

The Concept of *Bender Kabbi Potrang Kabbi* as a Value of Justice in Resolving Maduran Family Disputes

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Abstract

Madurese society holds a philosophy of *Bender Kabbi Potrang Kabbi*, meaning "the truth must be clear." This philosophy is alive in the practice of resolving family disputes outside the court. This study aims to analyze how the value of *Bender Kabbi Potrang Kabbi* is implemented as a value of justice in resolving Madurese family disputes. Using a qualitative method with a legal anthropology approach, data were obtained from interviews with 12 informants: Mak Embi', Kiai, PA Judges, and families in Pamekasan, Sumenep, and Sampang, as well as a study of PA decision documents. The results indicate that *Bender Kabbi Potrang Kabbi* contains three values of justice: (1) Procedural Justice: transparency and openness of evidence in the family Remmo' forum; (2) Substantive Justice: decisions must be in accordance with Maqashid Syariah, namely hifz al-nasl and hifz al-mal; and (3) Restorative Justice: prioritizing peace and restoring family relationships. This value serves as a bridge between customary law, Islamic law, and state law. Current challenges include migration, digitalization of evidence, and limited regeneration of community leaders. The recommendation is to formalize customary mediation within PERMA and strengthen the role of the KUA.

Keywords: *Bender Kabbi Potrang Kabbi*, Justice, Family Disputes, Madurese Customary Law, Mediation

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INTRODUCTION

Indonesia is a vast nation with diverse cultures, laws, and local wisdom (Koentjaraningrat, 1985, p. 15). Within this diversity, law exists not only in the form of state-codified statutes but also in the practices, values, and awareness of society (Rahardjo, 2009, p. 21). Eugen Ehrlich calls this "*living law*," a form of law that lives within society and is often more effective than written regulations (Ehrlich, 2001, p. 39).

One society with a distinctive legal system is the Madurese. Madura Island, comprising Bangkalan, Sampang, Pamekasan, and Sumenep, is known for its religious and egalitarian character and its high regard for honor (Holil, 2018, p. 22). Although Madurese people are often stereotyped as harsh and temperamental, behind this lies a value system that highly prizes honesty and openness. One expression of this is the *Bender Kabbi Potrang Kabbi* philosophy (Syarif, 2016, p. 15). Linguistically, *bender* means true, *kabbi* means all, and *potrang* means clear or obvious (Munawwir, 2002, pp. 89, 210, 456). Philosophically, it means: "Everything that is true must be stated clearly and must not be covered up" (Syarif, 2016, p. 24).



This philosophy is not merely a proverb; it has become a social mechanism for regulating relationships, resolving conflicts, and upholding justice at the community level (Holil, 2018, p. 78). When a husband and wife are in conflict, parents, religious leaders, and community leaders convene a *Remmo'* forum—a community deliberation (Syarif, 2016, p. 45). In this forum, both parties are required to engage in *potrang*, openly disclosing all issues including income, debt, infidelity, and domestic violence, with nothing hidden.

This phenomenon contrasts sharply with the formal justice system, which is often complicated, expensive, and destructive to relationships. In the Pamekasan Religious Court (PA), 65% of divorce cases brought to mediation fail. Yet at the village level, many disputes are resolved without reaching the PA precisely because they are settled through *Remmo'*. This raises an important question: How does the *Bender Kabbi Potrang Kabbi* value function as a mechanism of justice, and is it relevant to Islamic Family Law and Law No. 16 of 2019?

Based on the background above, this study addresses three research questions: (1) What is the meaning and scope of the *Bender Kabbi Potrang Kabbi* values in Madurese culture? (2) How are the *Bender Kabbi Potrang Kabbi* values implemented in resolving Madurese family disputes? (3) How are the *Bender Kabbi Potrang Kabbi* values relevant to the principles of justice in Islamic Family Law?

Accordingly, this study aims to: (1) describe the meaning of *Bender Kabbi Potrang Kabbi*; (2) analyze the dispute resolution mechanism based on these values; and (3) construct a model of justice grounded in Madurese local wisdom.

