

## Contesting Marriage Legitimacy: Customary Marriages and Islamic Family Law in Mandailing Natal

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<b>Abstract</b>	<i>This study examines customary marriage in Mandailing Natal as a form of living law that shapes kinship relations, social legitimation, and dispute resolution. Using a normative–empirical socio-legal design, the research triangulates doctrinal analysis of Islamic family-law sources, notably ‘urf and maqasid al-shari’ah, with field evidence on Dalihan Na Tolu procedures, ceremonial practice, consent dynamics, and local adjudication. The results show that many customary mechanisms, such as collective deliberation and the customary dowry (mahar), substantively align with core objectives of Islamic family law and may be classified as ‘urf sahih, insofar as they advance lineage protection, dignity, and contractual certainty. Nevertheless, evolving social pressures produce misalignments, particularly around free and informed consent, equitable allocation of marital entitlements, and the legal visibility of customary marriages in Mandailing Natal. To address these tensions the study recommends inclusive, maqasid al-shari’ah-informed interventions: clearer documentation of consent and mahar, stronger links between customary authorities and civil registration, and targeted legal literacy for women and customary leaders. Scientifically, this study contributes an integrated ‘urf and maqasid al-shari’ah evaluative framework grounded in empirical data, offering both theoretical refinement and actionable policy guidance for reconciling living custom with the protective aims of Islamic family law.</i>
<b>Keywords</b>	<i>Customary Marriage, Islamic Family Law, Legal Recognition, Mandailing Natal, Marriage Legitimacy</i>

### Introduction

Marriage in Islam is not merely a social event or cultural formality; it is a covenant with sacred spiritual, legal, and moral dimensions. In the Qur’an it is described as *mitsaqan ghalizan*, a strong and binding agreement (Sudarto, 2021). Within the framework of Islamic family law, marriage operates as the principal institution for establishing a family, preserving lineage, protecting the dignity of women, and ensuring the continuity of Islamic legal values in social life (Zulfahmi, 2024). Consequently, sharia prescribes essential pillars and conditions, such as the presence of a valid guardian (Lubis,



2026), explicit acceptance and consent, and witnesses—not to complicate the marital process but to secure marriages based on free consent, fairness, and mutual responsibilities (Rahman & Ahyani, 2023).

In practice, however, Muslim communities living within strong local religious cultures, such as Mandailing Natal, negotiate marriage through both sharia norms and deeply rooted customary rules (Nst et al., 2025). In many indigenous contexts, custom functions not merely as symbolic tradition but as lived rules governing interpersonal and intergroup relations (Djawas et al., 2023; Fakhyadi & Samsudin, 2024; Mursalin et al., 2023). This leads customs to be regarded as a kind of living law—obeyed and authoritative within the community even when unwritten. Such dynamics have been described in legal-anthropological literature (von Benda-Beckmann & von Benda-Beckman, 2009).

For the Mandailing Natal community, marriage is embedded in the kinship structure *Dalihan Na Tolu*, which includes the wife's family (*Mora*), same-clan kin (*Kahanggi*), and the husband's or girl's family (*Anak Boru*) (Erawadi & Setiadi, 2024; A. S. Harahap et al., 2023). Traditional procedures such as family deliberation (*Marpokat*), determination of dowry/mahr (*Patibal Tuor*), and ritual performances are central to a marriage's social legitimacy (Sahril, 2024). From the indigenous perspective, marital validity is often judged by the fulfillment of customary requirements and recognition by customary authorities, irrespective of whether all formal sharia conditions have been observed (Al Farisi et al., 2023; Sebyar, 2023). This underscores the powerful role of customary legitimacy in determining marriage status at the communal level.

Such contextual realities raise pressing academic questions about the legal and normative status of marriages accepted under customary law and how they align with the principles of Islamic family law. While many studies report general consonance between customary values and sharia—particularly in maintaining family honor, social order, and lineage continuity (Aji et al., 2021; Nst et al., 2025).—empirical variations remain. These include differences in how guardianship is enacted, the degree to which bride and groom consent is genuinely free, and the implementation of contractual stipulations within customary frameworks (Nst et al., 2025; Rasyid et al., 2024). Such variations make it imperative to evaluate customary practice not only descriptively but also through normative tools that reflect the substantive aims of sharia.

Classical and contemporary fiqh recognizes the role of *'urf* (social custom) as a legitimate source for legal consideration provided it does not contradict clear textual injunctions or the higher objectives of Islamic law. Thus, customs that align with justice, benefit, and avoidance of harm may be described as *'urf sahih* and accommodated within legal reasoning, whereas *'urf fasid* requires correction or rejection (Fauzi, 2024; Luthfi et al., 2024; Najib, 2020; Yusuf & Yuslem, 2023). This theoretical flexibility invites a proportional, dialogical reading of Mandailing Natal practices in which custom serves as a cultural medium for realizing Islamic values rather than a simple alternative to them (Jafar et al., 2024; Jubba et al., 2024).

