

Mediation Process in the *Londo Iha* (Selarian) Marriage Dispute: A Case Study in West Rasanae District, Bima City

Hendra Kurniawan^{1*}, Muh. Yunan Putra², Hikmah³

¹E-mail: hendrahki21@gmail.com

²E-mail: mohammed.elgehady@gmail.com

³E-mail: hikmah.hasan89@gmail.com

^{1,2}Universitas Muhammadiyah Bima, Indonesia

*corresponding author

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Abstract

Londo iha, or elopement marriage, remains a living customary practice among the Mbojo people of Bima City, yet it frequently triggers social tension between the families of the bride and groom because parental consent is absent prior to the elopement. This study aims to describe and analyze the customary mediation process undertaken by community leaders, religious figures, and local government officials in resolving *londo iha* marital disputes in West Rasanae Sub-district, Bima City, and to identify the factors supporting and inhibiting its effectiveness. A qualitative case-study approach was employed; data were collected through in-depth interviews with customer leaders, religious figures, disputing families, and sub-district officials, complemented by observation and documentation. The findings show that *londo iha* mediation unfolds through four sequential stages: the delivery of notification by the groom's family envoy, an initial approach accompanied by an apology, core deliberation led by a customary leader acting as a neutral mediator, and the affirmation of agreement through customary procession and marriage contract. The effectiveness of mediation is determined by the mediator's social legitimacy, the willingness of both families to prioritize relational restoration over formal settlement alone, and the harmonization of customary values with Islamic law and state law. The novelty of this study lies in its systematic mapping of the structure and stages of *Londo IHA* mediation in an urban sub-district setting, a dimension largely unexplored in previous literature that has predominantly focused on cultural meaning and social sanction. The study recommends strengthening the capacity of customary mediators and documenting mediation outcomes to strengthen legal certainty and the sustainability of customary mediation amid the modernization of Bima society.

INTRODUCTION

Customary marriage in Indonesia grows and develops within a complex framework of legal pluralism, where state law, Islamic law, and customary law run side by side and influence each other in everyday community life¹. One manifestation of this pluralism is seen in the marriage phenomenon commonly called elopement, namely the practice of a man taking the woman he loves out of the house without the knowledge or blessing of her parents, then marrying her through certain customary procedures². This phenomenon is widely encountered with different names and customary mechanisms, for example *merariq* in the Sasak community in Lombok³, *silariang* in the Bugis-Makassar community, *munik* in the Gayo tribe in Central Aceh, *silayyang* in the Bajau tribe in Southeast Sulawesi, and *londo iha* in the Mbojo community in Bima, West Nusa Tenggara. The diversity of terms emphasizes that elopement is not merely an individual deviation, but a socio-cultural institution that has its own logic, procedures, and resolution mechanisms within the structure of customary society.

Londo iha, which literally means 'descending corrupted' or running away with another person's daughter to become a wife, essentially arises from the woman's parents' disapproval of their daughter's relationship, leading the couple to resort to the shortcut of running away as a strategy to force their consent⁴. In Mbojo society, this practice was initially viewed as a despicable act, degrading the family's dignity, and lowering the woman's social status in the eyes of the community⁵. The driving factors vary, ranging from parental rejection of the partner's choice, the man's inability to fulfill customary requirements such as a dowry and wedding expenses, concerns about forced

¹ Rahmawati Rahmawati and Nur Adilah Mahyaddin, "Pengaruh Norma Budaya Patriarki Terhadap Implementasi Undang-Undang 23 Tahun 2004 Tentang KDRT Di Masyarakat Pedesaan," *Jurnal Tana Mana* 6, no. 2 (2025): 328-33.

² Rahmawati Rahmawati and Bulqis Bulqis, "Mediasi Hukum Dan Keadilan Restoratif: Sebuah Pendekatan Terpadu Dalam Penyelesaian Sengketa Perjanjian," *GOVERNANCE: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 13, no. 1 (2026): 193-201.

³ Nur Rofiq et al., "Hukum Keluarga Islam: Perspektif Maqāṣid Asy-Syarīah Terhadap Dasar Wajib Patuh Pada Undang-Undang Perkawinan Dan Kompilasi Hukum Islam," *Wahana Islamika Jurnal Studi Keislaman* 9, no. 2 (2023): 173-93.

⁴ Oleh Rahmawati, "Aspek Hukum Dalam," *Hukum Bisnis Di Era Digital*, 2024, 33.

