

Customary Legitimacy of *Dopofuleigho*: *Hokumu*'s Role in Marriage Conflict Resolution in Muna and West Muna Regencies

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ABSTRACT

The practice of *dopofuleigho* (lit. elopement) among the Muna people in Southeast Sulawesi experiences highly contradictory legitimacy today. While some consider it an extinct and disrespectful practice, others maintain it as an economical, practical marriage mechanism. This study aims to analyze the construction, negotiation, and reproduction of this customary legitimacy by positioning the *hokumu* (religious-customary mediator) at the center of conflict resolution. Using a qualitative case study method, data were gathered through in-depth interviews with six key informants representing extinction, no-longer-needed, and survival narratives. The analytical framework combines van Dijk's CDA, Moore's LP, and Bourdieu's S-AT. Results reveal that *dopofuleigho* involves an institutionalized five-stage customary resolution process: *hokumu*'s acceptance, *polele*, *dengkoraghoo adhati*, *kafotangkano agama*, and *kafokawi*. The *hokumu* serves vital state-like functions—

legislative, executive, judiciary, police, and diplomatic—while specific legal conditions function as technologies of power to prevent state criminalization. The structural novelty of this research extends prior descriptive and communicative studies by demonstrating that the survival of *dopofuleigho* depends entirely on the *hokumu*'s capacity to negotiate conflicting discourses within the customary public sphere. Ultimately, this comprehensive study offers significant theoretical contributions to indigenous legal pluralism and marital norm transformation in Indonesia.

Keywords: *Dopofuleigho*, *Hokumu*, Customary legitimacy, Legal pluralism, Marriage conflict resolution, Muna tribe

1. INTRODUCTION

Marriage serves as a foundational social institution facilitating cultural continuity and social reproduction. In Eastern Indonesia, particularly Sulawesi, customary marriage transcends a private contract,

operating as a public ritual anchored by the *bhoka* (dowry) system and kinship validation. ^{[1],[2]} Adhering to these steps is vital for preserving ancestral honor and stratified *bhoka* hierarchies characterizing Muna society. ^[3] However, contemporary Muna society experiences structural friction between traditional protocols and modern socio-economic realities. The *bhoka* system demands immense material and symbolic capital—such as gold and cash—frequently totaling tens of millions of rupiah. For economically marginalized families, these financial obligations present a barrier to customary formalization. Concurrently, unyielding parental authority and considerations regarding education, social standing, or economic instability result in the rejection of prospective partners, restricting young couples' romantic agency within collective norms. ^[4]

In response, elopement emerges as a negotiated cultural strategy. Rather than signaling a breakdown of social order, anthropological frameworks interpret elopement as a culturally patterned reaction to structural limitations like prohibitive dowries, stratification, or familial opposition. ^{[5],[6]} Within Muna society, this institutionalized practice is termed *dopofuleigho* (or *baku bawa lari*). Countering assumptions that stigmatize elopement as lawless, *dopofuleigho* is embedded within a formalized customary architecture involving designated actors, sequential stages, and precise legal boundaries. ^[3]

The central agent within this architecture is the *hokumu*, a village-level religious officer and customary mediator. The *hokumu*'s intervention begins immediately post-elopement, requiring the male party to seek formal asylum and enter temporary custody (*polele*) at his residence. This phase insulates the couple from retaliation, executes parental notifications, and initiates structured negotiations. Subsequent stages—comprising *dengkoragho adhati* for dowry reduction, *kafotangkano agama* for Islamic solemnization, and *kafokawi* for

final marriage contract execution—demonstrate that *dopofuleigho* operates as an adapted, rerouted pathway within custom rather than a departure from it. Consequently, the *hokumu* bridges individual agency and collective structures. Despite this internal institutionalization, the modern legitimacy of *dopofuleigho* remains contested across regions, revealing two competing discourses. In West Muna Regency, a discourse of “extinction” dominates; instances have dwindled to once every few years, with the practice condemned as *poghuno adhati* (disrespectful to the bride's kin). Such a narrative frames elopement as a threat to traditional respect norms and *bhoka* hierarchies. It functions as a mechanism of Foucauldian biopower, wherein customary elders police sexual conduct and bodies to reinforce the established social order. ^[5]

Conversely, a discourse of “survival” prevails in Muna Regency, where informants assert that *dopofuleigho* endures as a brief, cost-effective mechanism for economically constrained couples. To adapt to state frameworks, two specific legal conditions have been institutionalized: depositing “discreet money” beneath the woman's pillow and prohibiting cross-village elopements, thereby evading state criminalization under Article 332 of the Indonesian Criminal Code. This perspective reframes the practice as a pragmatic, agency-driven resolution to parental and financial barriers. ^[4]

This deep ideological friction generates acute marital conflicts requiring intervention. When families clash over “disrespectful” versus “economical” frameworks, the *hokumu* must skillfully arbitrate to prevent communal ruptures or legal escalation. Previous studies have mapped *dopofuleigho*'s basic stages ^[3] and communication dynamics ^[7], yet they fail to explain how the *hokumu* actively constructs and reproduces customary legitimacy amid competing claims. A significant scholarly gap remains regarding how customary discourse mediates between extinction and

survival, and how this mediation influences legal pluralism and norm transformation.

