


## Makasusue as an Instrument of Customary Legitimacy: A Study on the Practice of Child Acknowledgment in the Soa Matoke Community

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### Abstract

**Introduction:** The issue of recognizing children born outside formal marital bonds remains a critical concern within indigenous communities, particularly when traditional values clash with the provisions of the state's positive legal system. In this context, the Soa Matoke indigenous community has developed its own mechanism known as makasusue, which serves as a means of resolution and social legitimization.

**Purposes of the Research:** This study aims to examine and analyze the practice of makasusue as a customary instrument of legitimacy in the process of child recognition within the Soa Matoke community. The makasusue tradition holds a significant position in the social structure of the community, as it forms the basis for recognizing the identity and status of children born outside of formal marriage. This research seeks to explore how the makasusue mechanism is implemented, the customary values that underpin it, and its relevance to the principles of national law regarding child recognition.

**Methods of the Research:** The research employs a qualitative approach. Data were collected through in-depth interviews with traditional leaders, soa heads, parents involved in the makasusue ritual, and other relevant parties, as well as participatory observation of makasusue practices in the field. The data are also supported by a review of customary documents and relevant regulations.

**Results Main Findings of the Research:** The findings indicate that makasusue functions not only as a means of social reconciliation but also as a customary legal mechanism that provides social recognition and kinship rights to the child. This tradition represents a concrete manifestation of living law within indigenous society, although it continues to face challenges in its harmonization with Indonesia's positive legal system.

**Keywords:** Makasusue; Customary Legitimacy; Child Recognition; Soa Matoke; Customary Law.


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## INTRODUCTION

Customary law is an uncodified legal system that is born, grows, and develops within indigenous communities through the inheritance of values, norms, and customs across generations. Its existence plays a central role in regulating the social life of customary communities<sup>1</sup>. According to the 2010 Census data from the Central Statistics Agency (*Badan Pusat Statistik*), there are 1,340 ethnic groups in Indonesia, with the Maluku region inhabited by more than 15 ethnic groups, including the Nuaulu people who reside on Seram Island<sup>2</sup>.

<sup>1</sup> Retno Kus Setyowati, "Pengakuan Negara Terhadap Masyarakat Hukum Adat," *Binamulia Hukum* 12, no. 1 (2023): 131-142., <https://doi.org/10.37893/jbh.v12i1.601>.

<sup>2</sup> Patma Sopamena and Fahrur Juhaevah, "Karakteristik Etnomatematika Suku Nuaulu Di Maluku Pada Simbol Adat Cakalele," *BAREKENG: Jurnal Ilmu Matematika Dan Terapan* 13, no. 2 (2019): 075-084, <https://doi.org/10.30598/barekengv13iss2pp075-084ar772>.

According to A. H. Keane, Seram Island is the oldest region in Maluku, long inhabited by the Alifuru people, whom he refers to as the Alfuros. a racial mixture of Caucasoid, Mongoloid, and Melanesoid. In this area, they are known as the Alune and Wemale peoples<sup>3</sup>.

The Nuaulu tribe<sup>4</sup> is spread across various parts of Seram Island and occupies seven hamlets: Nuanea, Rohua, Bunanara, Hahualan, Kampung Lama, Kilometer 9, and Kilometer 12 Ronusa in the Amahai District. Meanwhile, the Nuaulu community residing in the North Seram District is known as the Hualu. An indigenous community is defined as a social group with genealogical ties and who occupy traditional territories passed down through generations<sup>5</sup>. This group holds rights over land and natural resources, managed within a cultural framework and social structure based on customary norms and traditional institutions<sup>6</sup>. The social structure of the Nuaulu people adopts a patrilineal kinship system known as *soa*.<sup>7</sup> One central element in this system is Soa Matoke. A child can only be accepted as a member of the *soa* through a customary ritual called *makasusue*. The *makasusue* ritual<sup>8</sup> in the Soa Matoke indigenous community plays an important role in determining a child's social and legal status. Child recognition is not only based on biological or administrative relations, but also through a symbolic and spiritual process legitimized by customary law. However, amid the dominance of national law, which emphasizes administrative documentation, customary mechanisms such as *makasusue* face challenges of legality and cultural sustainability.

