthen hierarchy social and potential marginalize man from class economy below who wants propose (The Meaning of Bride Prices and the Social Status of Women, tt; Belis: A Tradition Dawan Tribe Marriage, tt). Research the show that burden obligation customs No stand neutral but touch with structure class, education, and symbols the honor that governs who is considered worthy and "abl" to enter connection marriage certain (Comparison Belis and Uang Panai' Tradition, tt).

From the side law and religion, some study confirm that tradition buy or the dowry set in a way excessive until obstruct occurrence marriage contradictory with principle convenience and avoidance harm in Islamic law (Islamic Law Review of Belis Tradition, 2023; Bride Price Tradition in Regency Jenepono, tt). Fatwas and views of scholars at the level local, such as the Fatwa of the Indonesian Ulema Council of South Sulawesi No. 2 of 2022 concerning dowry money, recommends that the amount of obligation customs No burdensome candidate bride and groom and not become means exploitation against one of them parties (Nasmi, 2025) ^[12]. However, research latest show that recommendation normative the Not yet fully lower practice high nominal determination, because strong pressure social and cultural siri' or honor family (Bride Money': Highlights Paradigm Shift, tt; The Tradition of Bride Prices in Bugis Wedding Customs, tt).

A number of researches also noted existence effort negotiation and adaptation at the level local for reduce burden socio-economic without fully leave tradition (Impact Belis Tradition in Traditional Marriage, tt; Belis Tradition in Community Marriage Customs, 2018). Form adaptation the including a nominal decrease in in stages, payment buy or dowry money in a way installment, replacement part obligation in form symbolic or animal more livestock affordable, and simplification party custom (Belis: A Tradition Dawan Tribe Marriage, tt; Bride Price Tradition in the Regency Jenepono, tt). Although not yet become current main, practices This show existence room creative in community for balance respect to customs with need will life House more stairs stable and not burdened debt (Photographing Shift Meaning Wedding in Gorontalo City, tt).

With thus, the burden socio-economic obligation customs in marriage customs looks nature ambivalent: on one side strengthen identity culture, solidarity, and honor family; on the other hand, it gives rise to pressure financial, inequality social, and potential conflict If no managed in a way proportional (Bride Price': Highlights Paradigm Shift, tt; Impact Belis Tradition in Customary Marriage, tt). From a socio-legal perspective, the findings This show the importance of dialogue between customary norms, religious teachings, and state policies for push reinterpretation obligation customs to remain loaded meaning cultural, but No transform become burden that hinders access generation young people in a proper and prosperous marriage (Islamic Law Review on Belis Tradition, 2023; Analysis Juridical

about the Bride Price, tt). At the point here, it is urgency update practice dowry and bride price' become a strategic agenda, not in frame delete tradition, but for organize return proportion, transparency and fairness for all parties involved (Comparison Belis Tradition and Bride Price, tt; Uang Panai' Tradition and Women's Social Status, tt).

The Relationship between Customary Law, State Law, and Gender Equality in Practice Traditional Marriage

Research result show that relation between law customs and laws of the country in practice marriage customs ongoing in patterns that are not always harmonious, but often nature overlapping overlap and even contradictory (Tan, 2018; Purba, 2022) ^[14, 19]. In many communities custom, a marriage considered legitimate If has fulfil conditions customs like ceremony, blessing family, and fulfillment obligation customs, although not yet recorded in a way officially in front of official's recorder marriage as arranged in Constitution Number 1 of 1974 concerning Marriage (Republic of Indonesia, 1974). This cause a situation where one marriage recognized by the community customs but no own strength law full according to state law, so that impact direct to protection rights women and children, including those related to legal status, rights inheritance, and access to state services (Khusnia, n.d.; Tan, 2018) ^[19].

In context validity and registration, state law requires every marriage recorded in order to obtain recognition and protection law, while part practice customs Still put forward ratification-based rituals and deliberations Customs (Republic of Indonesia, 1974; Purwasih, 2025). Research about marriage the customs of the Anak Dalam Tribe in Jambi, for example, show that marriage that only done according to customs without state registration places wife and children in position prone to when happen divorce, death husband, or dispute treasure together (Tan, 2018; Purba, 2022) ^[14, 19]. In cases said, women difficult demand living expenses, distribution propert, as well as child status guarantee Because connection marriage they No readable in system law positive, although in a way customs connection That recognized and viewed legitimated by the community (Khusnia, tt; Purwasih, 2025).

Tension relation law customs and laws of the country become the more complex when associated with issue marriage age children and marriage dispensation (Putra, 2022; Sukerti, n.d.). Customary law in a number of communities Still tolerate or even in a way social push marriage at a deep age state law already classified as children, for example Because factor guard honor family or maintain alliance kinship (Tan, 2018; Purwasih, 2025) ^[19]. Meanwhile that, the Law the marriage that has been revised and the Law Child Protection emphasizes the obligation of parents and the state to prevent occurrence marriage children, so that situation This demand existence clear harmonization between authority institution customs and regulations law national (Republic of Indonesia, 1974; Hukumonline, tt).

