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## Manggarai Marriage in Legal Dualism: Reconciling Customary Law and Church Doctrine

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### ABSTRACT

Every culture has a customary legal system designed to maintain social order, preserve traditions, and strengthen communal identity. In Manggarai, East Nusa Tenggara (NTT), customary values and traditions are passed down through generations, including in traditional marriage practices. However, these local marriage customs often conflict with the regulations of the Catholic Church, particularly the Code of Canon Law (KHK), which serves as a guiding framework for the majority of the Manggarai people. This study aims to explore the reciprocal relationship between the Code of Canon Law and customary law in Manggarai marriage practices and how both can contribute to fostering harmonious family life. A qualitative research approach was employed, utilizing data collection techniques such as literature review, document analysis, and field observations. The findings indicate that both customary law and the Code of Canon Law play significant roles in shaping a prosperous family institution. However, substantial differences between the two legal systems often create tensions in practice. This research seeks to offer a conceptual framework for harmonizing religious and cultural perspectives through open dialogue between Church authorities and customary leaders

## INTRODUCTION

*Extra ecclesiam nulla salus* (outside the Church, there is no salvation) is one of the most frequently debated theological assertions, sparking discourse both within the Church itself (*ad intra*) and in interfaith and intercommunal dialogues (*ad extra*) (Himawan, 2017). In the local context, this debate has even led to conflicts between Church authorities and indigenous communities, particularly regarding marriage. Many people prioritize customary marriage over Church marriage. Factors such as the high customary dowry that hinders the Church wedding process, complex traditional procedures, and the prevailing trend of elaborate wedding feasts, sometimes lasting for days, illustrate some of the paradoxes within customary law that diverge from Church regulations. While Catholic canon law emphasizes the sacramentality and indissolubility of marriage, customary law operates with its own structures and mechanisms for resolving marital matters, often independent of Church authority.

Should the Church remain steadfast in its marital dogma, or should it be more open to local customs? Is salvation found exclusively within the confines of the Church, or is there space for understanding faith and the social reality of marriage from alternative perspectives? It is evident that the Church's teaching on marriage is a firmly established dogma. The Church rigorously upholds the principles of "unity" and "indissolubility" in marriage (Can. 1056 in KWI, 2016). On the other hand, these differences often create challenges for both indigenous communities and Church authorities in reconciling their perspectives on marriage. Customary marriage law remains largely unrecognized and tends to be marginalized. The religious and political discourse in Indonesia has contributed to a separation between local (customary) religions and global religions (introduced from foreign nations). The perception that religious truth is superior to local traditions (*adat*) is a product of a historical and highly political construction, deeply rooted in Indonesia's colonial past and further reinforced during the New Order regime.

This historical trajectory has led to the marginalization of local beliefs, often equating them with paganism and positioning them in opposition to institutionalized religions. Local or customary religions are frequently regarded as inferior to global religions, which are perceived as more authoritative. Frans von Benda-Beckmann and Keebet von Benda-Beckmann argue that the revitalization of customary law is often hindered by misconceptions about its nature and by conflicts with religious and state laws. As a result, customary law is increasingly disadvantaged and even faces the threat of extinction (KWI, 2016). However, in the Indonesian context, customary law functions as folk law, an empirically rooted legal system that organically evolves within society.

Customary law functions as a normative and regulatory system, serving as an instrument of social control (legal order) and ensuring social stability (social order) within society. It holds significant potential for enriching both national law and Church law. According to Louis Henkin, the primary role of law is to protect society, particularly by safeguarding fundamental human rights (Henkin, 1984). One of these fundamental rights is the right of communities to maintain their cultural identity and traditions. The United Nations has explicitly declared the rights of Indigenous peoples. Article 2 states: "Indigenous peoples and individuals are free and equal to all other groups and individuals and have the right to be free from any form of discrimination in the exercise of their rights, particularly those based on their origin or identity." In this context, the Manggaraian Indigenous community has the fundamental right to live in accordance with its customary laws. Consequently, Manggaraian customary law should be recognized as an integral part of both state law and the Catholic legal framework in Manggarai.

Regarding marriage, Pope John Paul II emphasized that marriage, by its very nature, possesses a cultural dimension. Therefore, in proclaiming God's plan for marriage, the Church cannot ignore the influence of culture, both its positive and negative aspects. The Church must adopt a wise and discerning approach in inculturating

the divine message on marriage. Recognizing the positive aspects of customary law can enrich the Church's teachings on marriage regulations, while negative aspects should be refined through Gospel values (Schumacher, 2014).

This study examines the interaction between Manggaraian customary marriage law and the Catholic Church's marriage law. Research on the relationship between culture and the Catholic Church has been conducted at both the international and national levels. Luzbetak highlights the sacredness of every culture in its relationship with the Catholic Church, while K. Norget explores the theological foundations of Indigenous cultures. In Indonesia, several studies have examined the contribution of Indigenous traditions to Church life. H. Boelaars, in his work, encourages the Indonesian Church to engage in the inculturation of local cultures. Similarly, Togar Nainggolan investigates the relationship between Batak customary traditions and the Christian Church. Yoseph Harbelubun explores interfaith brotherhood based on local wisdom, while Stephanus Djunatan incorporates Sundanese cultural wisdom into the life of Catholic communities in Bandung (Tomatala, 2021).