⁵ Efektivitas Mediasi and Dalam Penyelesaian, "Sengketa Waris Di Pengadilan Agama (Studi Pada Pengadilan Agama Medan) Skripsi Oleh : Raja Husein Nasution Program Studi Ilmu Hukum Fakultas Hukum Universitas Medan Area Medan Sengketa Waris Di Pengadilan Agama (Studi Pada Pengadilan Agama Medan) SKRIPSI Diajukan Sebagai Salah Satu Syarat Untuk Memperoleh Gelar Sarjana Di Fakultas Hukum Universitas Medan Area Oleh : Fakultas Hukum Medan," 2025.

matchmaking, to out-of-wedlock pregnancies that demand immediate resolution⁶. However, almost all variants of elopement in the archipelago, including londo iha, are ultimately resolved not through formal court proceedings, but through customary deliberation and mediation involving community leaders as intermediaries between the two disputing families.

The fundamental issue underlying this research is that the londo iha event, even if it culminates in marriage, is almost always preceded by a situation of sharp family conflict the woman's family feels humiliated and loses control over her child, while the man's family is faced with demands for social and customary responsibilities that must be immediately fulfilled so that the relationship between the two families does not become a prolonged rift. Without proper resolution, this type of conflict has the potential to escalate into inter-family hostility, rejection of the marriage guardian by the woman, disputes over property and custody later in life, and even vigilante action. This is where the process of customary mediation occupies a strategic position: it functions not only to legalize the marriage socially, but also to restore disturbed social relations (restorative function), in line with the concept of restorative justice which emphasizes the restoration of relationships rather than simply imposing sanctions⁷.

The urgency of this research becomes even more apparent when the londo iha tradition is examined in an urban context, as is the case in Rasanae Barat District, one of the core districts of Bima City, serving as the center of government, commerce, and education. Unlike relatively homogeneous rural areas, the urban community of Rasanae Barat lives in a struggle between ancestral customary values, strong Islamic teachings, and the modern state legal system represented by the Office of Religious Affairs, the Religious Court, and Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court. This situation raises important academic questions: how the londo iha customary mediation mechanism remains resilient and functions effectively amidst the current of legal modernization and changes in family structures in urban areas, and how it relates to formal legal institutions also present in the same area. Such questions demand a study that goes beyond describing cultural meanings, but rather explores in detail the stages, actors, and working mechanisms of mediation itself.

⁶ Muhammad Fikri Faridal and Anwar Sadat, "Mediasi Sebagai Alternatif Damai Dalam Perceraian : Menggali Efektivitas Hukum Positif Dan Nilai Lokal Di Polewali Mandar," n.d., 13–22, <https://doi.org/10.46870/sbp.v2i1.1690>.

⁷ Sukaenah Sukaenah, "Efektivitas Peraturan Mahkamah Agung Ri No. 1 Tahun 2016 Tentang Mediasi Dalam Penyelesaian Sengketa Perkawinan Di Pengadilan Agama Palu Kelas IA" (IAIN Palu, 2019).

National policy also strengthens the relevance of this study. The Indonesian government, through Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court, explicitly requires mediation before civil cases, including family cases, are decided by a judge, as an effort to reduce the caseload while encouraging more humane and expeditious resolution. This spirit is essentially in line with the long-standing practice of customary mediation in various indigenous legal communities in Indonesia, including londo iha mediation. Therefore, studying the workings of empirically tested customary mediation can provide valuable input for strengthening mediation culture nationally, rather than simply being an object of anthropological research separate from contemporary legal policy discourse⁸. Thus, the study of londo iha contributes not only to the study of local culture but also to the broader discourse on strengthening alternative dispute resolution (ADR) based on local wisdom in Indonesia.

Several literature reviews indicate that research on londo iha in Bima is still limited and tends to focus on cultural and normative dimensions⁹, using an ethnographic approach in Nitu Village, revealed that londo iha is viewed as a reprehensible act that results in social sanctions in the form of family ostracism, without elaborating in depth on the subsequent interfamily reconciliation process¹⁰. examined the ampa sabae tradition in Ambalawi District as a variant of atypical marriage resolution in Bima. However, their study focused on protecting female victims of abuse, not the specific londo iha mediation mechanism. Outside the Bima context, research on merariq in the Sasak community¹¹ emphasizes masculine identity and the differences in practices between the nobility and the common people, while a study of customary marriage mediation in Madura by ¹²highlights the authority of village heads as mediators and its implications for reducing divorce rates, without addressing the context of selarian marriages. More general studies on mediation in customary law¹³ provide a conceptual

⁸ Syahalam Muhammad Aufa, "Efektivitas Mediator Non Hakim Dalam Mediasi Perkara Pembagian Harta Bersama (Studi Pada Pengadilan Agama Tanjung Karang Kelas 1A)," 2025.