The urgency of this research lies in its aim to study and document the practice of *makasusue* as a form of *living law* that is still applied and recognized in the life of the Soa Matoke community. Furthermore, this practice holds potential as a foundation for the formulation of *Peraturan Negeri* (local regulations) that not only reflect customary values but also provide protection guarantees for children through social and legal mechanisms rooted in living customary structures. This research also aims to contribute to the discourse on harmonization between customary law and national law, particularly in the areas of a child's civil status, identity recognition, and inheritance rights. Moreover, this research is crucial for the preservation of local wisdom and the recognition of the plurality of legal systems in Indonesia, as guaranteed in Article 18B of the 1945 Constitution. Women, particularly in their roles as mothers or prospective mothers, hold a crucial position in both family life and the broader society. From various perspectives, a mother is regarded as a noble figure worthy of proper protection.<sup>9</sup> The *Panamou* tradition also regulates the isolation

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<sup>3</sup> Anike J. M. Manuputty and Lodewyk Nahuway, "Profil Pranata Sosial Komunitas Suku Nuaulu (Studi Kehidupan Sosial Budaya Masyarakat Negeri Nua Nea Di Maluku Tengah)," *Public Policy* 2, no. 2 (2021): 188-205, <https://doi.org/10.51135/PublicPolicy.v2.i2.p188-205>.

<sup>4</sup> Allya Putri Yuliyani, "Peran Hukum Adat Dan Perlindungan Hukum Adat Di Indonesia," *Jurnal Hukum Dan HAM Wara Sains* 02, no. 09 (2023): 860-65, <https://doi.org/10.58812/jhhws.v2i09.648>.

<sup>5</sup> Setyowati, "Pengakuan Negara Terhadap Masyarakat Hukum Adat."

<sup>6</sup> Adzra Yumna Sandiningtya, Atha Khairunnisa Sani, and Dinda Laili Zulfia, "Hak Milik Atas Tanah Dalam Tinjauan Hukum Adat Dan Undang-Undang Pokok Agraria," *LONTAR MERAH: Studi Keilmuan Hukum* 5, no. 1 (2022): 472-81, <https://doi.org/10.31002/lm.v5i1.2637>.

<sup>7</sup> Jenny Koce Matitaputty, "Totem: Soa Dan Peranannya Dalam Kehidupan Masyarakat Adat Negeri Hutumuri - Maluku," *Society* 9, no. 2 (2021): 429-46, <https://doi.org/10.33019/society.v9i2.358>.

<sup>8</sup> Siti Ramdhayani Litolily and Siti Raudhah Namasela, "Eksplorasi Etnomatematika Geometri Pada Simbol Dan Kegiatan Adat Suku Nuaulu Di Pulau Seram," *AKSIOMA: Jurnal Program Studi Pendidikan Matematika* 12, no. 2 (2023): 436-49, <https://doi.org/10.24127/ajpm.v12i1.6158>.

<sup>9</sup> Yoserwan Yoserwan, "Perlindungan Terhadap Perempuan Dan Anak Melalui Hukum Adat Sebagai Manifestasi Hak Asal Usul Dalam Tindak Kekerasan Terhadap Perempuan Dan Anak Di Sumatera Barat," *UNES Law Review* 5, no. 3 (2023): 961-77, <https://doi.org/10.31933/unesrev.v5i3.375>.

of pregnant women, and similarly, women who are menstruating<sup>10</sup> are required to stay in the *possune*<sup>11</sup>. This isolation aims to preserve the sanctity of the customary environment from elements considered impure, such as blood. Terminologically, *makasusue* means the giving of milk, and it serves as the formal symbol of a child's recognition as a member of Soa Matoke. This recognition carries legal and social consequences, including inheritance rights, communal land ownership, and participation in customary activities. Failure to participate in this ritual may lead to uncertainty in a child's status within the *soa* structure, ultimately affecting their rights under national law regarding child recognition.

From the perspective of customary law, a child who undergoes *makasusue* is formally recognized within the *soa* structure and is guaranteed protection and recognition under customary norms<sup>12</sup>. This aligns with Article 1 paragraph (2) of Law Number 23 of 2002 concerning Child Protection, as well as Article 28B paragraph (2) of the 1945 Constitution, both of which affirm the child's right to live, grow, develop, and receive protection from discrimination and violence.