These studies have explored the intersection of culture and the Catholic Church in various contexts, such as Batak culture (Nainggolan), Sundanese culture (Djunatan), or broader theological perspectives (Luzbetak, Norget, Boelaars). This study specifically examines the encounter between Manggaraian customary marriage law and Catholic Canon Law (Codex Iuris Canonici). It focuses on the customary marriage laws in Manggarai and their interaction with the Code of Canon Law (KHK) in the lived experiences of the Manggaraian people. More specifically, this research does not merely seek to explore tensions, negotiations, and potential harmonization between the two legal systems in addressing marriage issues in Manggarai. Instead, it is guided by two central research questions:

1. How does the Catholic Church engage with Manggaraian culture in responding to marriage-related issues?

2. What is the contribution of Manggaraian customary marriage law to Catholic marriage practices?

Implicitly, the objectives of this study are: (1) to describe the models of interaction between the Catholic Church and Manggaraian culture in addressing marriage issues, and (2) to examine the contributions of Manggaraian customary marriage law to Catholic marriage traditions.

## **METHOD**

Based on the two research questions outlined above, the most appropriate research method for this study is qualitative research. A qualitative approach is employed to explore the model of interaction between the Catholic Church and Manggarai culture concerning marriage, as well as the contribution of Manggarai customary marriage law to Catholic marriage. To obtain research data, two approaches are utilized: literature review and field study. The literature review aims to examine ideas and theories relevant to the research topic, while the field study serves to confirm these theories through document analysis and observation. According to Muri Yusuf, documentation refers to the study of records or works that detail past events, individuals or groups, occurrences, or social situations that align with and relate to the research focus. Documentation, therefore, serves as a highly valuable source of information in qualitative research. Drawing on this perspective, the researcher examines various written documents relevant to the study's focus, namely, marriage practices in Manggarai, which are shaped by the intersection of customary and religious laws. Relevant literature is reviewed and analyzed to generate a constructive synthesis that contributes to the advancement of scientific knowledge (A. Muri Yusuf, 2019).

In addition to document analysis, this study also collects data through observation. According to Muri, one of the advantages of observation over other data collection methods, such as document analysis, is that it allows researchers to capture not only verbal behavior but also non-verbal behavior. Observation is categorized into two types:

participant observation and non-participant observation. In this study, the researcher, who is of Manggarai origin, is directly and regularly involved in the marriage practices of the Manggarai community. In other words, the researcher is part of the subject of this study.

The qualitative field research approach used in this study is rooted in an interpretivist paradigm, which emphasizes understanding social phenomena from the perspective of the participants. This paradigm is appropriate for analyzing how cultural and religious norms interact and are lived out in the real experiences of marriage in the Manggarai context. The researcher acts as a key instrument, engaging in a reflexive, inductive process to derive meaning from the lived experiences of the community.

To obtain rich, in-depth data, the study employs three primary qualitative data collection techniques:

1. In-depth Interviews. Interviews are conducted with key informants, including:
  - Traditional leaders
  - Catholic clergy (priests, catechists)
  - Married couples from Manggarai
  - Elders and community members involved in marriage ceremonies

These interviews are semi-structured, allowing for open-ended responses while guiding the conversation toward relevant themes.

2. Participant Observation. As an insider (native of Manggarai), the researcher observed and participated in various stages of customary and Catholic marriage ceremonies. This method provides access to both observable behaviors and deeper cultural meanings, including symbolic gestures, rituals, and interpersonal dynamics.

Analysis includes church documents, local regulations, customary law manuscripts, marriage records, and personal archives. This triangulates historical and contemporary practices, highlighting areas of convergence or tension between Catholic

and traditional systems. In qualitative research, the main instrument is the researcher. However, to support data collection, the following tools are employed:

- Interview guides containing thematic prompts
- Observation checklists focusing on symbolic practices, language use, and ritual sequences
- Field notes and reflective journals to capture impressions, emerging insights, and contextual details

Data analysis follows a thematic approach, as proposed by Miles and Huberman, comprising the following steps: data reduction, display, and conclusion drawing and verification. To ensure credibility and validity of the data, this study employs triangulation in three forms:

1. Data triangulation – cross-checking data from multiple sources: interviews, observation, and documents.
2. Theory Triangulation: using multiple theoretical lenses (e.g., customary law, or canon law) to interpret findings.
3. Methodological Triangulation: combining interviews, observations, and document analysis to corroborate results.

## RESULTS AND DISCUSSION

### General Overview of the Manggarai Community

Manggarai is an ethnic group that inhabits the western part of Flores Island, East Nusa Tenggara (NTT), Indonesia. The Manggarai region covers an area of approximately 7,106 km<sup>2</sup>, nearly 50% of Flores Island, which spans around 14,250 km<sup>2</sup>. The term "Manggarai" refers to a geographical area, a language, an ethnic group, and, politically, an administrative region equivalent to a regency. The Manggarai community possesses a distinct language, culture, indigenous beliefs, history, religion, and way of life. Administratively, Manggarai is divided into three regencies: Manggarai Regency, with its capital in Ruteng; West Manggarai Regency, with its capital in Labuan Bajo; and East Manggarai Regency, with

its capital in Borong (Ampur, Maku, Edu, Firmanto, & Nanto, 2023).

In contemporary usage, to refer to the entirety of the Manggarai region encompassing these three regencies, the term "Manggarai Raya" is often employed. This term helps avoid the misconception that "Manggarai" refers solely to a single regency. Although "Manggarai Raya" lacks formal legal and sociological foundations, it is widely accepted and facilitates a clearer understanding of the region. However, in this study, the term "Manggarai" is used without the addition of "Raya." Before the 20th century, the history and existence of Manggarai were not well-documented, primarily due to the absence of a written tradition within the community. It was only in the early 20th century that Catholic missionaries introduced formal education, including literacy, to the Manggarai people (Fransiska Widyawati, 2021).