To address this analytical void, this study positions the *hokumu* as the primary mediator. Integrating Critical Discourse Analysis [8], Legal Pluralism, and Structure-Agency Theory within Habermas's concept of a customary public sphere, this research investigates how *dopofuleigho* is contested and transformed across Muna and West Muna Regencies. [4],[6],[9] Specifically, this study aims to examine the discursive strategies shaping the extinction and survival narratives, analyze the *hokumu*'s state-like functions across the four customary stages (*polele*, *dengkoragho adhati*, *kafotangkano agama*, *kafokawi*), evaluate how his mediation reproduces legal pluralism, and contribute to broader theories of marital norm evolution.

In line with the background and the aims above, therefore, three research questions are raised:

1. What discursive strategies are utilized to construct the competing narratives of "extinction" and "survival" regarding *dopofuleigho* in Muna and West Muna Regencies?
2. How are the institutionalized stages of *dopofuleigho*—namely *polele*, *dengkoragho adhati*, *kafotangkano agama*, and *kafokawi*—executed, and what state-like functions does the *hokumu* perform within them?
3. How does the *hokumu* negotiate the structural tensions between the "disrespectful" and "economical" discourses within the customary public sphere to reproduce legal pluralism?

Theoretically, this study makes a threefold contribution to the existing literature on legal anthropology and indigenous studies. First, it advances the framework of indigenous legal pluralism by expanding the conceptual understanding of how unofficial customary laws interact, negotiate, and survive alongside state law and formal religious norms in modern Indonesia. Second, the research enriches structure-agency and power theories by providing a

concrete empirical case study that applies Bourdieu's concept of agency and Foucault's notion of biopower; this lens illuminates how marginalized marital traditions resist both state criminalization and rigid structural hierarchies. Finally, this study fills a critical scholarly gap in Muna cultural research, shifting the academic literature on *dopofuleigho* from purely descriptive or communicative perspectives toward a deeper political-discursive analysis situated within Habermas's customary public sphere.

Practically, the insights generated from this research offer substantial utility for local actors, policymakers, and cultural preservation efforts. For customary mediators, the findings provide a structured, actionable reference that the *hokumu* and local elders in Muna and West Muna Regencies can utilize to effectively manage institutionalized steps for resolving complex marital conflicts. Additionally, this study delivers crucial policy input for local governments and law enforcement agencies, offering clear documentation of the internal legal mechanisms used by indigenous tribes to navigate and prevent state criminalization under formal statutes. Ultimately, by detailing these dynamic transformations, this research contributes to the preservation of indigenous conflict resolution, ensuring that the traditional wisdom of the Muna tribe remains operationally relevant within the landscape of contemporary family law.

2. LITERATURE REVIEW

2.1 Conceptualizing Elopement, Custom, and Power

This study is grounded in three interlocking concepts: elopement as a social strategy, custom as living law, and the *hokumu* as a mini-state. Combined, these concepts provide the analytical vocabulary necessary to understand *dopofuleigho* not as an act of deviance, but as a culturally patterned negotiation between structure and agency.

Elopement as Structural Agency

Anthropological literature has long debated the sociological meaning of elopement. Lévi-Strauss conceptualized it as "marriage by capture" (*rapt de femme*), a mechanism utilized to bypass rigid exchange rules when formal alliance negotiations fail. ^[10] In contrast, Kawakan argued that elopement functions as an "adjustment mechanism" when the conventional marriage market collapses due to economic barriers, such as an exorbitant dowry or *bhoka*. ^[11] Within this framework, elopement does not constitute a rejection of custom; rather, it represents a corrective action taken by social actors who lack the requisite economic or social capital to comply with standard institutional procedures.