Although a number of studies have explored Mandailing Natal customary marriage, emphasizing its role in social harmony, kinship balance, and collective identity, many of these works remain predominantly descriptive or largely normative in their treatment of Islamic provisions (Ismail et al., 2022). Explicit applications of the combined analytical lens of *'urf* and *maqasid al-shari'ah* are comparatively scarce, despite their potential to assess both formal compatibility and substantive harmony with sharia's objectives. This gap suggests the need for a study that integrates empirical field evidence



with contemporary fiqh analysis to evaluate customary practices against the higher aims of Islamic family law.

Accordingly, this research adopts Islamic family law as its principal analytic framework, not as a set of rigid prescriptions but as a normative system for assessing justice, welfare, and rights protection within the family. The study's novelty lies in applying an integrated *'urf and maqasid al-shari'ah* framework to read Mandailing Natal customary marriage practices against the substantive objectives of Islamic law (justice, benefit, and protection), combining empirical data from Mandailing Natal with contemporary fiqh analysis to move beyond purely descriptive or normative accounts, and focusing specifically on the implications for women's rights and context-sensitive policy recommendations that seek harmonization without sacrificing *maqasid al-shari'ah*.

To address these aims, the study formulates the following research questions: (1) To what extent are marriages regarded as valid under Mandailing Natal custom consistent with the pillars and conditions of marriage from the perspective of Islamic family law? (2) How can the concepts of *'urf and maqasid al-shari'ah* be operationalized as analytical measures to evaluate and reconcile customary practices with sharia principles, particularly with respect to justice and the protection of women's rights? (3) Which customary practices should be strengthened, adjusted, or reformed to achieve a contextually grounded harmonization between adat and Islamic legal objectives? By mapping the alignment between local practice and Islamic normative standards, and by applying a proportional *'urf and maqasid al-shari'ah* reading, this study aims to contribute theoretically methodological enrichment of *'urf and maqasid al-shari'ah* approaches, empirically contextualized data on Mandailing Natal marriages, and practically actionable recommendations to improve the protection of vulnerable parties while preserving non-conflicting local values.

### Research methods

This study employs a normative–empirical socio-legal approach to analyse Mandailing Natal customary marriage practices against the standards of Islamic family law. The normative strand examines legal sources and doctrinal literature on marriage pillars, the concept of *'urf sahih* versus *'urf fasid*, and *maqasid al-shari'ah*, while the empirical strand documents how customary practices operate as living law in the field (Benuf & Azhar, 2020). Fieldwork and empirical observation were conducted in Mandailing Natal. Normative data were drawn from the Qur'an, hadith, classical and contemporary *fiqh munakahat* literature, and statutory material. Empirical data comprised semi-structured interviews, participant observation at marriage-related events, and documentary review (Negara, 2023).

Data were collected using concise, culturally adapted semi-structured interview guides and structured observation. Interviews focused on local understandings of marital validity, the enactment of guardianship and consent, customary procedures (e.g., *Marpokat*, *Patibal Tuor*), and interactions between customs and sharia. Observations documented ceremonial procedures and indicators of customary recognition. Documentary review supplemented and triangulated interview and observation findings (Taherdoost, 2021).

Analysis proceeded in two complementary tracks. A normative-textual review established the doctrinal benchmarks (pillars or conditions of marriage, jurisprudential rules on *'urf*, and *maqasid* principles). Qualitative empirical materials were analysed thematically: transcripts and field notes were coded deductively according to the *'urf*–



*maqasid* framework (e.g., “guardian role,” “consent,” “customary recognition”) and inductively to capture emergent patterns. The final step integrated both strands to assess formal compatibility with marriage pillars and substantive harmony with *maqasid al-shari’ah* objectives. Practices were then classified conceptually as ‘*urf sahih*’ or ‘*urf fasid*’ where appropriate (Creswell & Creswell, 2018).

## Results and Discussion

### Mandailing Natal Customary Marriage as Living Law within Social and Kinship Structures

Customary marriage in Mandailing Natal occupies a central role in the community’s social and kinship systems: it is understood not merely as a contractual bond between two individuals formed by affection or private will, but as a communal event that unites two extended families and produces wide-ranging social consequences. Consequently, marital practice is embedded within inherited customary frameworks that have been transmitted across generations and remain actively observed in Mandailing Natal society today (Nst et al., 2025).

Locally, customary rules are not regarded as mere ceremonial vestiges or symbolic performance. Rather, they function as normative social codes that regulate relations between individuals, families, and wider communal groups. These rules persist in the collective consciousness because they are believed to sustain social harmony, honour, and order (Fahmi & Fakhyadi, 2025). Community compliance therefore serves as a key indicator of a marriage’s social legitimacy. In short, adherence to customary norms is an important yardstick by which marriages are socially validated (Aji et al., 2021).