The Manggarai society adheres to a patriarchal cultural system, in which men and elders hold dominant roles. Elders and male figures are responsible for organizing communal life, including decision-making processes. In the traditional social structure, two key leadership roles exist: *tu'a golo*, the village chief, and *tu'a teno*, responsible for land distribution. Both of these positions are exclusively held by men. Leadership in Manggarai also emphasizes age as a determinant of authority; the older an individual, the greater their influence and decision-making power. Agriculture is the primary livelihood of the Manggarai people. Wet-rice cultivation was introduced to Manggarai in the 1930s. In addition to rice farming, the community also cultivates various cash crops, including coffee, corn, vanilla, candlenut, cloves, and other agricultural commodities (Letsoin, Sembiring, & Suhartini, 2024).

### **Models of Encounter Between the Catholic Church and Manggarai Culture in Marriage**

In the Catholic Church, the absolutism of truth was long expressed in the principle *extra ecclesiam nulla salus* ("outside the Church, there is no salvation"). However, leading up to the Second Vatican Council (before the 1960s), a paradigm shift emerged, fostering a more positive attitude toward

local cultures. The Fathers of the Second Vatican Council developed the spirit of *aggiornamento*, a spirit of openness toward the richness of local wisdom and customary law (Maku, Edu, & Tolo, 2023).

Interestingly, this openness to local culture had already been implemented in the Diocese of Ruteng by Bishop Van Bekkum and several SVD missionaries before the Second Vatican Council took place. They demonstrated concern, recognition, and appreciation for the cultural wealth and customary laws of Manggarai. They studied, acknowledged, and respected Manggarai's social systems and customary legal structures. Furthermore, they actively participated in traditional rituals, dispute resolutions, and the reverence for *lingko* (the communal land ownership system). They also integrated elements of local culture into the liturgy, such as using the local language in Gospel preaching and recognizing traditional leadership structures as part of a social order that aligns with Christian values (Yohanes S. Lon dan Fransiska Widyawati, 2011).

Their efforts ultimately inspired the Second Vatican Council (1963–1965), which produced the Church's official teachings on God's presence in history and culture. The Church affirms that everything in this world is created by God. Culture is not merely a human invention or creative product but also a manifestation of the Creator Himself. Since God created humans in His image and endowed them with freedom, human beings have developed their extraordinary creativity. The results of this creativity are manifested in diverse and rich cultures. Thus, from the beginning of creation, God has willed the existence of culture and has sanctified human life and culture.

How should the relationship between culture and Christianity be understood? Richard Niebuhr, in his book *Christ and Culture*, outlines five models of the encounter between Christianity and culture:

- Christ against culture. This view considers Christian faith as being in opposition to culture.

- Christ of culture. This perspective holds that faith in Jesus Christ originates from culture.
- Christ above culture. This view asserts that faith transcends culture.
- Christ and culture in paradox. This perspective sees a paradoxical relationship between faith and culture.
- Christ as transformer of culture. This view holds that faith transforms culture and, in turn, is shaped by culture.

These models provide a framework for understanding the dynamic interactions between Catholicism and Manggarai culture, particularly in the context of marriage traditions (Widyawati, 2020).

Widyawati asserts that culture and Christianity should exist in a mutual relationship—one that is reciprocal in nature. It is not only faith that transforms and reshapes culture; conversely, culture can also influence and transform certain aspects of the Church and faith. Through this mutual relationship, both enrich and contribute to one another. The encounter between the Catholic Church and Manggarai culture has elicited a range of reactions from various groups. Some missionaries and Church officials were opposed to indigenous beliefs, perceiving traditional religion (culture) as pagan and thus strictly forbidding Catholics from participating in customary rituals. Some even advocated for the destruction of local religious symbols, replacing them with Catholic symbols. Others displayed apathy toward local culture, indifferent to whether or not the faithful engaged in syncretism. There were also those who recognized the theological and religious dimensions of culture, allowing Catholics to practice traditional religious rituals. Some integrated cultural values into Catholic Church rituals, while others took an interest in the religious and philosophical dimensions of culture, exploring them further through in-depth anthropological research and harmonizing them with Catholic religious values.

The interaction between Catholicism and Manggarai culture occurs in various aspects,

including language, local knowledge, rituals, social structures, and philosophy. In terms of language, Latin was initially the official liturgical language of the Church. However, daily communication involved Dutch, Manggarai, and Malay. In the 1920s, missionaries gathered a small group of believers for worship in Latin, while delivering brief sermons in rudimentary Indonesian. A Dutch missionary recorded that, for the first time after celebrating the Eucharist in Latin, he recited an additional prayer in Manggarai on May 18, 1922. A month later, he delivered a sermon in Manggarai. That same year, two hymns, "*Mengasih Maria*" and "*Asporges*," originally in Latin, were translated into Manggarai as *Mai Momang Maria* and *Asperges* (Denar, Tolo, & Julivadistanto, 2023).

During the 1930s, while continuing to translate Latin hymns into Manggarai, missionaries also provided space for local artists to compose songs based on indigenous traditions. These locally composed hymns became part of the Mass and other liturgical celebrations. The first songs created by Manggarai artists included *Doing Koe Ga* ("Awaken") and *Moriga Kristus* (Christ the Lord). Under the coordination of missionary Wilhelmus van Bekkum, local artists translated 77 hymns in 1954, 84 hymns in 1962, and 89 hymns in 1973.

Conversely, Manggarai culture has also influenced Church life. Traditional dances such as *ronda*, along with Manggarai attire and songs, have been incorporated into Catholic Church rituals. In the 1980 Pastoral Assembly, elements of Manggarai culture, including music, dance, and traditional attire, were formally integrated into Catholic liturgy. Customary marriage traditions were also linked to the sacrament of matrimony. Catholic ceremonies became intertwined with traditional life-cycle rituals in Manggarai society, such as agricultural cycles (land clearing, planting, and harvest thanksgiving) and sacred spaces (crosses in *compang*, sacred stone altars, blessing of graves, and blessing of water sources).