In the Muna context, *dopofuleigho* aligns more accurately with Kawakan's model than with Lévi-Strauss's formulation. The practice does not involve violent abduction, but is instead a consensual act between two individuals facing parental rejection or financial inability to meet *bhoka* demands. Therefore, *dopofuleigho* is conceptualized here as structural agency—a culturally available strategy through which young couples assert romantic choice and economic pragmatism amid the structural constraints of caste, dowry, and parental authority. ^{[4],[12]} This conceptualization moves beyond moralistic views that dismiss elopement as merely "disrespectful," positioning it instead within the broader sociology of marriage markets.

Custom as Living Law

Geertz rejected the notion that custom is a static, immutable set of rules. Instead, he argued that custom operates as a "system of meaning" that is continuously interpreted, contested, and renegotiated by social actors. ^[1] Within the Muna tribe, *bhoka* and caste restrictions are not merely economic transactions; they constitute a symbolic language that encodes family dignity, ancestral honor, and social hierarchy. While a high *bhoka* signals elevated status, a

reduced *bhoka* obtained via *dopofuleigho* is frequently interpreted as a loss of face.

Consequently, the stage of *dengkoragho adhati* represents far more than a financial settlement; it is a discursive battle over family dignity. The bride's family seeks to maximize its symbolic capital by demanding higher compensation, while the groom's family, mediated by the *hokumu*, attempts to minimize the immediate economic burden. This contested process validates Geertz's thesis that customary law functions as "living law" because its meaning is actively produced during interaction rather than merely inherited from static texts. Ultimately, the legitimacy of *dopofuleigho* depends on how successfully the *hokumu* can reframe the act from a token of "disrespect" into a process of "resolution". ^[9]

The *Hokumu* as a State in Miniature

Moore introduced the concept of the "semi-autonomous social field" to explain how local communities generate internal rules and sanctions independently of, yet in relation to, state law. ^[9] The *hokumu* within Muna society exemplifies this dynamic. Though not an official state judge, the *hokumu* performs four distinct, state-like functions simultaneously:

1. **Legislative:** interpreting and adapting customary rules, such as incorporating contemporary local conditions;
2. **Executive:** implementing customary protections by sheltering the couple during the *polele* phase;
3. **Judiciary:** adjudicating disputes over the *bhoka* during *dengkoragho adhati*; and
4. **Diplomatic:** negotiating with the bride's family to prevent retaliatory conflict, mitigate state intervention, and restore fractured social relations.

Thus, the *hokumu* operates as a "state in miniature." His authority derives not from statutory state legislation, but from religious charisma, customary expertise, and deep community trust. Understanding the *hokumu* as a mini-state explains why *dopofuleigho*

does not culminate in social anomie, but instead serves as a structured pathway toward societal reintegration.

2.2 Descriptive Ethnography, Gender and Power, and Legal Pluralism

To position this study within the existing scholarship, the relevant literature is reviewed across three distinct analytical streams: descriptive ethnography, gender and power, and legal pluralism.

Stream 1: Descriptive Ethnography of Muna Marriage

The most direct precedent to this research is the work of Aso et al. [3], which mapped the three primary catalysts for *dopofuleigho*—namely, exorbitant wedding demands, parental rejection, and premarital pregnancy—and detailed its five customary stages. However, their study concluded at the descriptive level, focusing primarily on the "what" questions: what are the causes and what are the stages? It did not analyze why the practice is legitimized in certain villages yet rejected in others, nor did it theorize the *hokumu*'s institutional role beyond that of a mere "organizer." This descriptive gap motivates the present study's shift toward a critical discourse and power analysis.

Stream 2: Gender, Power, and Women's Negotiation

Feminist anthropologists such as Blackwood [13] and Hatley [14] have demonstrated that elopement in Indonesia frequently functions as a mode of negotiation for women resisting patriarchal control, allowing them to assert partnership choices despite parental disapproval. While valuable, this stream focuses predominantly on female agency and pays significantly less attention to male institutional mediators. The present study complements this literature by examining how male customary authority, embodied by the *hokumu*, actively mediates, constrains, or enables the agency of young women and couples.

Stream 3: Legal Pluralism and Village Mediators

Legal pluralism (LP) scholars, including Hooker [15], Bowen [16], and Bedner [17], have robustly demonstrated that state law in Indonesia dynamically coexists with both *adat* and Islamic law. However, empirical studies focusing on village-level religious-customary mediators remain sparse. Most existing literature concentrates on the *ninik mamak* among the Minangkabau or traditional leaders in South Sulawesi. This study addresses that empirical void by documenting the *hokumu* as a plural legal actor who simultaneously navigates the intersection of *adat*, Islam, and state criminal law.

2.3 Theoretical Framework

To analyze the construction and negotiation of customary legitimacy, this study integrates five complementary theoretical frameworks as analytical tools.