THEORETICAL FRAMEWORK

The Concept of Justice in Islam

Justice in Islam is called *al-'Adl* (العدل), meaning middle, straight, and impartial (Munawwir, 1997, p. 1024). In substantive terms, *al-'adl* means placing everything in its proper position and giving rights to those entitled to receive them (Khallaf, 2004, p. 45). Imam Al-Ghazali defines justice as a state of mind that compels one to give everyone their right—no more and no less (Al-Ghazali, 1996, Juz 4, p. 112). Yusuf Qardawi adds that justice in Islam represents a balance among the rights of God, the individual, and the community, encompassing faith, worship, morality, and social transactions (Qardawi, 2009, p. 23).

Western scholars have also theorized justice. Aristotle distinguished distributive from commutative justice, both centered on proportional equality (Aristotle, 2009, Book V). John Rawls defined justice as *fairness*, built on two principles: equal basic rights and freedoms for all, and permitting socioeconomic inequalities only insofar as they benefit the least advantaged (Rawls, 1971, p. 60). Gustav Radbruch placed justice alongside legal certainty and utility as the three goals of law, emphasizing treating equals equally and differences differently (Radbruch, 2006, p. 112). Satjipto Rahardjo defines justice as the capacity to see a matter clearly, free from personal bias (Rahardjo, 2000, p. 89).

In Islamic jurisprudence, the five objectives of sharia (*Maqashid al-Syari'ah*)—*hifz al-din*, *hifz al-nafs*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-mal*—are central to achieving justice (Al-Ghazali, 1993, p. 286). In the context of family law, justice specifically serves *hifz al-nasl* (preserving lineage) and *hifz al-mal* (protecting wealth) (Auda, 2008, p. 12). These dimensions

of Islamic justice encompass divine authority, comprehensiveness, balance, and a restorative orientation that prioritizes reconciliation over punishment (Qardhawi, 2009, p. 23; Shihab, 2007, p. 145; Syahrur, 1992, p. 78).

The Concept of Justice in Indonesian Positive Law

Positive law in Indonesia—embodied in the 1945 Constitution, statutes, and government regulations—enshrines justice as a fundamental principle (Rahardjo, 2000, p. 21). The fifth principle of Pancasila declares "Social Justice for All Indonesian People" as the nation's *rechtsidee* (Asshiddiqie, 2006, p. 89). Article 27(1) guarantees equal standing before the law, and Article 28D(1) provides the right to just legal certainty (UUD 1945, Articles 27 and 28D). Law No. 48/2009 on Judicial Power further requires judges to explore the living legal values existing in society (UU No. 48/2009, Article 5 paragraph 1).

In family law specifically, Law No. 1/1974 (as amended by Law No. 16/2019) and the Compilation of Islamic Law (KHI) establish several justice principles: the principle of monogamy, the principle that divorce may only proceed after mediation fails, economic justice through joint property (*gono-gini*) division, and custody justice prioritizing children's welfare (KHI Articles 35-37, 105, 149; UU No. 1/1974, Articles 3, 39). Justice in this framework is measured by procedural correctness (*due process of law*), substantive outcomes aligned with community values, and legal certainty (Radbruch, 2006, p. 112; UU No. 48/2009, Articles 2 and 5).

Madurese Society and Legal Pluralism

Madura Island consists of four regencies: Bangkalan, Sampang, Pamekasan, and Sumenep (BPS East Java Province, 2024, p. 5). Madurese society is characterized by high religiosity—earning Madura the epithet "Island of Santri"—a strong spirit of honor encapsulated in the proverb "*Bhale' Etemmo' Bbekalang Ebuang*" ("Better to die than to bear shame"), and deep kinship solidarity expressed through the *taneyan lanjang* extended family household system (Syarif, 2016, p. 15; Holil, 2018, pp. 29-30; Geertz, 1960, p. 67).

Madura operates under legal pluralism (Griffiths, 1986, p. 1), with three coexisting legal systems: state law (the 1945 Constitution, Marriage Law, KHI), Islamic law (applied by 99% Muslim population through Qur'an, Hadith, and KUI), and Madurese customary law (*living law* in the Ehrlichian sense). Customary law operates through three stages of dispute resolution: family deliberation (*Remmo'*), mediation by religious or community leaders (*kiai*), and as a last resort, the Religious Court (Ehrlich, 2001, pp. 39-42). This legal pluralism provides the context within which *Bender Kabbi Potrang Kabbi* functions.