⁹ "No Title," 2025.

¹⁰ Nur Khalish Nurdin, Muhammad Syahrul, and Syarif Raehana, "Efektivitas Mediasi Dalam Perkara Kewarisan Di Pengadilan Agama" 1, no. 1 (2016): 32-41.

¹¹ A Konteks Penelitian, "No Title," n.d.

¹² Vol No and Desember Hal, "Efektivitas Mediasi Sebagai Alternatif Penyelesaian Sengketa Komunitas" 1, no. 1 (2025): 8-14.

¹³ Imam Zoelva, "Tinjauan Hukum Islam Terhadap Tradisi Londo Iha Di Kecamatan Parado Kabupaten Bima Nusa Tenggara Barat," *Skripsi. Alauddin Makassar*, 2019.

framework for the power and legitimacy of customary mediation, but have not been applied specifically to the case of londo iha in urban areas¹⁴.

From the mapping, it is clear that there is a significant research gap: there has been no research that systematically examines the stages, actors, institutional structures, and success factors and obstacles of the londo iha mediation process, especially at the urban sub-district level where customary values and the formal legal system are more intensely combined than in rural areas. Previous studies have generally been descriptive-cultural, positioning londo iha as an object to be assessed from its moral and religious perspectives, without examining the mediation process as a dispute resolution system that has stages, mediators, and indicators of success that can be analyzed scientifically. This gap is the starting point for the novelty of this research.

The novelty of this research lies in three aspects. First, it maps the process of londo iha mediation in a step-by-step and systematic manner, from the moment of escape to the confirmation of the final agreement, using the theoretical framework of mediation¹⁵ and restorative justice¹⁶, which has never been explicitly applied to similar cases in Bima. Second, this research takes place in an urban area, namely the West Rasanae District, thus providing a picture of the resilience and adaptation of customary mediation amidst modernization, differing from the majority of previous research that has been conducted in rural areas. Third, this research specifically highlights the relationship and intersection between londo iha customary mediation and formal legal mechanisms, including the role of the Office of Religious Affairs and the principles of mediation in Supreme Court Regulation Number 1 of 2016, a dimension that has not been widely touched upon in previous londo iha literature.

The importance of this research can be seen from two perspectives. Academically, this research enriches the study of legal anthropology and family conflict resolution in Indonesia, particularly in the Mbojo community, which has received relatively less attention than other indigenous communities such as the Sasak, Bugis, or Batak. Practically, the results of this study are expected to serve as a reference for traditional leaders, religious leaders, village and sub-district officials, and the Office of Religious Affairs in designing a more structured, documented, and equitable mediation approach

¹⁴ R A I Siwe and Pada Masyarakat, "Dinamika Pluralisme Hukum Dalam Tradisi Waa Rai Siwe Pada Masyarakat Bima (Studi Kasus Di Desa Tumpu, Kecamatan Bolo, Kabupaten Bima, Nusa Tenggara Barat)," 2026.

¹⁵ Muhammad Ardiansyah, "Urgensi Mediasi Dalam Perkawinan Londo Iha (Selarian) Di Kabupaten Bima Menurut Perspektif Mashlahah Mursalah" (Universitas Islam Negeri Maulana Malik Ibrahim, 2023).

¹⁶ "No Title," 2023.

for both parties, including attention to the position and rights of women who have been vulnerable to bearing the greatest burden of social stigma in the londo iha incident.

Based on the above description, this study aims to, first, describe the meaning, causal factors, and social construction of londo iha as understood and practiced by the community in West Rasanae District; second, identify the actors, institutional structures, and sources of legitimacy of mediators in the londo iha dispute resolution process; third, analyze the stages and mechanisms of the mediation process in detail from the initial phase to the confirmation of the agreement; and fourth, evaluate the supporting factors, obstacles, level of effectiveness, and the relationship between customary mediation and applicable positive law. To achieve these objectives, this article is structured into six sections, including an introduction, research methodology, four interconnected discussion subsections, and ends with conclusions and recommendations for policy development and further research.

This study utilizes three complementary theoretical frameworks: mediation process theory¹⁷, restorative justice theory¹⁸, and legal pluralism theory (Griffiths, 1986). These three approaches are used in an integrated manner to explain the stages of mediation, the orientation of relationship restoration, and the interaction between Mbojo customary law, Islamic law, and state law in resolving londo iha disputes. Unlike merariq in Sasak, silariang in Bugis-Makassar, and munik in Gayo, londo iha in Bima emphasizes the restoration of family relationships through collaboration between customary and religious figures based on the values of maja labo dahu. This uniqueness indicates that londo iha is a model of customary dispute resolution with its own characteristics and deserves special study.