The influence of local culture on the Church is also evident in the construction of churches and other religious buildings. Architecturally, several

churches adopted local Manggarai styles. Moreover, traditional rituals accompanied the construction process itself, including *teing hang* (offering sacrifices), *hambor haju* (harmonization of wood), and *we'e mbaru* (rituals for inhabiting a new house). In these ceremonies, local priests (tokoh adat or customary leaders) played a crucial role in leading the rituals.

In general, the Catholic Church and Manggarai culture share a deeply interconnected relationship. The people of Manggarai embrace both their cultural and Catholic religious identities, shaping both the Church and the local community. Webb once remarked that Flores is a Catholic island, not only its people but also its trees, birds, and stones are Catholic. Widyawati further asserts that the Catholic Church in Manggarai possesses a distinct and unique historical identity, shaped by the encounter between local culture and Catholic teachings. The people of Manggarai have integrated Catholicism as an essential and esteemed aspect of their identity (Bembot & Viktoria, 2024).

#### ***a. A Problematic and Conflictual Encounter***

All legal systems are binding on the parties within their respective scopes. Religious law binds adherents of the faith, while customary law applies to indigenous communities. Catholic marriage law and Manggarai customary marriage law share a common spirit and fundamental similarities. Within their respective contexts, both legal systems seek to position marriage as a fundamental aspect of human life. Therefore, marriage must be regulated to ensure its smooth implementation, providing comfort and facilitating the realization of its purpose. The encounter between these two legal traditions has the potential to enrich one another (Lon & Widyawati, 2021).

However, this ideal of mutual enrichment does not always materialize due to the inherent differences between these legal systems. Differences are natural, as it is neither feasible nor reasonable for all

laws, regulations, and traditions to be identical and uniform. The challenge arises when both legal systems apply simultaneously to the same individual. This intersection often becomes problematic, controversial, and even conflictual. The following are some negative consequences arising from this legal encounter.

*First*, Catholic marriage law does not recognize the legal validity of customary marriages. Individuals who have undergone a customary marriage, considered legal, binding, and sacred under customary law, are still not fully recognized if they are Christian or Catholic. Certain sacramental requirements remain unfulfilled, classifying such marriages as contrary to the legal standards of a valid Catholic marriage. Couples in such unions are often labeled as having undergone a "*kawing kampong*" (customary marriage) and are still regarded as "*ka'eng one nendep*" (living in darkness). While legal validity is conditional, it should not lead to the marginalization of religious adherents through negative stigma and treatment that contradicts God's love for humanity. The Church teaches and upholds the belief that all human beings are created in the image of God (Lon, 2019).

Another consequence is the perception among couples married in the Church that their marital obligations are complete. However, for the Manggarai people, marriage is not solely a commitment between two individuals. Rather, it is a union that involves two extended families (*anak rona and anak wina*) and requires the fulfillment of various customary obligations. In this context, it is naïve to prioritize religious legality while consciously disregarding customary traditions or viewing them as subordinate to religion. Such an approach is counterproductive, as customary bonds are

not merely cultural rituals but encompass deep philosophical values, communal solidarity, physical and spiritual strength, and family unity — all of which are crucial to marriage. Additionally, families often experience anxiety over potential ancestral retribution if customary marriage rites are not performed. This looming fear creates an unhealthy psychological burden for newlyweds and their families.

Second, marriage within the Catholic Church follows Western customary practices. Essentially, Church law emphasizes the legality of the covenant between the couple. The Church is challenged to engage deeply with the core of local culture and beliefs. Mgr. Wilhelmus van Bekkum asserted that customary elements should not merely serve as decorative additions or accessories. Inculturation is not limited to language alone. In the context of marriage customs, theologians and liturgical experts bear the responsibility of constructing local theological and liturgical traditions as integral parts of Church ceremonies. Therefore, the challenge lies in how the Manggarai marriage rites and Catholic marriage rites can be “harmonized.” The core legal principle remains that the covenant between two individuals is not disregarded but is instead performed within the local cultural context (Lon & Widyawati, 2021b).

Third, Manggarai customary marriage law allows for divorce, whereas Catholic marriage law strictly prohibits it. Both religion and tradition seek to establish the family as a secure, loving, happy, just, and prosperous home. However, this ideal vision is not always realized by every family. Marriages can fail, and broken families remain part of religious communities and cultural groups. Differences in legal perspectives on divorce and approaches to

resolving marital issues can become sources of suspicion and even controversy (Yohanes S. Lon dan Fransiska Widyawati, 2011).

Fourth, religious law prohibits *tungku* marriage (cross-cousin marriage). Cross-cousin marriage refers to unions between children of a brother and a sister, differing from *parallel cousin marriage*, which involves children of two brothers or two sisters. In Manggarai culture, cross-cousin marriage is known as *kapu* (lit. “to carry”), considered an ideal form of marriage as it strengthens kinship ties and preserves family inheritance. The *belis* (bride price) system plays a crucial role in regulating the dynamics of this customary marriage. However, while *tungku* marriage is a valued tradition in Manggarai society, it contradicts the teachings of the Church. The Catholic Church opposes such marriages primarily due to concerns over poor health outcomes and genetic disorders among offspring. On the other hand, for the Manggarai people, *tungku* marriage reinforces kinship bonds and provides significant socio-cultural benefits. This fundamental difference in values and choices presents a serious dilemma for *tungku* couples (Lon, 2020).