The enduring authority of custom in Mandailing Natal is closely connected to communal values of mutual solidarity and kinship cohesion (Erawadi & Setiadi, 2024; A. S. Harahap et al., 2023). Marriage is treated as a vehicle for expanding social networks and consolidating inter-family ties (Kamal & Rozi, 2020). Accordingly, marital arrangements are not private undertakings but social processes that require the involvement of extended kin and customary authorities. Each stage of a traditional marriage carries specific social meaning aimed at preserving relational balance and precluding future disputes (Aji et al., 2021; Nst et al., 2025).

The community’s social organization is structured by the *Dalihan Na Tolu* kinship system, which provides the primary matrix for regulating social relations, including marriage. *Dalihan Na Tolu* comprises three interrelated components—*Mora*, *Kahanggi*, and *Anak Boru*—each occupying distinct roles but together forming an integrated mechanism for social equilibrium (Erawadi & Setiadi, 2024; Taufika et al., 2025). *Mora* (the bride’s family) holds a venerable moral authority and is regarded as the custodian of female dignity; customary decisions and marital deliberations must account for *Mora*’s perspectives and approval. *Kahanggi* (same-clan relatives) function as guardians of clan integrity, ensuring that kinship norms, such as prohibitions on intra-clan marriage, are respected and acting as a counterbalance in customary decision-making so that no single interest dominates (Taufika et al., 2025). *Anak Boru* (the groom’s side) assumes responsibility for the technical execution of customary rites and for facilitating the smooth conduct of the marriage, symbolizing the community’s readiness to receive a new family member (Erawadi & Setiadi, 2024; A. S. Harahap et al., 2023).

**Table 1.** *Dalihan Na Tolu* in Mandailing Natal Customary Marriage



Elements	Position in Customary Structure	Primary Role in Marriage
<i>Mora</i>	The bride's family, holds an honored position and strong moral authority.	Provides customary legitimacy and approval, safeguards the dignity of the bride's family, and serves as a central reference in marriage related decision-making.
<i>Kahanggi</i>	Clan relatives of the same lineage, guardians of clan solidarity and integrity.	Ensures compliance with kinship norms (such as the prohibition of intra-clan marriage), balances interests in customary deliberations, and affirms marriage as a collective clan concern.
<i>Anak Boru</i>	The groom's family, responsible for technical and procedural aspects.	Oversees and executes customary rituals and services, ensuring the smooth conduct of the marriage as an expression of social responsibility in welcoming a new family member.

The relationship among *Mora*, *Kahanggi*, and *Anak Boru* is best understood as complementary rather than strictly hierarchical; each component possesses rights and obligations that must be exercised in proportion to its role. This balance constitutes the normative backbone of Mandailing Natal marriage practice: omission or marginalization of any element may render the marriage traditionally incomplete or problematic (A. S. Harahap et al., 2023; Rasyid et al., 2024; Taufika et al., 2025).

Traditional marriages unfold across several established stages. One foundational stage is *marpokat*, a family deliberation convened by representatives of the *Dalihan Na Tolu* from both kin groups to discuss marriage plans, align mutual expectations, and agree on customary terms to be observed. *Marpokat* embodies deliberative consensus and functions to preempt misunderstandings and future conflicts by generating binding social agreements on matters such as timing, procedural obligations, and role allocation (Mahendra, 2024). Breaches of *marpokat* agreements are perceived as violations of custom and can attract social sanctions ranging from admonitions to ostracism, thereby illustrating the serious communal consequences of disregarding customary consensus (Haidir & Hizbullah, 2025).

Another salient practice is *patibal tuor*, the customary determination of the dowry (*mahar*). In Mandailing Natal understanding, *patibal tuor* is not a commodification of the bride but a symbolic expression of respect and responsibility: it signals the groom's sincerity in establishing a household and his regard for the bride's dignity and family. The amount or form of *patibal tuor* is typically settled by mutual agreement and in consideration of both parties' socioeconomic circumstances; its meaning is therefore primarily moral and symbolic rather than transactional (Aripin et al., 2024). As such, the *mahar* in this setting functions to affirm that the marriage is grounded in respect and obligation rather than coercion or unilateral advantage (Sahril, 2024; Zakari et al., 2025). Traditional leaders (*Hatobangon*) also play a pivotal role. Seen as custodians of customary norms (Fahmi & Fakhyadi, 2025). *Hatobangon* possess moral authority and provide ritual and social validation for marriages. Their recognition is often a precondition for a marriage's completeness under customary standards; they supervise practices, issue guidance, and may admonish deviations from established norms, thereby contributing to



the continuity and legitimacy of customary forms (S. A. Harahap, 2022; Rangkuti et al., 2022).