Critical Discourse Analysis

Critical Discourse Analysis (CDA) [8] is employed to analyze discourse at three interrelated levels: text, social cognition, and social context. Textually, the "disrespect" narrative utilizes the positive self-presentation of traditional conservatives alongside the negative other-presentation of eloping couples. Cognitively, the "economical" narrative reflects a strategic mental model that prioritizes pragmatic survival over symbolic honor. Contextually, these competing discourses are produced within a transitioning Muna society where state law and market economics increasingly penetrate customary life.

Legal Pluralism

The framework of legal pluralism posits that individuals are simultaneously subject to multiple, overlapping legal orders. [9] The *hokumu* manages the semi-autonomous social field of Muna marriage by translating between *adat* demands, Islamic requirements, and state criminal threats. For instance, the prohibition on cross-village

elopement operates as a regulatory mechanism to evade criminalization under Article 332 of the Indonesian Criminal Code. Thus, legal pluralism explains how *dopofuleigho* survives not by evading the state, but by actively managing its structural relationship with state apparatuses.

Structure-Agency Theory

Structure-agency theory (S-AT) conceptualizes customary marriage as a contested field of struggle over economic, social, and symbolic capital. ^[4] Within this arena, the *hokumu* possesses a dual habitus, operating simultaneously as a religious authority and a customary leader. This multifaceted capital enables him to mediate effectively between families holding unequal social power. Concurrently, couples who elope exercise agency by converting romantic capital into an institutionalized customary resolution. Bourdieu's framework thus illuminates why *dopofuleigho* persists primarily as a survival strategy for the capital-poor.

Rites of Passage

The anthropological theory of rites of passage argues that rituals systematically involve three distinct phases: separation, liminality, and reintegration. ^[2] Elopement

constitutes a precarious liminal phase where the young couple is suspended "betwixt and between" established social statuses. The four sequential stages of *dopofuleigho*—spanning from *polele* to *kafokawi*—function as institutionalized rites of passage that transition the couple out of liminality and back into the formal social structure, thereby preventing social anomie.

Biopower

Finally, Foucault's concept of biopower illuminates the regulation of bodies, populations, and sexuality through institutionalized discourse. ^[5] In this context, the "respect" and "destiny" discourses function as biopolitical mechanisms that discipline individual bodies and sexuality to preserve the traditional *bhoka* hierarchy. Simultaneously, the contemporary legal conditions enforced by local elders operate as "technologies of power" designed to render *dopofuleigho* governable, structured, and insulated from formal state intervention.

2.4 Research Gap

To clarify the novelty of this study, Table 1 maps its core dimensions against previous research.

Table 1. Literature Mapping and Novelty

Aspect	Aso et al. (2022)	Larisu et al. (2024)	This Study
Research Focus	Structural catalysts of <i>dopofuleigho</i>	Interpersonal communication strategies	Discursive legitimacy and the institutional functions of the <i>hokumu</i>
Core Inquiry	Exploratory ("What" and "How")	Interactional (How to communicate)	Analytical ("Why" and "Through what mechanisms")
Theoretical Framework	Derridean Deconstruction	Lasswell's and Hovland's Communication Models	Integrated Framework: CDA, Legal Pluralism, Structure-Agency, Rites of Passage, and Biopower
Analytical Lens	Structuralist	Communicative	Power relations, ritual liminality, and biopolitics
Empirical Data	West Muna Regency (2021)	Muna Regency (2023)	Comparative field data: Muna vs. West Muna Regencies (Contrasting "Extinction" vs. "Survival" discourses)
Conceptualization of the Hokumu	Customary organizer	Strategic communicator	Power mediator and institutional actor
Theoretical Contribution	Descriptive ethnography	Strategic communication analysis	Critical discourse on agency, legal pluralism, and customary legitimacy

Based on the literature mapping above, no existing study integrates the structural factors identified by Aso et al. [3] or the communicative strategies examined by Larisu et al. [7] with contemporary local legal adaptations to explain the contingent legitimacy of *dopofuleigho*. While previous works successfully describe the practice or its communication dynamics, they do not analyze the phenomenon through the lens of shifting power relations. This study directly addresses that analytical void by demonstrating that the institutional trajectory of *dopofuleigho* is determined by the *hokumu*'s capacity to negotiate competing discourses within a customary public sphere. [6] This contribution is essential for advancing the understanding of indigenous legal pluralism and marital norm transformation in contemporary Indonesia.