The existence of customary law as an uncodified legal system that grows within indigenous communities holds a strategic position in regulating social order, including in the recognition of a child's identity. Amid the dominance of national law that emphasizes administrative registration as a legal requirement for child recognition, indigenous communities such as Soa Matoke continue to uphold customary mechanisms like *makasusue* as forms of social and spiritual legitimacy. This phenomenon gives rise to tensions between customary norms and positive legal provisions, particularly in the context of civil status recognition, inheritance rights, and communal land ownership.

This issue becomes significant as it touches on aspects of children's human rights, which are guaranteed by the constitution and national legislation, while also highlighting the potential marginalization of customary legal systems due to weak formal recognition by the state<sup>13</sup>. In practice, the absence of *makasusue* may result in children not being fully acknowledged within the *soa* structure, thereby losing the social and legal rights to which they are inherently entitled from birth. Furthermore, there is also a gender dimension that places women in a unique social position within the customary system through practices such as *Panamou* and *possune*, which also influence the continuity of the *makasusue* ritual.

Based on this context, this research aims to: 1) Examine the practice of *makasusue* as a form of *living law* that lives and develops in the Soa Matoke community; 2) Analyze the social and legal consequences of the implementation or non-implementation of *makasusue* on the status of children in the indigenous community; 3) Identify the response of the Soa Matoke community in dealing with the incompatibility between customary recognition mechanisms and national legal provisions related to birth registration; 4) Contribute to efforts in harmonizing customary law and national law, particularly in the formulation of local regulations or *Peraturan Negeri* based on customary values; 5) Support the preservation of local wisdom and the recognition of legal system plurality in Indonesia as guaranteed by

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<sup>10</sup> Telfrin Tel Lasamahu, Izak Y. M. Lattu, and Rama Tulus Pilakoanu, "Makna Dan Penghargaan Perempuan Nuaulu Dalam Inisiasi Ritual Pinamoudi Pulau Seram," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 22, no. 1 (2020): 19-28, <https://doi.org/10.25077/jantro.v22.n1.p19-28.2020>.

<sup>11</sup> Sri Eny Setyowati, "Pengasingan Wanita Melahirkan Suku Naulu Di Dusun Rohua Kecamatan Amahai Kabupaten Maluku Tengah," *Jurnal Riset Kesehatan* 5, no. 1 (2016): 14-20, <https://doi.org/10.31983/jrk.v5i1.448>.

<sup>12</sup> Erwin Owan Hermansyah Soetoto, Zulkifli Ismail, and Melanie Pita Lestari, *Buku Ajar Hukum Adat* (Malang: Madza Media, 2021).

<sup>13</sup> Sri Hajati et al., *Buku Ajar Hukum Adat* (Jakarta: Kencana Prenada Media Group, 2018).

Article 18B of the 1945 Constitution. Thus, this research holds strategic value both in strengthening the position of customary law within the national legal system and in ensuring the protection of children's rights within indigenous communities that still uphold social systems based on traditional values. Therefore, the issues to be addressed in this study are: What are the social and legal consequences of the implementation or non-implementation of *makasusue* on the status of children within the Soa Matoke indigenous community? and how does the Soa Matoke community respond to the incompatibility between the customary recognition mechanism of *makasusue* and the national legal provisions concerning child birth registration?.

## LITERATURE REVIEW

### A. Customary Law as Living Law

Customary law is a system of social norms that grows and develops within society based on local values<sup>14</sup>. It is not established through written regulations like positive law, but possesses binding social power due to its recognition and application by the community. The term *living law*, or law that lives within society, was first introduced by Eugen Ehrlich, indicating that law is not solely contained in official state regulations but also lives through daily social practices.

In the Indonesian context, customary law holds constitutional status, as mentioned in Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects customary law communities along with their traditional rights as long as they are still alive and in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia<sup>15</sup>. Therefore, practices such as *makasusue* are part of the customary law system that is sociologically legitimate and has gained constitutional recognition.