METHODS

This research uses a qualitative approach with a case study design to deeply understand the londo iha mediation process in the socio-cultural context of the Mbojo community¹⁹. The research was conducted in the West Rasanae District, Bima City, which was chosen because it still maintains the practice of londo iha amidst the existence of formal legal institutions, making it an appropriate space to examine the dynamics of legal pluralism. Informants were selected purposively, including traditional leaders, religious

¹⁷ Republik Indonesia, "Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Lembaran Negara Republik Indonesia Tahun*, 2019.

¹⁸ Laura Nader and Harry F Todd, *The Disputing Process—Law in Ten Societies* (Columbia University Press, 1978).

¹⁹ Mieke Yustia Ayu Ratna Sari et al., "Metodologi Penelitian Hukum," 2021.

leaders, government officials²⁰, village heads, and families who had been involved in londo iha resolution, with the number determined based on the principle of data saturation.

Data collection was conducted through in-depth interviews, observation, and documentation studies to obtain a complete picture of the mediation process. Data analysis used the Miles and Huberman interactive model, which includes data reduction, data presentation, and iterative drawing of conclusions²¹. The data were then analyzed into four main themes: the causes of londo iha, the actors and structures of mediation, the stages of mediation, and factors influencing the effectiveness of dispute resolution²². The validity of the findings was maintained through triangulation of sources and techniques, accompanied by the application of ethical research principles, including informant consent and protection of the identities of the disputing parties.

As a case study, this research is not intended to be statistically generalized, but rather to provide an in-depth understanding of the practice of londo iha mediation in Bima City²³. Limitations of the study primarily relate to the sensitivity of the issue, which made some informants reluctant to disclose their experiences openly, and the limited direct observation of the entire mediation process²⁴. However, these limitations were minimized through data triangulation, ensuring that the research results maintain credibility and can serve as a reference for similar research in other indigenous contexts²⁵.

RESULTS AND DISCUSSION

1. The Meaning, Causal Factors, and Social Construction of Londo Iha in West Rasanae District

The West Rasanae community interprets londo iha not as a criminal act, but as an emergency route (traditional shortcut) taken by couples when parental approval is difficult to obtain through the usual proposal (dou mai) route. This interpretation is in line with²⁶ findings in Nitu Village that londo iha arises from parental disapproval, but

²⁰ Bambang Sunggono, "Metodologi Penelitian Hukum," 2006.

²¹ Qadriani Arifuddin et al., *Metodologi Penelitian Hukum* (PT. Sonpedia Publishing Indonesia, 2025).

²² Iman Jalaludin Rifa'i et al., *Metodologi Penelitian Hukum* (Sada Kurnia Pustaka, 2023).

²³ Dina Susiani, "Metodologi Penelitian Hukum," *Penerbit Tahta Media*, 2024.

²⁴ Ahmad Zuhdi Muhdlor, "Perkembangan Metodologi Penelitian Hukum," *Jurnal Hukum Dan Peradilan* 1, no. 2 (2012): 189–206.

²⁵ I Made Pasek Diantha and M S Sh, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum* (Prenada Media, 2016).

²⁶ Sayful Mujab and Nabila Luthvita Rahma, "Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (2022): 304–16.

this study found a more complex nuance in urban areas: in addition to the refusal of approval, a number of informants mentioned economic pressure in the form of large demands for dowry and wedding costs (co'i) as the main driving force, so that londo iha also functions as a family economic negotiation strategy, not just a matter of love that is hindered by approval.

The social construction of londo iha in West Rasanae shows a shift compared to the general depiction in previous literature, which tends to view it as a major shame²⁷. Urban residents with higher levels of education and social mobility tend to view londo iha as a family issue that can be resolved gracefully through mediation, rather than something that should be responded to with permanent ostracism. However, social stigma persists in the early stages of the incident, particularly directed at the woman's family who is deemed to have "failed" to protect her daughter. Consequently, the greatest psychological pressure falls on the woman's family in the initial period before mediation begins.

This study also found that londo iha in West Rasanae generally occurs by agreement of both partners (not unilateral kidnapping), so it is substantially different from the meaning of londo iha as 'kidnapping of underage girls' mentioned in a number of old records. This contemporary construction confirms that londo iha in urban areas has experienced a shift in meaning from a potentially coercive act to a consensual strategy for young couples to accelerate the process towards legal marriage, while simultaneously reducing the perceived burdensome social and economic costs of formal marriage.