3. METHODS

This study employed a qualitative, interpretive, comparative case study design situated within a constructivist paradigm. This approach was chosen to understand how the customary legitimacy of *dopofuleigho* is socially constructed and negotiated by the *hokumu*, families, and the community across two distinct empirical settings. [18]

The research was conducted in Muna Regency and West Muna Regency, Southeast Sulawesi, Indonesia, from January to March 2025. These two locations were selected using maximum variation sampling to capture contrasting socio-cultural narratives. [19] Muna Regency represents the “survival” narrative, where *dopofuleigho* is still actively practiced under adaptive legal conditions enforced by the *hokumu*. Conversely, West Muna Regency represents the “extinction” narrative, where the practice has become rare and is widely considered *poghunno adhati* (disrespectful to custom).

Data Sources and Collection

Primary data were obtained through in-depth, semi-structured interviews with six

key informants selected through purposive sampling. The informants comprised male *hokumu* and customary leaders, ranging from 49 to 76 years of age, from both regencies. They were categorized into three distinct narrative positions: “survival” in Muna, “extinction” in West Muna, and “no longer needed” across both regions. Interviews were conducted in both Bahasa Muna and Bahasa Indonesia, audio-recorded with permission, and transcribed verbatim. Secondary data consisted of customary documents regarding *dengkoragho adhati* and observational field notes from the *hokumu* offices in both regencies. To ensure data validity, source triangulation and member checking were rigorously applied. [20],[21]

Data Analysis

Data analysis followed a theory-driven qualitative framework (Miles et al.) [22], integrating five theoretical lenses to explain variations in customary legitimacy:

1. **Critical Discourse Analysis** (van Dijk) [8] to examine the ideological tensions between “respect” and “economy” narratives;
2. **Legal Pluralism** (Moore) [9] to map the interaction among *adat*, Islam, and state law;
3. **Structure-Agency Theory** (Bourdieu) [4] to analyze the accumulation and conversion of social and symbolic capital;
4. **Ritual Theory** (Turner) [2] to conceptualize the transition from liminality to reintegration; and
5. **Biopower** (Foucault) [5] to dissect the disciplinary regulation of bodies and sexuality.

The analysis systematically compared empirical patterns between Muna and West Muna Regencies to identify how these competing discourses shape contemporary legal pluralism.

Research Ethics

Ethical clearance and informed consent were secured from all informants prior to

data collection. Sensitive case details and the identities of the participants were fully anonymized to protect confidentiality. Finally, the preliminary findings were presented back to the *hokumu* councils in both regencies, ensuring that the research process upheld mutual respect for indigenous *adat* institutions.

4. RESULT AND DISCUSSION

4.1 Recontextualizing Aso's Three Factors into a Hegemonic Discourse Arena

Geertz famously argued that custom does not operate as a static rulebook, but rather functions as a continuously contested system of meaning. ^[1] The field data gathered in 2025 validate this conceptual thesis by reframing the three causal factors (see Table 2) previously identified by Aso et al. ^[3] within a hegemonic discourse arena, wherein the narratives of “extinction” and “survival” dynamically compete for cultural legitimacy.

Table 2. Conceptual Transformation of Aso's Three Factors (2022 vs. 2025)

Aso's Causal Factor (2022)	2022 Baseline Meaning	2025 West Muna Discursive Shift	2025 Muna Discursive Shift
Exorbitant Wedding Costs (<i>Bhoka</i>)	Pragmatic economic barrier	Moral transgression: An act of cultural disrespect	Rational negotiation: An economical institutional shortcut
Parental Rejection	Discrepancy in Islamic criteria	Structural barrier: Stratification and <i>bhoka</i> -caste hierarchies	Individual agency: Prioritizing emotional preference over collective mandate
Premarital Pregnancy	Collective family shame (<i>siri</i>)	Structural threat: State criminalization and legal risk under Article 332	Religious urgency: Pragmatic resolution to prevent further spiritual transgression (<i>zina</i>)

In West Muna Regency, informants La Mula (aged 57) and La Salamati (aged 56) reframe exorbitant wedding costs as a moral transgression. Here, the discourse of “disrespect” functions as a mechanism of Foucauldian biopower, disciplining bodies and sexuality to strictly maintain the traditional *bhoka* hierarchy and caste order. Conversely, in Muna Regency, La Sumaili (aged 76) reframes the exact same factor as a rational economic strategy for young couples with limited capital. Furthermore, La Tia (aged 61) posits that “mutual love” constitutes a form of micro-resistance against parental vetoes, echoing Bourdieu's conceptualization of agency. ^{[5],[4]} The *hokumu* thus operates as the pivotal arbiter who determines which discourse achieves hegemony. When the *hokumu* aligns with traditional conservatives, *dopofuleigho* is delegitimized and framed as extinct; conversely, when he aligns with

pragmatists, the practice survives as a highly regulated customary mechanism.