#### ***b. A Dialogical and Mutual Encounter***

The complex encounter between Catholic marriage law and Manggarai customary marriage law requires a dialogical approach rooted in mutualism. Dialogue must be based on the principles of equality and mutual respect. Law should not be exclusive or closed to truths beyond itself. A good legal system is one that continuously engages in dialogue with evolving truths. It must also recognize, respect, and appreciate the positive values found in other legal systems. Moreover, a well-structured legal framework should draw wisdom from other legal traditions to achieve a greater common good. No institution should claim superiority over

another. A dialogical encounter fosters mutual understanding and positive development (Moon & Widyawat, 2021).

The interaction between these two legal systems demands both critical reflection on each other and self-criticism regarding their own substance and evolution. It is widely acknowledged that no law is perfect. All legal systems undergo development within their contexts, shaped by human interpretation and influenced by various interests. Therefore, bringing different legal frameworks together means allowing them to enrich and complement one another. Regarding marriage in Manggarai, religious and customary institutions must work together to address the concerns, challenges, and issues faced by families and couples. In this way, all stakeholders collaborate to resolve the same problems encountered by both religious communities and indigenous societies. The following are some key recommendations for fostering a meaningful dialogue between these legal traditions.

First, Catholic marriage law. Every religion has its own beliefs and regulations. Religion maintains autonomy over the truth it upholds, as it derives its authority from the divine. However, since religion exists within the world, it must remain grounded in the realities of the society in which it operates. We must acknowledge that religious values do not exist in isolation but are shaped by historical and situational contexts. Therefore, religion must continually engage in dialogue and dialectics with other human values (Lon, 2019).

Marriage law within religion must constantly seek relevance between faith and its teachings in the worldly affairs of human life. Religious marriage law must not be arrogant or exclusive. Instead, it should guide families toward encountering the ultimate source of truth, God who remains a mystery, rather than fixating solely on

legalistic structures. Religion evolves in its ongoing search for divine truth. This truth is present within the fabric of human life, communities, and family structures, including marriage.

Second, cultural perspectives. Culture gives meaning and significance to communal life. Like religion, culture is born and evolves within specific contexts. It does not exist independently but is a human creation formed in response to its surroundings. Culture should humanize and liberate individuals. It should provide people with meaning and dignity, rather than marginalizing children and women. Culture must not become an obstacle to the happiness and well-being of families (Hicks & Routledge, 2013).

In the context of Manggarai customary marriage, *belis* (bride price) is a fundamental requirement. However, the obligation of *belis* should not be equated with an absolute, repressive demand that forces the groom's family to fulfill it immediately without consideration of humanitarian concerns. Instead, within Manggarai tradition, *belis* is closely tied to the dignity of women, which must be respected. The amount of *belis* agreed upon by both families does not need to be paid in full upfront, as it follows the principle of *salang wae* (lit. "flowing water"), symbolizing an ongoing contribution. This means that after marriage, part of the *belis* obligation is fulfilled gradually through *tiba sida* (voluntary contributions), whenever the bride's family is in need (Elisabeth Irma, 2024).

Customary marriage should be understood as a means of building a prosperous family, one free from hunger, stunting, poverty, and illiteracy. No one should have to sell land or go into debt for the sake of tradition, especially if it results in children being unable to attend school. A

fundamental question arises: *What kind of ancestors would take pleasure in our poverty?* Culture embodies wisdom and nobility. However, modernism, technology, and progress often blur its significance. Culture should encourage people to appreciate their heritage, history, ancestors, and unique identity—elements that make them truly human. Yet, cultural values should not be reduced to passive contemplation. People must work hard to sustain their livelihoods. It is meaningless to engage in elaborate rituals if family members remain uneducated, sick, impoverished, and merely passive spectators of external progress.

Religion and culture play vital roles in fostering a dignified, noble, just, and prosperous life. These two forces possess immense potential to shape public morality, social justice, and the fulfillment of communal aspirations. The mission of both the Church and cultural traditions is to liberate, empower, and bring well-being to society. The encounter between religion and culture should serve as a means of emancipation for every individual and family.

### **c. Legal Certainty and Bonum Commune**

In the 19th century, Jeremy Bentham and, later in the 20th century, Radbruch argued that the primary goal of law is to provide legal certainty in order to prevent conflict within society. Fundamentally, law is intended to achieve justice (*gerechmatigheid*), utility (*doelmatigheid*), and legal certainty (*rechtmatigheid*) in communal life. Through this legal certainty, the common good (*bonum commune*) within society can be realized. In this context, law serves not only as a *tool of social control* but also as a *tool of social engineering*, facilitating social change (Arifin, Wulandari, Muliadi, Utari, & Munandar, 2023).

A legal system loses its significance if it fails to provide certainty due to conflicts with other legal frameworks. Therefore, in the context of Catholic marriage law and Manggarai customary marriage law, harmonization through mutual adaptation is recommended. Religious law should accommodate customary law according to its legal hierarchy. A fundamental legal principle states: *Lex superior derogat lex inferior*—a higher law takes precedence over a lower law. However, this principle, when applied rigidly, may contradict the very essence of law, which is to uphold goodness, justice, and protection for the vulnerable.

Essentially, law is created to ensure certainty, justice, and utility for *bonum commune*. When Catholic marriage law and Manggarai customary marriage law fail to provide legal certainty and justice, efforts must be made to harmonize or introduce a more comprehensive and inclusive legal breakthrough. These efforts should be based on the principle of *lex superior derogat lex inferior*, as well as the principles of human rights protection and legal certainty.

In the context of marriage under Catholic Church law and Manggarai customary law, the interests of the couple, their children, families, and the broader community must be considered within both legal systems. Each legal authority must be willing to engage in internal critique while also recognizing the strengths of external legal traditions for the sake of the common good. As a universal institution, the Catholic Church must remain open to the interests of a pluralistic society, including customary law.