The findings above demonstrate that londo iha in West Rasanae is a multi-layered phenomenon that cannot be reduced to a single explanation. It is simultaneously an expression of the young couple's personal autonomy, a family economic negotiation strategy, and a legacy of traditional institutions that have long provided a way out of the impasse regarding parental consent. This multi-layered understanding is crucial as a foundation for the analysis in the following section, as how society interprets londo iha directly influences how the mediation process is conducted, whether with a judgmental tone or with a more accommodating approach to the socio-economic realities of urban youth.

Generational differences also influence perspectives on londo iha in West Rasanae. Older informants tend to view londo iha as a last resort that should be avoided and only accepted after a thorough mediation process and a sincere apology. Conversely, younger informants, including a number of couples who have undergone londo iha, tend to view it as a legitimate, rational choice as long as it is based on a sincere desire to build a

²⁷ Mujab and Rahma.

household, not simply an outlet for fleeting desires. This generational gap also influences the dynamics of the mediation process, as senior mediators, generally from the older generation, need to bridge two different value frameworks to ensure that the resulting agreement is acceptable to all parties, including the young couple who are the primary subjects of the incident.

The gender dimension is an important aspect that cannot be separated from reading the meaning of londo iha in West Rasanae. Female informants who have experienced londo iha said that the decision to participate was not merely an emotional impulse, but also a form of bounded agency to escape the pressure of an unwanted arranged marriage or from perceived unfair family expectations. However, this agency remains within a framework of inequality, because once the event occurs, the burden of maintaining the family's good name and moral blame is first directed at the woman, while the man relatively quickly gains social acceptance as long as he demonstrates a serious commitment to responsibility through the mediation and marriage process²⁸.

The economic dimension also appears prominently in the narratives of informants in urban areas. Several families acknowledged that the nominal value of the customary dowry, co'i costs, and the burden of the reception that are usually demanded in conventional Mbojo marriages are among the considerations for young couples to take the londo iha route, because this route ultimately allows for renegotiation of the amount of these obligations in a family mediation forum, which tends to be more flexible than the initial demands before the escape incident occurred. This finding strengthens the argument that londo iha, in the contemporary context of West Rasanae, cannot be understood solely as a moral issue, but also as a rational response of the younger generation to the structure of customary marriage costs that are felt to be increasingly burdensome amidst urban economic pressures.

2. Actors, Structure, and Legitimacy of Mediators in the Londo Iha Dispute Settlement

The londo iha mediation process in West Rasanae District involves a multi-layered configuration of actors. The first layer consists of traditional figures or respected village elders (commonly referred to as ompu or tureli), who act as the primary mediators, considered to possess a deep understanding of Mbojo customary practices. The second layer consists of local religious figures (lebe or village imam), whose presence is necessary to ensure that the dispute resolution does not conflict with Islamic law, given that

²⁸ Mujab and Rahma.

marriages must ultimately be formalized through a marriage contract²⁹. The third layer includes village and sub-district officials who act as social witnesses and guarantors that the resolution reached does not violate public order or the human rights of the parties involved, particularly women.

The legitimacy of mediators in this structure is not obtained through formal certification, as is the case for court mediators under Supreme Court Regulation No. 1 of 2016, but rather stems from their personality, seniority, moral track record, and social trust built over many years³⁰. This pattern is consistent with the findings of³¹ in Madura, which showed that the authority of village heads in marriage mediation can actually exceed the competence of certified mediators due to social proximity and a stronger understanding of the local context. In the West Rasanae context, the combination of customary and religious authority creates a dual legitimacy that makes mediation decisions more likely to be complied with without formal coercion, as rejection of the mediation outcome risks more severe social sanctions than formal legal sanctions.

This mediation structure is also fluid and situational; there is no permanent institution specifically assigned to handle londo iha disputes, but rather a network of figures activated on an ad hoc basis whenever an event occurs. This flexibility of structure offers the advantage of speed of response and flexibility to adapt to each family's context, but also presents a challenge for consistency, as the quality and outcome of mediation depend heavily on the personal capacity of the mediators involved, rather than on standard, documented procedures.

It is interesting to note that the composition of mediators in the londo iha case in West Rasanae was almost entirely dominated by men, including traditional leaders, religious leaders, and government officials. Women, including the bride's mother, were generally only involved as passive participants in the deliberation forum, not as active mediators who made decisions³². This pattern of power relations aligns with criticisms emerging in studies of merariq in the Sasak community, which highlighted the limited space for women to voice their opinions in customary marriage forums. This finding opens up space for critical reflection that the effectiveness of mediation from a procedural perspective does not necessarily reflect the fulfillment of the principle of gender equality

²⁹ Mujab and Rahma.