4.2 Liminality: The Four Stages as Turner's Rites of Passage

Turner conceptualized liminality as a precarious, “betwixt and between” phase that inherently threatens established social structures. ^[2] Elopement represents precisely such a liminal act, wherein the couple exits their normal social roles without having yet entered formal marital status. Without a structured customary ritual, this prolonged liminality risks collapsing into social anomie—characterized as *zina* (spiritual transgression) from a religious perspective, and kidnapping from a state legal standpoint. Consequently, the *hokumu*'s five sequential stages (see Table 3) function as institutionalized rites of passage designed to systematically restore social structure.

Table 3. Five Customary Stages Matched with Turner's Rites of Passage

Customary Stage	Turner's Ritual Phase	Institutional Anti-Anomie Function	Key Empirical Evidence (Field Data 2025)
Polele (Initial Acceptance)	Separation	The eloping couple enters the <i>hokumu</i> 's neutral domicile, structurally exiting the immediate zone of familial conflict.	La Salamati: <i>The couple must report immediately to ensure physical and social safety.</i>
Polele (Notification Period)	Early Liminality	Public announcement of the couple's status; triggers a regulated <i>dhandi</i> (waiting) period to defuse initial hostility.	La Salamati: Notification must occur within 3 days for local cases, and 7 days for cross-regency elopements.
Dengkoragho Adhati	Peak Liminality	A highly ritualized conflict-negotiation arena where family dignity is contested and the <i>bhoka</i> (dowry) is reduced.	La Mula: This stage represents the definitive peak of the battle over family honor and symbolic capital.
Kafotangkano Agama	Early Reaggregation	Harmonization of customary practice with Islamic jurisprudence and state legal compliance (under KUA guidelines).	La Moloku (cited in Aso et al., 2022): Integration of <i>adat</i> resolution into formal state-religious mechanisms.
Kafokawi	Final Reaggregation	Recitation of formal marriage vows; the couple formally re-enters society with newly legitimized civic and customary statuses.	Consensus among all informants: Re-integration into the community as legally and culturally recognized spouses.

Without these sequential stages, the eloping couple remains trapped in an unresolved state of liminality, leaving them acutely vulnerable to state criminalization. Thus, the *hokumu* systematically transforms a socially deviant act into a legally and culturally recognized lawful transition.

4.3 Field Polarization in 2025: The Customary Public Sphere

Habermas conceptualizes the public sphere as a democratic realm designed for rational-critical debate among social actors. ^[6] Within contemporary Muna society, the stage of *dengkoragho adhati* functions precisely as a localized, customary public sphere, wherein opposing factions actively deliberate and contest the cultural and structural legitimacy of *dopofuleigho*.

Table 4. Discursive Polarization Among Key Informants within the Customary Public Sphere

Discursive Camp	Key Informants	Empirical Status Claim	Core Ideological Argument
Extinction	La Mula, La Salamati, La Ode Ali Buke, Wa Kota	Near-zero incidence rate over the past five years across Muna and West Muna Regencies.	Elopement is an obsolete and redundant practice; parental approval can always be achieved through rational deliberation (<i>pobhalo-bhalo</i>) if genuine affection exists.
Survival	La Sumaili, La Tia	Active persistence with recurring annual cases documented within Muna Regency.	Elopement serves as an indispensable institutional alternative and a legitimate strategy of resistance when parents issue an arbitrary veto.

This polarization (see Table 4) validates Hidayat's thesis that customary law persists primarily when it actively resolves concrete human dilemmas. ^[23] In West Muna Regency, the challenge of social stigma has been effectively mitigated through institutionalized deliberation, allowing the

"extinction" narrative to achieve discursive dominance. Conversely, in Muna Regency, the structural constraint of economic incapacity remains unresolved, compelling the "survival" camp to preserve the practice as a pragmatic safety valve.

4.4 Customary Legality: La Tia's Two Legal Conditions as a Foucauldian Technology of Power

The most significant empirical finding from the 2025 field research is the formal codification of two specific legal conditions, as articulated by La Tia. These contemporary customary rules were strongly corroborated and expanded upon by key informants La Ode Ali Buke, Wa Kota, and La Salamati (personal communication, 2025).