From perspective gender equality, research and studies theory show that many customary norms in Indonesia is rooted in the structure patriarchal society, so that potential maintain relation unequal power between men and women (Sukerti, n.d.; Krajan.id, 2024). In the context marriage customs, things This reflected in mechanism proposal, determination conditions marriage, and division role domestic-public which is often more profitable man

compared to women (Tan, 2018; Purba, 2022) ^[14, 19]. Although constitution and ratification instrument international as CEDAW guarantees equality right men and women, law customs in practice No always move as fast as possible law written in adopt principles equality (Sukerti, tt; Krajan.id, 2024).

Research fields in several community customs also show varying patterns: there are community that still put women in position subordinate, but there are also those who show configuration relative relationship egalitarian (Khusnia, n.d.; Khair, 2024). Study on equality husband and wife in marriage To Kulawi customs, for example, show that rights and responsibilities answer Woman in family customs protected by the provisions customs that are in line with principle right basic humans, including in distribution property and care children (Husband- Wife Equality in To Traditional Marriage Kulawi, tt). Findings This show that law customs No monolithic; there is spaces progressive that can made into references when push transformation customs in other communities towards more patterns gender equality (Sukerti, n.d.; Khair, 2024).

In practice daily life, relationships law customs and laws of the country often appear in form of “compromise” pragmatic” negotiated at the level local (Tan, 2018; Purba, 2022) ^[14, 19]. For example, a marriage held moreover formerly according to customs for fulfil will family and community, then new recorded in a way official to fulfill conditions state law (Khusnia, n.d.; Purwasih, 2025). This pattern in one side show flexibility and power adaptation community customs, but on the other hand can cause pause risky time for women and children when happen incident law (death, divorce, violence) in the pre-Christian era recording marriage (Hukumonline, tt; Khusnia, tt).

Issue gender equality is also visible in method law customs arrange right Woman when happen conflict or break up marriage (Khusnia, n.d.; Khair, 2024). A number of studies show that in a number of communities, divorced women in a way custom No always get guarantee livelihood, rights on treasure together, as well as adequate protection to violence, especially If marriage the No recorded according to state law (Purba, 2022; Purwasih, 2025) ^[14]. This compared backwards with the principles that are governed in regulation legislation national which emphasizes protection right wife and children, so that strengthen argument that recording marriage and harmonization of customary norms- the state is prerequisite important for realize gender justice (Republic of Indonesia, 1974; Khusnia, n.d.).

Although thus, there are trend new in some the area where the character is customs, religious figures, and activists Woman start do reinterpretation against customary norms that are assessed discriminatory (Krajan.id, 2024; Sukerti, n.d.). This effort including among others affirmation right Woman For give agreement in the marriage process, restrictions practice marriage children, and strengthening position Woman in taking decisions and inheritance (Khair, 2024; Husband-Wife Equality in To Traditional Marriage Kulawi, tt). The process of reinterpretation This show that law customs own capacity dynamic for adapt with values modern justice, as far as available equal dialogue space between institution customs, countries, and groups that fight for right women (Krajan.id, 2024; Sukerti, n.d.).

From a socio-legal perspective, the findings the confirm that relation law customs, state law, and gender equality in practice marriage customs No just problem text normative,

but especially problem power, legitimacy, and practice social life at the community level (Tan, 2018; Purba, 2022) ^[14, 19]. State law provides formal framework for ensure protection and equality, but its implementation is greatly influenced by the moral authority of the institution customs and structures social local (Republic of Indonesia, 1974; Khusnia, n.d.). Therefore, strengthening gender equality in marriage customs requires a dual strategy: reformulating regulations to be more harmonious and consistent, at the same time push change from in community customs through education, dialogue, and empowerment women to have voice in the process of formulating and enforcing customary norms (Krajan.id, 2024; Sukerti, tt; Khair, 2024).

Conclusion

Obligation customs in marriage like dowry and bride price' still understood as symbol honor, identity culture, and binder kinship, but at the same time cause burden significant socio-economic for partner young and family they. This burden looks in practice debt, delay marriage, as well as strengthening potential social status hierarchy marginalize group economy wea, so that need effort arrangement back to the meaning culture still awake without sacrifice sustainability economy House ladder

On the other hand, the relationship between law customs, state law, and gender equality in practice marriage customs show ambivalent pattern: in one side, law customs give confession strong social, but on the other hand, when No in harmony with provision law national and principles right basic human, he can weaken protection right women and children. Socio-legal findings confirm the need harmonization of customary norms and state law, at the same time internal reinterpretation of patriarchal customary norms, through dialogue between institution customs, countries, and groups women, so that marriage customs can ongoing in a way legitimate, fair and equal for all parties involved.

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