³⁰ Christopher W Moore and Ramani Jayasundere, "Community Mediation Programme," n.d.

³¹ Oktavina Libriyanti, "Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Perspektif Hukum Islam," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 2, no. 2 (2017).

³² John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1-55.

substantively, thus strengthening women's participation in customary mediation forums needs to be a focus going forward.

Compared with traditional marriage mediation patterns in other regions, such as the village head's authority in Madura³³, which is more centralized in marriage mediation by a single formal authority figure, the londo iha mediation structure in West Rasanae is more decentralized and collective, involving multiple figures simultaneously in a single deliberation forum. This difference is likely related to the character of the Mbojo community, which places decisions by the extended family (*dou labo dana*) as the primary social unit, differing from the more hierarchical village government structure in Madura. This comparison confirms that although elopement is a cross-cultural phenomenon in Indonesia, its resolution mechanisms are strongly influenced by the social structure and kinship systems of each community, so generalizing a single mediation model across cultural contexts should be avoided.

The dual role of religious figures within the West Rasanae mediation structure is also worth highlighting as a finding that distinguishes the Bima context from a number of other regions. In addition to performing formal religious functions such as leading prayers and ensuring the sharia validity of marriages, religious figures in West Rasanae are often specifically asked to act as moral spokespeople, convincing families still harboring anger to open the door to forgiveness. This position grants religious figures a dual authority rarely enjoyed by mediators in secular contexts, as their advice is considered to carry both spiritual and social content. This combination of customary and religious authority gives the londo iha mediation process a strong moral binding force, far exceeding that generated by mere written agreements in formal legal mediation.

This collective, fluid configuration of actors and mediation structures, anchored in socio-religious legitimacy, provides the primary means of resolving londo iha disputes without resorting to lengthy and costly formal legal channels. However, as will be outlined in the next subsection, this structural strength needs to be balanced with a clear mechanism of stages so that mediation outcomes are not simply dependent on the chance availability of competent figures but can be replicated consistently from case to case.

3. Stages and Mechanisms of the Mediation Process: from Submission of News to Confirmation of Agreement

Field data analysis reveals that the londo iha mediation process in West Rasanae proceeds through four relatively consistent stages. The first stage is the delivery of news,

³³ Ama Fitariam Safitri, "Tradisi Ampa Sabae Dalam Proses Perkawinan Masyarakat Muslim Di Desa Nipa Kecamatan Ambalawi Kabupaten Bima (Perspektif Sosiologi Hukum)" 7, no. 1 (2021).

when the man's family sends a messenger (usually a traditional figure or senior relative) to inform the woman's family that their daughter has been taken away and is under the protection of the man's family. This stage is symbolically important because it confirms that the act is not a kidnapping, but rather a step toward marriage, which will soon be followed up according to customary law³⁴.

The second stage is the initial approach and apology, in which a representative from the man's family visits the woman's residence to formally apologize and defuse the initial anger that often arises. At this stage, the mediator plays a role in containing the potential for open conflict by emphasizing the values of kinship and choir (collective shame), which encourage both parties to quickly seek a dignified resolution rather than prolong the conflict.

The third stage, which is the core of the entire process, is a negotiation or deliberation of the extended family led by a traditional mediator. In this stage, various substantive matters are discussed, including the willingness of the woman's family to accept the proposal, determining the dowry and marriage costs, scheduling the marriage contract, and restoring family ties. The mediator acts as a neutral facilitator, listening to both parties' complaints, offering settlement options based on traditional precedents, and directing the discussion so that it does not become blaming but rather focuses on future solutions a pattern in line with the principles of facilitative mediation as proposed³⁵.

The fourth stage is the confirmation of the agreement, which is realized through two forms simultaneously: customary confirmation in the form of a symbolic procession of the woman's return to her family accompanied by the provision of certain customs, and legal confirmation in the form of the implementation of a marriage contract facilitated by the Office of Religious Affairs. The meeting point between customary mediation and formal law is most clearly seen at this stage, because the legality of the marriage according to the state is only obtained after the customary process is declared complete and the marriage guardian, usually the woman's biological father, is willing to marry his child, a condition that can only be met if mediation succeeds in completely restoring family relations.

The overall duration of the mediation process varies depending on the initial level of anger from the woman's family and the complexity of the customary demands. In relatively straightforward cases, the four stages can be completed within three to seven

³⁴ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge university press, 1989).