METHODS

Research Design and Approach

This study employs a qualitative field research design with a legal anthropology approach. Legal anthropology was chosen because the research seeks to understand customary law as it functions within a specific cultural community, rather than examining it purely

through statutory analysis. This approach allows the researcher to capture the lived legal experience of the Madurese people in their natural social context.

Research Location

Fieldwork was conducted across three regencies in Madura—Pamekasan, Sumenep, and Sampang—selected as representative sites reflecting the variation in customary practice across the island. The Pamekasan Religious Court (PA) was also included as an institutional field site to triangulate community-level data with formal legal records.

Data Sources and Participants

Data were collected from two primary sources. First, in-depth interviews were conducted with 12 informants selected purposively to represent key roles in the dispute resolution process:

- (1) 4 Mak Embi' (female community mediators); (2) 3 Kiai (Islamic scholars acting as mediators); (3) 2 PA Judges from the Pamekasan Religious Court; (4) 3 couples who had experienced family disputes resolved through the Remmo' mechanism.

Second, documentary data were collected from five PA decisions and from the Lontar Usana Tattwa, a 17th-century palm leaf manuscript from the Sumenep Palace collection, which provides historical evidence of customary deliberative practices in Madura.

Data Collection Procedure

Data were gathered through semi-structured in-depth interviews, direct observation of community deliberation processes, and document analysis. Interviews were conducted in Madurese and Indonesian from January to March 2025. Observations included attendance at Remmo' sessions and a village head election in Larangan Village, Pamekasan (2023). Documents reviewed included PA rulings and customary manuscripts.

Data Analysis

Data analysis followed the Miles and Huberman interactive model, comprising three concurrent stages: data reduction (selecting and focusing relevant data), data display (organizing data into descriptive and comparative patterns), and conclusion drawing/verification (interpreting patterns to construct analytical propositions about the justice values embedded in Bender Kabbi Potrang Kabbi). Triangulation was applied across interview, observation, and documentary data sources to ensure validity.

RESULTS

The Meaning and Scope of Bender Kabbi Potrang Kabbi

Etymological and Terminological Meaning

Bender Kabbi Potrang Kabbi is an oral philosophical proverb of the Madurese people (Syarif, 2016, p. 23). In Madurese, *bender* means true, honest, factual, and moral; *kabbi* means all, entirely, without exception; *potrang* means bright, clear, open, and not covered up

(Munawwir, 2002, pp. 89, 210, 456). Together, the phrase translates literally as: "The truth must be stated clearly by all parties and in all matters" (Holil, 2018, p. 78).

Terminologically, *Bender Kabbi Potrang Kabbi* is a principle of procedural and moral justice in Madurese culture requiring total openness, honesty, and transparency in resolving disputes (Holil, 2018, p. 78). Historical evidence from the 17th-century *Lontar Usana Tattwa* states: "*Lamun ana pakasus, kudu pager bisik ben pager terang*" ("If there is a dispute, there must first be a closed deliberation before an open one")—regarded as the forerunner of *Bender Kabbi* (Usana Tattwa, 17th century, sheet 5).

Three philosophical values emerge from *Bender Kabbi Potrang Kabbi* (Syarif, 2016, pp. 25-27): (1) **Total Honesty** (*Ongguwan*): there must be no lies, data manipulation, or concealment of facts. Madurese people believe that dishonesty is the root of family disaster (KH. Abdullah, personal communication, 2024). Mak Embi' Siti Aminah expressed this as, "*Lamun e tapennah, ebuwenah benyak. Lamun e potrang, entarah*"—"If you cover it up, problems multiply. If you open it up, it resolves" (Siti Aminah, personal communication, January 15, 2025). (2) **Openness of Evidence** (*Potrang*): all material evidence (pay slips, account transfers, photographs) and non-material evidence (confessions, witnesses, chat histories) must be disclosed in the forum (Holil, 2018, p. 79; Ahmad's Family, personal communication, 2024). (3) **Accountability**: once truth is established, the wrongdoer must apologize and make restitution. Without this stage, the *potrang* process is incomplete (Syarif, 2016, p. 27).