## **The Contribution of Manggarai Customary Marriage Law to Catholic Marriage**

### ***a. Marriage Preparation***

For the Manggarai people, marriage is a long and intricate process. When a young man intends to marry, he is required to inform his parents. The parents will then gather the extended family to discuss the marriage proposal. Next, the groom's family visits the home of the bride's parents (*weda rewa take mbaru*). A family spokesperson (*tongka*) will formally express the groom's intention to propose to the bride. The customary phrase used in this process is: *ita kala le pa'ang, tuluk pu'u batu mbau* (we have seen the young woman at the village gate, and now we come to meet her guardians). If the proposal is accepted, both families officially declare the engagement period (Lon, 2019).

The engagement phase serves as preparation for a strong and well-founded marriage. Proper and adequate preparation is essential for the well-being of a marriage. It enables the prospective husband and wife to develop a harmonious relationship and create a prosperous family. Redd states that the values instilled during marriage preparation significantly influence the harmony, well-being, and longevity of a family. Marriage is not merely about having children, seeking happiness, or fulfilling the parents' desire to have grandchildren. If these were the sole goals, many marriages would end in tragedy. Countless couples experience happiness during their honeymoon, only to become strangers to each other years later. They become absorbed in their individual affairs, lose communication, and gradually transform

from life partners into two strangers trapped in a fading bond. So, how can a marriage be more than just a formality that eventually leads to emptiness? The answer lies in the vision and mission of the family. A strong marriage is born from shared dreams and mutual agreements, not from merely following societal expectations. Engaged couples need to sit together and reflect on a unique vision and mission for their future family. The Church should support and strengthen this process through pre-marital courses and post-marriage guidance. The family's vision and mission can also be linked to their contribution to national progress or the quality of future generations. It is better to delay marriage slightly to ensure a well-formed and agreed-upon vision rather than rush into it with unclear aspirations. An unclear vision carries significant risks, affecting not only the couple but also future generations.

Yohanes Lon testified that during his tenure as a member of the Tribunal of the Diocese of Ruteng, he encountered numerous marriage cases that arose due to the couple's lack of maturity in thinking and inadequate preparation for marriage. Such marriages were often marked by conflicts. When conflicts could not be resolved, they frequently led to divorce. In recent years, the number of married couples seeking divorce in the Diocese of Ruteng has continued to rise. Statistical data on divorces show a consistent increase. As of 2024, the number of divorce applications submitted to the Tribunal can be seen in the following chart:

Table 1. Divorce Data of the Diocese of Ruteng

No	Year	Applications	Affirmative Decisions
1	2015	22	14
2	2016	32	23
3	2017	18	13
4	2018	32	19
5	2019	38	17
6	2020	34	21
7	2021	38	25
8	2022	42	29
9	2023	63	22
10	2024	57	20

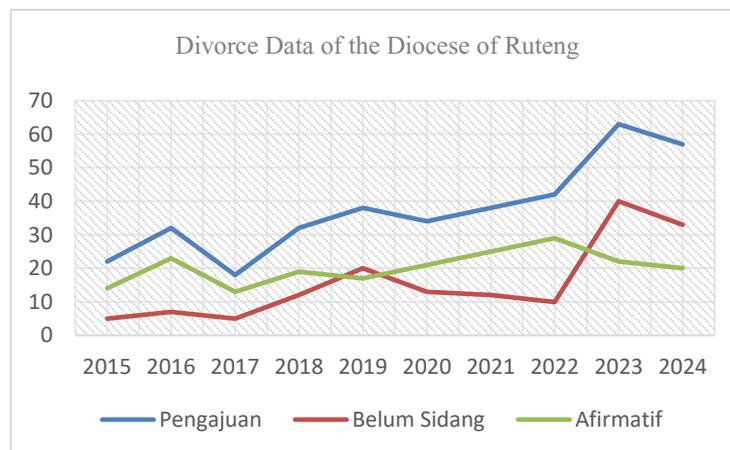


Figure 1. Divorce Data of the Diocese of Ruteng  
(Source: Tribunal of the Diocese of Ruteng)

This issue highlights the correlation between proper marriage preparation and the longevity of a marriage. In relation to the Catholic Marriage Preparation Course (KPP), Suharyanto argues that KPP is essential for the lives of prospective spouses. This course serves as a moment of recollection and reflection for engaged couples to solidify their intentions before entering marriage.

The demand for adequate marriage preparation is a juridical imperative within the Catholic Church. Canon 1063 of the 1983 Code of Canon Law (CIC) obliges bishops and priests to ensure proper marriage preparation. This canon states: “Pastors of souls are obliged to ensure that the Christian faithful in their ecclesial community

receive guidance so that the state of marriage is preserved in the Christian spirit and develops towards perfection.” The same canon also emphasizes various forms of marriage preparation, which aim to provide a correct understanding of the nature of Catholic marriage, the duties of spouses, the marriage liturgy, and the permanence of Catholic marriage.

In Manggarai, Catholic marriage preparation can be carried out in conjunction with the traditional marriage process. Canon 1064 of the CIC instructs bishops to seek the advice of experienced individuals or experts. During the stages of traditional marriage ceremonies, many elders possess extensive experience and a comprehensive understanding of

the meaning of marriage. The Church can collaborate with them to help prepare couples before they enter family life.

The Catholic Church in Manggarai has adopted local wisdom, particularly the concept of *turuk empo* (family lineage), as a means for canonical investigation. *Turuk empo* refers to recounting family ancestry or tracing the family tree. In Manggarai traditional marriages, when the groom's and bride's families agree to proceed with the marriage, they perform *turuk empo*. Both families report their marriage plans to the parish priest and present their family trees. In Manggarai culture, *turuk empo* is understood as a form of canonical investigation.