³⁵ Libriyanti, "Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Perspektif Hukum Islam."

days, especially if the two families are already well acquainted³⁶. Conversely, in cases involving strong resistance from the woman or disagreements over the dowry amount, the mediation process can last for more than a month, with meetings ranging in intensity from small discussions among family representatives to larger deliberation forums involving all close relatives. This variation in duration underscores that while the four-stage framework is relatively consistent as a general model, its concrete implementation remains highly situational and dependent on the dynamics of each family's relationships.

One important element that recurs throughout the stages is the use of traditional symbols and language as instruments for easing tensions, such as the use of polite expressions (*basa raso*) in conveying apologies, as well as the giving of symbolic gifts that convey respect, not just material transactions. The use of this symbolic medium serves to reduce the intensity of negative emotions early in the process and creates psychological space for both families to shift from a confrontational position to a collaborative one, a shift that is central to successful mediation according to Moore's (2014) framework.

The four-stage model identified in this study news delivery, initial approach, core negotiations, and agreement confirmation can be seen as a conceptual contribution that clarifies the structure of the *londo iha* mediation process, which has so far been generally understood as a 'family settlement' without clear details of the stages in previous literature³⁷. The clarity of these stages has practical value, as it can serve as a reference for new mediators or young figures who will later continue the role of customary mediation, as well as serve as a basis for formulating written guidelines as will be recommended at the end of this article.

It is important to note that these four stages do not always proceed in a linear fashion. In a number of cases investigated, the core negotiation stage was temporarily halted when additional demands emerged from the woman's family midway through the process, such as a request that the man contribute to the bride's younger siblings' further education as a form of social compensation. This situation forced the mediator to return to the informal approach stage to defuse any new tensions before the core negotiations could resume, demonstrating that the *Londo Iha* mediation process is recursive (returning to previous stages) and does not always move progressively in a single direction. This recursive characteristic is consistent with Moore's³⁸ view that an effective

³⁶ Faridal and Sadat, "Mediasi Sebagai Alternatif Damai Dalam Perceraian : Menggali Efektivitas Hukum Positif Dan Nilai Lokal Di Polewali Mandar."

³⁷ Zoelva, "Tinjauan Hukum Islam Terhadap Tradisi Londo Iha Di Kecamatan Parado Kabupaten Bima Nusa Tenggara Barat."

³⁸ Siwe and Masyarakat, "Dinamika Pluralisme Hukum Dalam Tradisi Waa Rai Siwe Pada Masyarakat Bima (Studi Kasus Di Desa Tumpu, Kecamatan Bolo, Kabupaten Bima, Nusa Tenggara Barat)."

mediation process must be flexible enough to accommodate new dynamics that emerge during negotiations, rather than forcing a resolution to a rigid timetable.

4. Supporting Factors, Inhibitors, Effectiveness, and the Relationship between Customary Mediation and Positive Law

The effectiveness of londo iha mediation in West Rasanae is determined by several supporting factors. First, the strong values of kinship and collective shame (*maja labo dahu*) in Mbojo culture encourage both families to resolve disputes quickly to maintain their shared reputations, so the mediation process tends to proceed quickly, generally within a matter of days³⁹. Second, the dual legitimacy of customary and religious mediators simultaneously strengthens compliance with the agreement without the need for coercive enforcement. Third, the involvement of village district officials as witnesses provides an additional layer of oversight that ensures the mediation outcome does not violate the woman's basic rights, such as the right not to be forced into marriage if she genuinely refuses.

On the other hand, this study also identified several inhibiting factors. The absence of standard procedures causes the quality of mediation to be highly dependent on the personal capacity of the available mediator, resulting in significant differences in mediation outcomes between cases. Furthermore, the lack of written documentation of customary agreements makes mediation outcomes vulnerable to future disputes, for example regarding the division of costs or the status of joint property, as there is no formal reference that can be used as evidence. Another obstacle arises when one family member stubbornly refuses to reconcile due to social prestige, forcing the mediator to prolong the approach process for weeks, even requiring the intervention of sub-district religious leaders in some cases to convince the opposing party.

In terms of its relationship with positive law, this study found a complementary, rather than confrontational, relationship between the londo iha customary mediation and the formal legal system. The Office of Religious Affairs generally respects the results of customary mediation as a social prerequisite before processing marriage contracts, while village/district officials act as a bridge, ensuring that customary processes do not deviate from the principle of rights protection, in line with the spirit of Law Number 16 of 2019 concerning Marriage. This relationship pattern strengthens the argument of legal pluralism⁴⁰ that state law and customary law can coexist functionally, complementing

³⁹ Ardiansyah, "Urgensi Mediasi Dalam Perkawinan Londo Iha (Selarian) Di Kabupaten Bima Menurut Perspektif Mashlahah Mursalah."