Scope of Application

Bender Kabbi Potrang Kabbi applies across four domains of Madurese social life (Holil, 2018, p. 80): (1) **Family dispute resolution**: the primary application domain, operating through a three-stage mechanism (discussed below). (2) **Economics and debt**: the principle is mandatory when borrowing or lending; terms must be explicitly stated before any transaction, and defaults must be explained to prevent accusations and *carok* (Syarif, 2016, p. 60; Holil, 2018, p. 101). (3) **Village politics and governance**: during village head elections, candidates must disclose their vision, mission, and campaign funds; violations result in community boycott (Observation, Larangan Village, 2023). (4) **Education and Islamic boarding schools**: students must recite and memorize in properly verified ways; dishonesty is considered a moral violation (Caretaker of Al-Ittihad Islamic Boarding School, personal communication, 2024).

Importantly, the principle has recognized limits. It does not apply to matters involving shame that must be protected under *hifz al-'ird* (safeguarding honor), such as cases of adultery, severe domestic violence that has already been addressed, state secrets, and life-threatening disclosures.

Implementation of Bender Kabbi Potrang Kabbi in Family Dispute Resolution

Stage 1: Remmo' (Extended Family Deliberation)

In Madurese society, family disputes are not brought directly to the Religious Court. The first and most important stage is *Remmo'*, an extended family deliberation (Syarif, 2016,

p. 50; Siti Aminah, personal communication, January 15, 2025). When conflict arises, parents, in-laws, elder siblings, and the *Mak Embi*' are convened. Both parties are required to attend and to reveal all material and non-material evidence along with a full chronology of the dispute (Holil, 2018, p. 79). The governing principle, as expressed by Mak Embi' Rabiah, is: "*Binih tak oneng, lakek tak oneng, beih ka oreng toah. Kabbhi harus potrang*"—"If the wife does not know, the husband does not know, bring it to the elders. Everything must be clear" (Mak Embi' Rabiah, personal communication, February 10, 2025).

The *Remmo*' stage is characterized by: all parties are given equal opportunity to speak (Tyler, 2006, p. 25); the mediator must remain neutral and not favor their own family; interruptions and insults are forbidden; and any party hiding evidence is considered to be in the wrong (Holil, 2018, p. 79). The primary goal is not punishment but *mereng rang-rang*—re-establishing family ties (Syarif, 2016, p. 50).

Stage 2: Kiai/Community Leader Mediation

If *Remmo*' fails to achieve resolution, the matter is brought to a Kiai (Islamic scholar) or community leader (KH. Abdullah, personal communication, 2024). The Kiai does not issue a binding verdict but instead clarifies which party is in the wrong. The process follows *tabayun*—verifying the truth from both parties (QS. Al-Hujurat: 6)—after which the Kiai provides religious guidance from the Qur'an and Hadith, and advice consistent with Madurese customary norms (*urf*) (Holil, 2018, p. 80). The value of justice operating at this stage is substantive justice: the guidance given by the Kiai must be true, fair, and grounded in *maqasid al-sharia* (Auda, 2008, p. 12).

Stage 3: Integration with the Religious Court

If the first two stages are exhausted without resolution, the dispute proceeds to the Religious Court. At this stage, procedures align with formal court requirements, including mandatory mediation (PERMA No. 1/2016, Article 3), possible postponement of hearings for further deliberation (PA Judge, personal communication, 2024), and deliberative decision-making (Pamekasan PA Decision No. 123/Pdt.G/2023/PA.Pmk). Many PA judges in Madura actively facilitate family consultations before proceeding to formal hearings. The value of justice at this stage is restorative justice: the aim is reconciliation and restoration of relationships where possible (Zehr, 2002, p. 15).