### B. Child Recognition in the Perspective of Customary and National Law

In customary law, child recognition is not merely biological, but heavily relies on social acknowledgment from the father's family. This recognition is typically performed through specific customary ceremonies or rituals acknowledged by the community, such as *makasusue* in Soa Matoke. This provides social legitimacy to the child, granting them the right to use the father's clan name and be accepted as part of the kinship structure<sup>16</sup>. Meanwhile, in national law, the recognition of children born outside of marriage is regulated under the Indonesian Civil Code (KUHPerdata) and has undergone significant development through Constitutional Court Decision Number 46/PUU-VIII/2010, this ruling states that a child born out of wedlock still has a civil relationship with their biological father, as long as it can be scientifically proven and supported by other legal evidence<sup>17</sup>. This decision broadens legal protection for children, although its implementation still leaves

<sup>14</sup> Utami Yustihassana Untoro et al., *Pengantar Hukum Adat* (Malang: Literasi Nusantara Abadi Grup, 2024).

<sup>15</sup> A. Junaedi Karso, *Pengakuan Negara Terhadap Kedudukan Hukum Adat Dalam Undang-Undang Dasar 1945* (Purbalingga: Eureka Media Aksara, 2023).

<sup>16</sup> Anna Maria Salamor et al., "Edukasi Undang-Undang No. 35 Tahun 2014 Tentang Perlindungan Anak Bagi Anak-Anak Masyarakat Adat," *Community Development Journal: Jurnal Pengabdian Masyarakat* 5, no. 4 (2023): 10427-10431, <https://doi.org/10.31004/cdj.v4i5.20491>.

<sup>17</sup> M. Amin El Walad Meuraksa, "Analisis Putusan Hakim Tentang Status Anak Luar Kawin Dalam Perspektif Hukum Islam Terhadap Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010. Tertanggal 17 Februari 2012," *Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 5 (2024): 221-54, <https://jurnal.kolibi.org/index.php/kultura/article/view/1448>.

gaps, especially in customary communities that apply different approaches in determining the legitimacy of a child's status.

### C. Kinship Structure in Maluku Customary Communities

In customary communities in Maluku, the kinship system is generally patrilineal, meaning it follows the paternal line. Within this structure, a child's position is heavily dependent on recognition from the father's side. Therefore, a child who is not acknowledged by their father may face obstacles in accessing social rights such as land ownership, inheritance rights, and participation in customary rituals. A person's identity is closely tied to their paternal lineage; without customary recognition, the child's status becomes "uncertain", which eventually affects their position within the community.

### D. *Makasusue* as a Cultural Strategy for Child Recognition

*Makasusue* is a concrete form of the customary recognition system still practiced by the Soa Matoke community, this ritual functions both as a mechanism for resolving social disputes and as a form of moral responsibility from the male party toward the child born, whether inside or outside a customary marriage. In other words, *makasusue* serves as a customary legitimacy tool to ensure that a child gains legitimate social status within their community.

As part of a cultural process, *makasusue* demonstrates that customary communities have their own mechanisms for addressing social issues that may not be accommodated by the state legal system. This tradition proves that customary law can function as a protector of children's rights socially, even though its status under national law is still constrained by formal legislation.<sup>18</sup>

## METHODS OF THE RESEARCH

This study uses a descriptive qualitative approach<sup>19</sup> aimed at deeply understanding the *makasusue* practice as a customary instrument of legitimacy within the Soa Matoke community. This approach was chosen because it aligns with the characteristics of the research subject-customary traditions that are rich in symbolic, spiritual, and social values, which cannot be measured quantitatively. The method allows the researcher to explore the meaning, value, and socio-legal functions of the *makasusue* practice within the context of an indigenous community. Data collection techniques were carried out through the following methods<sup>20</sup>: 1) In-depth interviews with key informants, including customary leaders, *soa* heads, *makasusue* ritual performers, and family members involved in child recognition processes. These interviews were semi-structured to allow flexibility in data exploration according to field dynamics; 2) Participant observation, where the researcher directly observed the *makasusue* procession and social interactions within the Soa Matoke community. This technique was useful in capturing non-verbal dimensions, symbolic expressions, and the social context of the customary practice; 3) Documentary study, by examining customary documents, local regulations (if available), and relevant national laws, such as the Child Protection Law and the Law on the Recognition of Customary Law

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<sup>18</sup> Yoserwan, "Perlindungan Terhadap Perempuan Dan Anak Melalui Hukum Adat Sebagai Manifestasi Hak Asal Usul Dalam Tindak Kekerasan Terhadap Perempuan Dan Anak Di Sumatera Barat."