⁴⁰ Indonesia, "Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan."

rather than eliminating each other, as long as each party understands the limits of its authority. However, the lack of a mechanism for reporting or recording the results of customary mediation to the relevant agencies means that the potential benefits of this mediation, such as providing data for preventing future family conflicts, have not been optimally utilized by local governments.

When compared with formal court mediation practices as stipulated in Supreme Court Regulation Number 1 of 2016, londo iha mediation in West Rasanae demonstrated a qualitatively higher level of resolution success perceived by informants, as it took place in a more fluid, family-like atmosphere and was not constrained by rigid procedural deadlines. This pattern aligns with findings in other contexts in Indonesia, such as customary deliberation-based mediation in the Bajo community in Wakatobi and village head mediation in Madura⁴¹, which both demonstrated that social closeness and understanding of the cultural context by informal mediators can result in higher levels of compliance and acceptance than formal mediation, which emphasizes solely procedural and legal aspects. This similarity across regions reinforces the argument that the strength of customary mediation in Indonesia generally lies in social trust, not solely in formal legal authority.

However, the high social acceptance of customary mediation should not be an excuse to ignore potential risks, particularly regarding the protection of the rights of structurally weaker parties, in this case generally young women. The absence of written records and the minimal involvement of women as mediators, as described in the previous section, presents a gap that needs to be addressed through affirmative action policies, for example by encouraging the involvement of influential female figures (such as senior housewives or female Koran teachers) as part of the mediation team, while also encouraging a more structured synergy between customary mediation and psychosocial support for women experiencing social pressure following the Londo Iha incident. Such synergy will ensure that the effectiveness of mediation is measured not only by the speed at which an agreement is reached, but also by the quality of justice experienced by all parties involved, especially the most vulnerable.

The broader implication of these findings is the need for more formal recognition, though not necessarily a rigid codification, of the role of customary mediators within village and sub-district government structures. Such recognition could be realized, for example, through regular coordination forums between customary leaders, religious

⁴¹ Mujab and Rahma, "Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia."

leaders, and government officials to discuss patterns of family disputes that arise in their respective areas, including londo iha disputes, so that experiences and lessons learned from one case can be passed on more systematically to the next generation of mediators. Without such forums, customary mediation knowledge risks being lost with the passing of senior figures who have been the mainstay of the dispute resolution process, a regeneration risk that local stakeholders need to anticipate early on⁴².

Digitalization has also begun to influence the landscape of londo iha dispute resolution in West Rasanae, although it has not yet become mainstream. Several informants noted that initial communication between families, particularly requests for meetings, is now often conducted via text message or phone call before a face-to-face meeting takes place, a practice rarely seen in traditional mediation models in rural areas that rely more on in-person visits from the outset. This development demonstrates that londo iha traditional mediation in urban areas is adapting to technology, without losing its core customary values and procedures. This finding adds new nuances to our understanding of the sustainability of customary law in an increasingly digitally connected urban society.

CONCLUSION

This study concludes that londo iha in Rasanae Barat District, Bima City, is a customary-based family dispute resolution mechanism that has clear stages and structures, although it has not been formalized in written regulations. The mediation process takes place through four stages: information delivery, approach and apology, negotiation, and agreement confirmation, involving traditional leaders, religious leaders, families, and the local government. The effectiveness of mediation is supported by kinship values, collective shame, and customary and religious legitimacy, but still faces obstacles in the form of the lack of standard procedures and documentation of mediation results. This finding extends previous studies by showing that londo iha is not only a cultural tradition, but also reflects mediation practices that align with mediation theory, restorative justice, and legal pluralism in family dispute resolution in the Mbojo community.

Based on these findings, this study recommends the development of basic guidelines for londo iha mediation involving local governments, traditional leaders, religious leaders, and the Office of Religious Affairs, along with a mechanism for recording mediation results as a form of legal certainty and prevention of further disputes.

⁴² Mujab and Rahma.

Strengthening the capacity of traditional mediators, particularly regarding the protection of women's and children's rights, also requires attention. Theoretically, this study confirms that traditional mediation is part of a living law dispute resolution system and is capable of interacting constructively with state law. Therefore, the preservation and strengthening of londo iha practices need to be directed towards renewal that remains grounded in local wisdom values, so that they can become a model for family dispute resolution that is responsive, equitable, and relevant to societal developments.

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