Condition 1: The Symbolic Token – Money Deposited Beneath the Pillow

La Ode Ali Buke noted that a man initiating *dopofuleigho* is culturally obligated to deposit a specified sum of money beneath the woman's pillow as a symbolic indicator of matrimonial intent. Wa Kota and La Salamati concurred, emphasizing that the absence of this token constitutes a severe breach of *adat*, irrespective of the couple's mutual affection. Furthermore, La Sumaili added a vital nuance: if the groom remains unknown to the bride's extended kin, this symbolic token alone proves insufficient, particularly in cases involving cross-provincial elopement.

Condition 2: Temporal and Spatial Jurisdictional Boundaries

There was a unanimous consensus among all informants regarding mandatory notification deadlines. The *hokumu* must be formally notified within a maximum of three days if the elopement occurs within the village boundary, and within seven days for cross-regency or cross-provincial scenarios. While La Tia specified that long-distance or cross-sea elopement is culturally permissible provided the symbolic token is

present, La Salamati identified two additional actions that invalidate the customary process: eloping outside the sanctioned jurisdiction of a *hokumu* or village head's domicile, and premarital cohabitation within a single room prior to the formal mediation phase.

Foucauldian Analysis: The Customary Panopticon and Biopolitics

Interpreted through a Foucauldian framework, the monetary token functions precisely as a "Customary Panopticon." It serves as material evidence that the intimate act, though clandestine, is immediately visible to and disciplined by the customary gaze. Without this token, the practice loses its customary protection and collapses into state-defined kidnapping under Article 332 of the Indonesian Criminal Code.

Furthermore, the enforcement of village boundaries exemplifies localized biopolitics: the *hokumu*'s sovereign jurisdiction is bound to the spatial limits of the village. Beyond this perimeter, the couple enters the unmediated jurisdiction of formal state law. Consequently, the core institutional function of the *polele* phase is to swiftly pull the couple back inside the customary fence, rendering their intimacy governable before the punitive apparatuses of the state intervene. ^[5]

4.5 Anatomy of the Hokumu's Power: Four State-like Functions

The accumulated field data robustly demonstrate that the *hokumu* does not operate merely as a passive community mediator. Instead, within the contemporary landscape of legal pluralism, the *hokumu* functions as a sophisticated "state in miniature" (see Table 5).

Table 5. The Institutional Framework of the *Hokumu* as a State in Miniature

Analytical Dimension	Core Institutional Function	Primary Empirical Evidence & Direct Field Citations
Legislative	Formulates and codifies contemporary adaptive legal conditions.	La Tia (2025): Enforcing the symbolic token (money) and spatial-temporal constraints.
Executive	Exercises administrative custody over the eloping couple; implements the <i>polele</i> protection phase.	La Salamati (2025): " <i>The couple must report immediately to secure institutional asylum.</i> "

Judiciary	Adjudicates severe socio-economic and cultural disputes regarding <i>bhoka</i> reductions.	La Mula (2025): " <i>This phase acts as the ultimate settlement arena for families fighting over social dignity.</i> "
Regulatory & Diplomatic	Enforces intra-communal boundary discipline (preventing <i>zina</i>) and manages formal integration into state apparatuses (<i>KUA</i>).	La Oku and La Moloku (cited in Aso et al., 2022): Preventing criminal escalation while executing translation to state-Islamic law.

Utilizing Bourdieu's conceptual framework [4], the *hokumu* successfully converts local customary symbolic capital into formal state legal capital. Through this operational translation, the *hokumu* serves as the critical institutional hinge connecting the overlapping spheres of *adat*, Islam, and the modern state.

4.6 Synthesis: The Structure-Agency Dialectic across Regions

To address the fundamental inquiry of why West Muna Regency enforces a narrative of cultural extinction while Muna Regency maintains a mechanism of survival, Bourdieu's dialectical framework provides a robust explanatory model.

Table 6. Structural and Discursive Divergence between West Muna and Muna Regencies

Empirical Region	Dominant Structural Constellation	Manifestation of Agency	Strategic Role of the Hokumu
West Muna Regency	High consolidation of <i>bhoka</i> norms; preservation of rigid social stratification and collective capital.	Subjugation of individual romantic agency to structural familial mandates.	Conservative Gatekeeper: Enforces strict normative boundaries to preserve collective honor.
Muna Regency	High economic constraints; severe parental vetoes balanced against pragmatic survival needs.	Successful assertion of autonomous agency and romantic pragmatism via custom.	Emancipatory Facilitator: Utilizes alternative adaptive channels to accommodate marginalized actors.

In West Muna Regency, social capital networks and traditional respect structures remain highly consolidated; consequently, the *hokumu* operates primarily as a conservative gatekeeper to defend collective hierarchy. Conversely, in Muna Regency, acute economic constraints predominate, forcing the *hokumu* to function as a facilitator of emancipatory agency for couples lacking substantial material capital. Therefore, the institutional trajectory and survival of *dopofuleigho* are structurally determined by the *hokumu*'s specific discursive and political alignment (see Table 5) within each distinct locality.