<sup>19</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (Bandung: Alfabeta, 2019).

<sup>20</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

Communities. The collected data were analyzed qualitatively using thematic analysis techniques, identifying key patterns, main themes, and the social meanings contained in informants' narratives and observation results. Data validity was maintained through source and method triangulation, comparing information from various sources and data collection methods to ensure consistency and accuracy of findings. This method provides a comprehensive overview of how the *makasusue* tradition is practiced, the values that underpin it, and its implications for the recognition of child status within the dynamic interaction between customary and national law. Through this approach, the research is expected to capture the complexity of the social and legal realities developing within the Soa Matoke indigenous community.

## RESULTS AND DISCUSSION

### A. Field Findings: Makasusue Practice as Customary Legitimization

Based on in-depth interviews and participatory observation within the Soa Matoke customary community, it was found that *makasusue* is a sacred ritual carried out as a form of customary recognition of a child within the bond of customary marriage. This ritual is led by a traditional elder (*matoke*) and witnessed by extended family, community leaders, and village residents.

Through this process, a child is officially declared as part of the father's lineage and obtains legitimate social status within the community. Thus, the child is recognized as having the rights of clan membership, including rights to inheritance, residence in the traditional house, and use of the father's family name. Interestingly, this recognition is socially binding, even though it may not be formally acknowledged by the state through a birth certificate or other civil documents. According to Mr. Matoke, the implementation of *makasusue* influences the state's civil registration process. However, he also stated that the Naulu people in Nua Nea Village comply with state law. Therefore, the traditional leaders of the Naulu tribe in that village permit community members to register their civil status with local government agencies, even if they have not yet undergone the *makasusue* ritual.

### B. Makasusue and the Dimension of Social Legitimacy

Sociologically, the practice of *makasusue* reflects a culturally-based legitimization mechanism that is not merely symbolic but also operative. In the Soa Matoke community, social identity is not solely determined by legal documents, but more by community acceptance and kinship relations. In this context, *makasusue* functions as a form of social recognition and restoration of honor for both the child and the mother. In line with Benda-Beckmann's view, customary law is a *living law* that reflects social practices recognized and implemented by the community, even if not recorded in the formal legal system. Thus, although a child may not be legally recognized by the state as legitimate, through *makasusue* the child gains an equal status in the eyes of the customary society.

### C. Relevance of Makasusue to Child Rights in a Socio-Legal Perspective

In relation to the Convention on the Rights of the Child, every child has the right to identity, family, and protection from discrimination. As a ratifying party, Indonesia has the obligation to ensure that its legal and social systems uphold these rights, including for children recognized through customary mechanisms. This means *makasusue* can be seen as

a local instrument supporting the fulfillment of children's rights, especially in customary communities. Although not legal-formal in nature, this form of social legitimacy aligns with the spirit of child protection and the fulfillment of their fundamental rights. Therefore, harmonization between customary and national law is needed so that social recognition through *makasusue* may gain stronger legal validity – possibly through the enactment of a *Peraturan Negeri* (village regulation), which could be the precursor to a *Peraturan Daerah* (regional regulation).

#### **D. Social and Legal Consequences of the Implementation or Non-Implementation of Makasusue in the Soa Matoke Community**

In the Soa Matoke customary community, *makasusue* is not merely a symbolic ritual but serves as a social mechanism that defines a child's position within the community's social order. In this context, structural functionalism theory, as proposed by Talcott Parsons, is highly relevant. Parsons explains that each social institution, including customary traditions, plays a role in maintaining social order and stability. Thus, *makasusue* structures the child's social identity and maintains community cohesion through customary kinship recognition.