The scope of canonical investigation covers multiple aspects. Yohanes Lon explains several objectives. Canon 1096 mandates canonical investigation to ensure the following (Lon Servatius, 2020):

1. to verify that the engaged couple does not have any impediments preventing them from marrying each other. One such impediment is close blood relations, which can be identified through the family tree (*turuk empo*).
2. canonical investigation ensures that both parties have sufficiently known each other. Mutual acquaintance is a fundamental requirement for the validation of marriage in the Catholic Church.
3. it aims to confirm that the prospective spouses are in good physical and mental health. A sound state of health enables both individuals to enter into marriage freely, properly, responsibly, and with full consent.
4. it ensures that the couple has a correct and proper understanding of the nature of Catholic marriage, including:
  - a. Catholic marriage occurs only between one man and one woman
  - b. Catholic marriage is a total and exclusive union of love
  - c. Catholic marriage is directed toward the well-being of the spouses and is open to the birth of children.

- d. Catholic marriage is sacramental, monogamous, and indissoluble.

#### **b. Marriage Agreement and Legality**

In general, Church law shares similarities with Manggarai customary law regarding the validity of marriage. Both Catholic Church law and Manggarai customary law require three conditions for a marriage to be considered valid. *First*, a valid marriage requires the mutual consent of both parties in a marriage agreement. According to Catholic Church law, the marriage consent must be given by a man and a woman who intend to marry each other. The content of this consent is an agreement to become husband and wife, pledging lifelong fidelity to one another in both joy and sorrow (Canon 1057).

In Manggarai customary law, the marriage agreement is made between the two extended families, represented by their spokespersons (*tongka*). The content of the agreement establishes the *woenelu* relationship between the *anak rona* and *anak wina*, which is confirmed through the giving of *belis* (bride price). Therefore, there is a difference between the marriage agreement according to Manggarai customary law and that of the Catholic Church. However, these differences do not contradict each other and should not be seen as conflicting. Instead, they complement each other in ensuring the well-being of the marriage.

In customary law, the personal consent of the prospective bride and groom is assumed to exist or will exist; whereas, in Church law, the consent of the extended families is assumed to exist or will exist. Customary law does not disregard the necessity of personal consent between the bride and groom, just as Church law does not deny the importance of agreement between both extended families. According to Canon 1108, a valid marriage must be witnessed by members of the Christian faithful. Juridically, this is represented by the presence of *bapa-mama saksi* (official witnesses). In this context, Church law acknowledges the need for the presence and testimony of the faithful, including the extended families of the bride and groom.

In Manggarai customary law, the presence and testimony of both extended families are even more

strongly emphasized during the *wagal* (the ceremonial delivery of *belis*). During the *wagal* ceremony, both extended families publicly declare themselves as one family, referred to as *anak wina* and *anak rona*. This familial bond aims to solidify the marriage of the couple. A traditional Manggarai wedding does not only unite the bride and groom but also unites both of their extended families. Thus, the agreement between both extended families in the customary marriage process adds value to the personal agreement between the bride and groom (Lon, 2019).

*Second*, both customary law and Church law affirm that a valid marriage can only take place between individuals who have no legal impediments to marriage. Customary law refers to these impediments with expressions such as *toe ndoro*, *toko toe kop*, *toko paluk*, and others. These expressions build the perception and awareness that marriage can only take place between individuals who are free from any obstacles. In Catholic Church law, the number and types of impediments to marriage are broader and include natural impediments (such as age and impotence), legal impediments (such as holy orders and religious vows), criminal impediments, and more (Lon & Widyawati, 2021b).

*Third*, both Manggarai customary law and Catholic Church law require a formal marriage validation process to ensure the legal recognition of a marriage. In customary law, marriage validation takes place during the *wagal* ceremony, culminating in *tudak ela wagal* or *kaba* (a ritual sealed with the blood of a pig or buffalo). Meanwhile, in Catholic Church law, the marriage validation occurs in a Church ceremony officiated by an official representative of the Church (Canons 1108–1120).

In essence, the customary marriage validation process serves as a preparation for the Church's marriage validation. The *wagal* ceremony is attended by many people and is filled with an atmosphere of family, brotherhood, and joy. This environment is highly beneficial in building and preparing for a joyful wedding day. It also provides psychological and social support for the prospective bride and

groom, helping them approach the wedding altar with confidence and without anxiety or doubt. Psychological and social support is indeed crucial when one makes a marriage commitment that is permanent and lifelong.

### *c. The Dignity of Marriage*

In the Catholic Church, marriage is sacred. Lon states that marriage is a sacrament, a sign, and a means of salvation. Through marriage, the spouses grow in their knowledge and love of God, the source of salvation. Saint Paul said, "*For the unbelieving husband is sanctified by his wife, and the unbelieving wife is sanctified by her husband*" (1 Cor. 7:18). Marriage has been God's plan from the beginning of human creation. God created man and woman so that they might live together in marriage (Gen. 2:26–28). Marriage also symbolizes the communion of love within the Most Holy Trinity (USCCB, 2009).

The progress of time has tested the dignity of Catholic marriage. The increasing complexity of life, such as cases of divorce, domestic violence, same-sex marriage, and other issues, has raised concerns about the respect for the sacred dignity of marriage. The sacred nature of marriage must not be diminished by anything or anyone, for any reason or under any circumstances. The desacralization of marriage damages its essence as a monogamous and indissoluble bond.