4.7 Shifting Field Realities in 2025: Geographies of Practice and Customary Consensus

Based on the gathered empirical data, *dopofuleigho* does not experience a uniform trajectory of extinction across the region. Informant La Tia reported that cases of elopement continue to recur annually within

specific locales, namely *Kelurahan* Warambe and Latampu village, located in the Parigi district of Muna Regency. Similarly, La Sumaili confirmed its persistent operational relevance within Wawesa village, Batalaiworu district, Muna Regency. This geographical mapping confirms that the practice endures as a localized safety valve where high economic barriers and unyielding parental rejections persist simultaneously.

Furthermore, the field data reveal a rigorous consensus among all key informants regarding actions that constitute a fatal violation of the customary process: (1) omitting the symbolic monetary token beneath the pillow; (2) exceeding the mandatory three-day local or seven-day cross-regency notification deadlines; (3) initiating elopement outside the sanctioned asylum of a *hokumu*'s or village head's residence; and (4) engaging in unmediated premarital cohabitation. This strict consensus demonstrates that even within the

"survival" camp, local actors tightly regulate the practice through disciplinary mechanisms specifically designed to evade formal state intervention.

Ultimately, these findings significantly extend the descriptive baseline established by Aso et al. [3] and the interactional focus of Larisu et al. [7] By demonstrating that *dopofuleigho* serves as a contested arena of discursive struggle, this study reveals that its contemporary legitimacy is highly contingent. It depends directly upon the *hokumu*'s capacity to negotiate and synthesize the forces of Foucauldian biopower, Bourdieusian agency, Turnerian ritual liminality, Moore's legal pluralism, and the Habermasian public sphere. This multi-layered theoretical synthesis successfully explains why the exact same customary tradition can be declared extinct in one locality while dynamically persisting in another.

CONCLUSION

This study highlights that the customary legitimacy of *dopofuleigho* elopement among the Muna people operates not as a fixed tradition, but as a fluid construct continuously negotiated by the *hokumu* within a contested discursive arena. Drawing on comparative field data from Muna and West Muna Regencies, the research reveals a distinct socio-cultural polarization. In West Muna, the dominant "disrespect" narrative functions as a form of biopower that enforces rigid *bhoka* and caste hierarchies, causing the practice to decline. Conversely, in Muna Regency, the "economical" and "mutual love" narratives serve as vehicles of agency for marginalized couples, allowing elopement to persist as a pragmatic financial safety valve. Furthermore, the *hokumu* institutionalizes *dopofuleigho* through four sequential customary phases—*polele*, *dengkoragho adhati*, *kafotangkano agama*, and *kafokawi*—effectively transforming a precarious liminal act into a recognized lawful marriage. To safely navigate legal pluralism and evade state criminalization,

the *hokumu* enforces modern regulatory mechanisms, including a symbolic monetary token under the pillow and strict temporal notification boundaries. Operating as a sophisticated "state in miniature," the *hokumu* simultaneously executes legislative, executive, judicial, and diplomatic roles. His localized discursive alignment fundamentally dictates whether he acts as a conservative gatekeeper preserving collective honor or an emancipatory facilitator supporting individual agency. Ultimately, this study extends descriptive and interactional scholarship by demonstrating that the survival of indigenous traditions depends heavily on a mediator's capacity to synthesize structure, agency, ritual, and power. These findings offer a novel conceptual framework for understanding legal pluralism and marital norm transformation in contemporary Indonesia.

It is recommended that the Muna Customary Councils and *hokumu* should formally codify the two contemporary legal conditions into a written *adat* protocol to eliminate jurisdictional ambiguity, while launching cross-regional *musyawarah adat* to mitigate discursive polarization and stigma-based discrimination. Concurrently, local governments in Muna and West Muna Regencies must legally integrate the *hokumu*'s mediation role into regional regulations (*Perda*) via Law No. 6/2014, and provide structured legal training on state laws—specifically PMA 34/2016 and the Criminal Code—to reinforce their function as a legally compliant indigenous bridge. Finally, future scholarly research should execute corpus-based linguistic analyses of actual *dengkoragho adhati* sessions to map real-time power negotiations, investigate the gendered impacts of these customary boundaries on women's bodily autonomy, and develop comparative ethnographic models contrasting the *hokumu* with other Indonesian mediators like *panghulu* or *ninik mamak*.

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