When the *makasusue* ritual is performed, the child is customarily recognized as part of a specific *soa* or customary social group. From Pierre Bourdieu's perspective, this process can be interpreted as *symbolic capital*, i.e., social recognition that grants legitimacy and authority to the individual within their group. A child recognized under customary law gains social rights such as inheritance, the right to reside in the traditional house, and the right to use the father's family name. This recognition significantly impacts the child's honor and the status of their family in the eyes of the customary society. In the context of formal law, a child's status is not dependent on the implementation of *makasusue*. The state regulates child status through legal instruments such as birth certificates and parental recognition as stipulated in Law Number 1 of 1974 on Marriage and Law Number 35 of 2014 on Child Protection. However, using the lens of legal pluralism, as developed by John Griffiths, we understand that in plural societies like Indonesia, state and customary legal systems coexist and influence one another. In areas where customary law is strong, such as Soa Matoke, customary recognition through *makasusue* is often socially more important than formal recognition by the state. Failure to perform *makasusue* may lead to internal family or kinship conflict, especially regarding inheritance distribution or customary decision-making. This reinforces Sally Falk Moore's concept of *semi-autonomous social fields*, in which customary communities have internal rules operating relatively autonomously from state law. When child recognition is not performed according to customary procedures, the child becomes vulnerable in the context of customary power relations. Overall, the divergent treatment of child status in customary and state law creates a legal dualism problem. The state has not fully accommodated forms of social recognition based on local customs such as *makasusue*, while customary communities continue to rely on such traditions for determining a child's legitimacy. Therefore, an integrative approach and harmonization between formal and customary legal systems are needed to ensure comprehensive child recognition – both socially and juridically.

#### **E. Addressing the Incompatibility Between the Customary Recognition Mechanism of Makasusue and National Legal Provisions on Birth Registration**

In the context of the Soa Matoke customary community, *makasusue* serves as a child recognition mechanism based on traditional values and social structures. Through a sacred ritual led by the customary elder, a child born within or outside the bounds of customary marriage is symbolically accepted as a legitimate member of the father's lineage. This represents strong social legitimacy within the community. However, this recognition by the customary society does not automatically receive formal recognition under the national legal system. Under Law Number 24 of 2013 amending Law Number 23 of 2006 on Population Administration, the registration of a child's birth requires legal evidence such as a parental marriage certificate and the father's identity as stated in official documents. This creates a gap between social recognition through *makasusue* and administrative recognition by the state, affecting a child's right to obtain identity documents, access to education, healthcare, and other social protections. This situation illustrates a normative disharmony between customary law as a *living law* and national law which is formalistic and document-based. In the framework of legal pluralism, as articulated by John Griffiths, legal reality in Indonesia is governed not by a single state legal system, but also by various local norms that are alive and adhered to by communities. Griffiths asserts that in pluralistic societies, state law is not the only authoritative source; indeed, customary law is often more effective in addressing everyday issues, particularly in local communities like Soa Matoke.

This incompatibility gives rise to both legal and sociological challenges. On the one hand, the state demands legal certainty through official documents, yet on the other, the customary community has already implemented a socially binding recognition process. In this context, the state should act as a facilitator by building bridges between customary and national law. One possible policy measure is to provide legal recognition of the *makasusue* practice through derivative regulations, such as regional regulations (*Peraturan Daerah*) or by strengthening legal instruments concerning customary law communities. As a form of legal reconciliation, a socio-legal approach can be used. This approach sees law not merely as written rules but also as social practices reflecting community values. Thus, harmonization between customary and national law is essential to guarantee children's identity rights without erasing local value systems that have long been upheld. It is also recommended that a *Peraturan Negeri* (customary village regulation) be established to protect children and women of the Naulu tribe who undergo *makasusue* as a form of customary legitimacy.

## CONCLUSION

The *makasusue* tradition within the Soa Matoke customary community plays a crucial role as a mechanism for social recognition and legitimization of a child's status, whether born within or outside of a customary marriage. This ritual not only symbolizes the child's acceptance into the father's lineage but also strengthens the child's social standing and dignity within the customary societal structure. However, the implementation of *makasusue* is often not followed by administrative recognition under the national legal system, particularly in relation to the official registration of births. This results in a disparity between customary recognition and state legality, which may affect a child's fundamental rights, such as obtaining a birth certificate, access to education, and public services. In this context, there is a need for a legal approach that is inclusive and responsive to local values. The state must accommodate customary practices such as *makasusue* through policies that bridge the

gap between formal law and customary law. A legal pluralism approach becomes essential in creating a system that acknowledges the diversity of societal practices without neglecting the principles of child protection. Thus, harmonizing customary law with national law becomes a strategic step to ensure that every child, including those recognized through *makasusue*, receives legitimate status both socially and legally, thereby guaranteeing the certainty of their rights and protection for the future.

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