Traditional Manggarai marriage has strong cultural, social, and spiritual nuances. Manggarai customary law sees marriage as more than just a human event. In the traditional wedding prayer (*tudak wagal*), several petitions are made, including blessings for the new family, health, marital longevity, and strength for the husband and wife to live an orderly family life (*neka wedis ceki, neka lages sake*). The essence of this prayer is to ensure that the marriage lasts and is blessed with all necessities. The traditional wedding prayer in Manggarai contains both spiritual and social elements. These elements align with the Catholic Church's teachings on the sacred, monogamous, and indissoluble dignity of marriage.

#### ***d. Responsibilities of Marriage***

The responsibility of maintaining the permanence of marriage is an obligation in Catholic marriage. Canon 1151 states that spouses have the duty and right to sustain their marital life together, except in cases where legitimate reasons exempt them. *"So they are no longer two, but one flesh. Therefore, what God has joined together, let no man separate"* (Matt. 19:3–6). A faithful God calls humanity to remain faithful, including in marriage. Calhoun and Acocella state that the key to a lasting marriage lies in the couple's ability to adapt. This adaptation requires a flexible attitude and way of thinking. Adjustment is a continuous interaction with oneself, others, and the environment. Successful adaptation is marked by constructive attitudes and methods in resolving conflicts (Apostolic Christian Counseling and Family Services, 2016).

In traditional Manggarai marriage, the couple is reminded of several marital responsibilities. First, they are reminded of their duty to maintain the longevity of their marriage. This is expressed in a traditional prayer: *"Aram manga nggaut agu nggut de asé kaé latang te pandé cuar wina rona disé cua, oléé..., tadang koés situ ta, poro te méu empo sua, paka jaga agu sémbéng kid lité. Néka koé cumang dungka agu pala cala one ka'éng kilo koéd."* (May the ancestors protect the couple from the dangers of gossip and jealousy that could destroy their marriage). This prayer also serves as advice for the couple to avoid all gossip and jealousy that could harm their marriage.

The couple is also informed about the consequences if they cause their marriage to fail and end in divorce. The bride is told: *"Enu, eme rambang mata agu ata rona bana, raja rum de hitu agu ca keta ela wase lima te podo waun"* (Sister, if you fall in love with another man, that is your own responsibility, and you must prepare a large pig to compensate for your husband). The groom is told: *"Nana, eme rambang mata agu inewai bana, raja rum de hitu, agu ca keta kaba latang te pande weta laing hi enu agu nara laing hi nana."* (Brother, if you fall in love with another woman, that is your own

responsibility, and you must prepare a buffalo to compensate for your wife).

Secondly, there is the parental responsibility toward children. For the Manggarai people, the purpose of marriage is the continuity of the clan, lineage, or family. Having children is a necessity. In traditional wedding prayers, it is always stated: *"Beka agu buar tai anak lanar, wing do ného taé kali ga, raés bali racap rés baling lélé agu borék oné bocé."* This prayer aligns with Genesis 2:24: *"Be fruitful and multiply; fill the earth"* (Yohanes Servatius Lon, 2021).

In Manggarai culture, children are considered the crown of love between husband and wife. Therefore, parents have the responsibility to nurture and educate them. According to Canon 1136, parents have a grave duty and a primary right to strive with all their strength to provide for their children's education—physically, socially, culturally, morally, and religiously. Ihromi states that if a husband and wife fail to fulfill their responsibilities as good parents, it could destabilize their marriage.

It is noteworthy that Manggarai customary law emphasizes a spirit of reconciliation in resolving marital conflicts. The phrase *"Onē lesō salē, onē waēs lau"* (going together with the setting sun in the west and flowing water into the sea) invites people not to hold grudges but to prioritize forgiveness, as stated in Psalm 37:8: *"Do not let the sun go down on your anger."* This is reinforced by the Manggarai tradition of resolving marriage disputes through *weta laing agu nara laing* (making brothers and sisters), where divorce is formalized (*kole ramin laki, kole oka mokang*) in an atmosphere of brotherhood and family unity. Such a spirit of reconciliation is, in fact, a juridical imperative for Catholics who intend to separate or divorce from their spouse.

#### **CONCLUSION**

Customary law must not be erased from existence. The event of the Incarnation affirms God's presence in an empirical-historical manner. Therefore, God becomes an integral part of human life and culture, sanctifying both. In this context, there is no longer a polarization between the spiritual

and the worldly, the sacred and the profane. Everything is sanctified as part of God's creation. By its very nature, all cultures carry positive elements and values that shape the morality and ethics of their people. Culture also fosters harmony in relationships, between humans and the Divine, among fellow humans, and between humans and their environment. Moreover, culture influences beliefs, attitudes, and perspectives on the world and oneself. These perspectives are closely linked to legal structures and moral principles that shape human conscience. Additionally, culture plays a role in shaping perceptions of spirituality. In this context, cultural values and elements support humanity's encounter with the Divine.

The interaction between Manggarai customary marriage law and Catholic Church marriage law presents both contributions and controversies. The nature of law is to bind those within its scope: religious law binds adherents of the faith, while customary law binds members of the traditional community. Catholic marriage law and Manggarai customary marriage law share a common spirit and fundamental similarities. Within their respective contexts, both legal systems seek to establish marriage as a fundamental aspect of human life. Therefore, the implementation of marriage must be regulated to ensure its stability and fulfillment, which is the ultimate goal of marriage itself. The encounter between these two legal systems enriches both.

On the other hand, the interaction between religious law and customary law is not without challenges. There are substantive differences between the two regarding the requirements for a valid marriage. This study proposes an alternative solution: the importance of harmonization. Through an approach of open dialogue, Church authorities and traditional leaders should engage in mutual respect and seek wise solutions to ensure that customary practices are upheld without compromising fundamental Catholic values of faith.

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