Challenges to Implementation in the Modern Era

Several contemporary challenges undermine the effectiveness of *Bender Kabbi Potrang Kabbi* as a dispute resolution mechanism. First, generational shift: Generation Z increasingly feels embarrassed to share family problems with religious or community leaders and prefers social media platforms (Youth of Larangan Village, personal communication, 2025), while the value of *malo* (social shame) has weakened (Holil, 2018, p. 85). Second, migration: the prevalence of husbands working abroad necessitates *Remmo*' sessions via Zoom or long-distance communication, making deliberations less solemn and evidence more easily fabricated (TKW, personal communication, 2024). Third, digital evidence: chat messages can be edited,

eroding community trust in digital testimony (TKW, personal communication, 2024). Fourth, leadership regeneration: young religious leaders increasingly focus on preaching and avoid the demands of mediation (Young Kiai, personal communication, 2024).

Despite these challenges, *Bender Kabbi Potrang Kabbi* retains structural strengths as a legal system: speed (disputes typically resolve within 1-2 weeks compared to six months in a PA) (Pamekasan PA Data, n.d.); low cost (Field Interview, 2025); relationship preservation (no winner-loser dynamic) (Syarif, 2016, p. 50); and effective social sanctions (public gossip and *malo*) (Holil, 2018, p. 79). Its primary weakness remains the lack of enforcement power: if alimony is not paid after *Remmo*, parties must still resort to the PA (UU No. 1/1974, Article 34).

DISCUSSION

Bender Kabbi Potrang Kabbi as a Framework of Justice

The findings demonstrate that *Bender Kabbi Potrang Kabbi* functions as a comprehensive indigenous justice mechanism. John Rawls' concept of justice as *fairness* (Rawls, 1971, p. 75) is precisely what the *Remmo* forum operationalizes: all parties participate equally, evidence is disclosed symmetrically, and no one is disadvantaged by information asymmetry. Ehrlich's concept of *living law* (Ehrlich, 2001, p. 39) further captures *Bender Kabbi*'s character—its authority derives not from state coercion but from social norms and the sanction of *malo* (shame) (Holil, 2018, p. 79). This aligns with the three justice dimensions identified in the results: procedural justice (transparent and equal process), substantive justice (outcomes aligned with truth and sharia), and restorative justice (restoration of relationships over punishment) (Rawls, 1971, p. 80; Qardhawi, 2009, p. 23; Syarif, 2016, p. 50).

Relevance to the Principles of Islamic Family Law

Tabayun and Procedural Justice

Islam commands *tabayyun*—verification of truth before judgment. The Qur'an states: "O you who believe, if a wicked person comes to you with news, examine it carefully" (QS. Al-Hujurat: 6). The KHI similarly requires family deliberation before filing for divorce with the PA (KHI Article 76). The *Remmo* stage of *Bender Kabbi* functions as an enacted form of *tabayyun*: all parties must disclose evidence, and concealing information is deemed dishonest (*tidak bender*) (Syarif, 2016, p. 24; Holil, 2018, p. 79). Both systems reject punishment without evidence, and both treat informational transparency as a prerequisite for just outcomes. In Islamic jurisprudence, this is called '*adl ijra'i*' (procedural justice) (Zuhaili, 1997, p. 45).

Maqasid al-Syari'ah and Substantive Justice

The goal of Islamic family law is to protect the five *maqasid*: religion, life, reason, lineage, and property (Al-Ghazali, 1993, p. 286). The Kiai mediation stage in *Bender Kabbi* explicitly refers to these objectives when adjudicating disputes (KH. Abdullah, personal communication, 2024). The following table illustrates how *Bender Kabbi* maps onto *maqasid al-sharia* in specific family dispute scenarios:

Family Dispute	Maqasid Sharia	How Bender Kabbi Upholds It
Nafkah (Maintenance)	<i>Hifz al-Mal</i>	Husband must disclose income; family covers costs if he fails (KHI Article 80 paragraph 4)
Child Custody	<i>Hifz al-Nasl</i>	Children under 12 remain with mother; husband obligated to provide support (KHI Article 105)
Domestic Violence	<i>Hifz al-Nafs</i>	Perpetrator must apologize, compensate, and commit to non-recurrence (UU No. 23/2004)
Polygamy	<i>Hifz al-Adl</i>	Prospective husband must prove financial capacity and obtain wife's consent (UU No. 1/1974, Article 4)
Divorce	<i>Hifz al-Nasl</i>	'Remmo' is prioritized to protect children from becoming victims of dissolution (KHI Article 129)

This correspondence confirms that *Bender Kabbi* decisions are not only procedurally valid but also substantively beneficial according to sharia—the essence of substantive justice (Auda, 2008, pp. 12-15).

Islah and Sulh: Restorative Justice

Islam strongly encourages *islah* (reconciliation) and *sulh* (mediated settlement). The Qur'an states: "And if a woman fears *nusyuz* or indifference from her husband, there is no harm in their reaching a true reconciliation" (QS. An-Nisa: 128). PERMA No. 1/2016 similarly mandates mediation in all PA cases before proceeding to trial (PERMA No. 1/2016, Article 3). The ultimate goal of *Remmo'* and Kiai mediation in *Bender Kabbi* is not to determine a winner and loser, but to achieve *mereng rang-rang*—the reunification of the family (Syarif, 2016, p. 50). After *potrang*, the wrongdoer is obliged to perform *sapo* (apologize) and take responsibility through compensation (Syarif, 2016, p. 27). This aligns precisely with restorative justice as defined by Zehr (2002, p. 15), and the primary sanction is social shame (*malo*), not imprisonment (Holil, 2018, p. 79; Zehr, 2002, p. 20).

Comparison of Bender Kabbi Values with Islamic Law Foundations

Bender Kabbi Value	Qur'an Basis	KHI/UU Basis	Justice Type
Disclosure of Evidence	QS. An-Nisa: 135 – "Be upholders of justice"	KHI Article 76: Deliberation	Procedural
Honesty	QS. Al-Ahzab: 70 – "Speak the truth"	UU No. 1/1974, Article 31	Procedural
Mediation	QS. An-Nisa: 128 – "Peace is better"	PERMA No. 1/2016	Restorative
Accountability	QS. An-Nisa: 34 – "Men are guardians"	KHI Article 80	Substantive

Differences and Limitations

Despite the strong convergence, two important differences warrant acknowledgment. First, **the source of sanctions**: *Bender Kabbi*'s authority derives from social sanctions—gossip

and *malo*—whereas Islamic law's binding force flows from theological sanctions (the afterlife) and state enforcement (Holil, 2018, p. 79; Qardhawi, 2009, p. 40). Second, **the scope of disclosure:** *Bender Kabbi* in principle requires everything to be revealed (Syarif, 2016, p. 23), whereas Islam requires that certain disgracing matters be kept private to protect *hifz al-'ird* (honor)—for example, cases of adultery should not be publicly disclosed (QS. An-Nur: 19; Holil, 2018, p. 82). The ideal implementation, therefore, is for *Bender Kabbi* to operate as the initial dispute resolution mechanism, while remaining subject to sharia limits on what must remain private.

CONCLUSION

Bender Kabbi Potrang Kabbi is a Madurese indigenous value system demanding total honesty and openness in all matters. Its scope extends across family disputes, economic transactions, village politics, and religious education. In the context of family dispute resolution, it functions as a three-stage justice mechanism: (1) *Remmo'* (extended family deliberation) embodies procedural justice; (2) Kiai/community leader mediation embodies substantive justice grounded in *maqasid al-sharia*; and (3) integration with the Religious Court embodies restorative justice. The mechanism's effectiveness derives from the interplay of religious authority, customary norms, and the social sanction of *malo*.

Contemporary challenges—generational change, migration, and digitalization—threaten the continuity of this mechanism. Nevertheless, *Bender Kabbi Potrang Kabbi* retains considerable strength as a living legal system. Its relevance to Islamic Family Law operates at three levels: procedurally (both require *tabayyun* and deliberation), substantively (both orient toward *maqasid al-sharia*), and restoratively (both prioritize *islah* over adversarial resolution). In this sense, *Bender Kabbi Potrang Kabbi* can be understood as local wisdom that operationalizes Islamic justice within Madurese society, functioning as a bridge among customary law, Islamic law, and state law.

This study recommends: (1) formalizing the roles of Mak Embi' and Kiai as official mediators registered with the Religious Affairs Office (KUA); (2) incorporating *Remmo'* as a pre-court customary mediation mechanism recognized within PERMA; and (3) developing digital mediation protocols that preserve the evidentiary and deliberative integrity of *Bender Kabbi Potrang Kabbi* in the context of migration and remote families.

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