Ultimately, customary validity in Mandailing Natal is constituted by two interlocking dimensions: social legitimacy, acceptance by extended family and local community, and structural recognition—the active involvement of *Dalihan Na Tolu* and customary authorities throughout the marriage process. When both dimensions are satisfied, a marriage attains a robust social status that is distinct from, and not wholly reducible to, formal state law. This customary logic of validity privileges maintenance of honour, relational equilibrium, and communal order over mere procedural compliance; as a result, breaches of customary norms are often judged more gravely than administrative noncompliance because they directly undermine social relations (Aji et al., 2021; Nst et al., 2025).

Despite broader processes of legal change and social modernization, Mandailing Natal marriage customs continue to be practiced because they respond to core social needs: they supply social certainty, moral orientation, and mechanisms for conflict avoidance. For many community members, adherence to custom reflects deeply held convictions about tested local values and their capacity to preserve harmony. The persistence of these practices thus confirms the characterization of Mandailing Natal customary marriage as a form of living law that remains operative and meaningful in contemporary communal life.

### **The Validity of Mandailing Natal Customary Marriage from the Perspective of Islamic Family Law**

In Islamic family law, marriage is more than a social institution. It carries profound theological and social significance and is described in the Qur'an as *mitsaqan ghalizan*, a strong and solemn covenant. That designation signals that marriage demands serious responsibility and conscious commitment from the contracting parties, and it distinguishes marital bonds from ordinary legal relations. By invoking this term, Islamic teaching underscores that marriage encompasses spiritual, moral, and legal dimensions and must be founded on sincerity, honesty, and voluntariness rather than coercion or manipulation (Sudarto, 2021).

The implication of *mitsaqan ghalizan* is that marriage should advance objectives such as tranquility, preservation of honour, and protection of the rights and dignity of spouses. Accordingly, the validity of a marriage is not assessed solely by procedural formalities but also by the extent to which these substantive values are realized in practice (Rahman & Ahyani, 2023). *Fiqh munakahat* sets out the essential pillars and conditions—prospective spouses, a guardian (*wali*), two witnesses, and the offer and acceptance (*ijab-qabul*)—which together secure legal clarity and protect vulnerable parties, particularly women. Complementary conditions, such as the eligibility of the guardian, the precision of contractual language, and the absence of canonical impediments, further ensure prudence and protection within the marital contract (Sudarto, 2021).

In the Mandailing Natal context, customary and religious elements are commonly interwoven: marriage rituals typically integrate Islamic contractual acts within broader traditional processions, so that religious and social legitimacy are mutually reinforced (Haidir & Hizbullah, 2025; Nst et al., 2025). This syncretic practice indicates that adat does not supplant sharia; rather, custom frequently functions as the social medium that frames and accompanies the sharia marriage contract. From the perspective of Islamic family law, therefore, a marriage performed within customary rites will be regarded as



valid provided the contract complies with the requisite pillars and conditions—most notably, the presence of a competent guardian, the genuine consent of both parties, and a clear offer and acceptance (Haidir & Hizbullah, 2025; Sudarto, 2021).

The institution of guardianship in Mandailing Natal illustrates how fiqh norms and kinship structures intersect. Guardians participate in family deliberations—often through the *Dalihan Na Tolu* arrangement and particularly via *Mora*, thus reinforcing the social dimension of marriage and evidencing prudential concern for household formation (Nst et al., 2025). From a fiqh standpoint, such communal involvement is permissible and even salutary so long as the guardian performs the legal function conscientiously and the guardian's consent remains deliberate and protective of the bride's interests. Equally central is the principle of *ridha* (free consent): Islamic law requires that marriage proceeds with the sincere assent of the spouses (Rahman & Ahyani, 2023). In Mandailing Natal practice, consent is sometimes expressed implicitly through conformity with family decisions, a cultural embodiment of deference and politeness. Where such implicit acceptance nevertheless reflects voluntary will rather than coercion, it can satisfy the substantive requirement of *ridha*, since substance (actual willingness) matters more than the precise form of expression.

The marriage contract itself constitutes the legal threshold that gives rise to reciprocal rights and duties and secures legal certainty for both spouses. Contractual clarity is particularly important for protecting women's rights. Islamic family law highlights the roles of guardianship, consent, transparent terms, and the *mahar* as safeguards (Sudarto, 2021; Yenti et al., 2020). In Mandailing Natal customs these protective values are visible in practices that honour the woman's family, institutionally establish the *patibal tuor*, and recognise the *Mora's* dignified status (Aripin et al., 2024). Collectively, these elements indicate that, substantively, Mandailing Natal customary marriages largely align with the *maqasid al-shari'ah* of Islamic family law by upholding dignity and distributive justice within the marital contract.

### **Substantive Evaluation of Mandailing Natal Customary Marriage Based on 'Urf and Maqasid al-Shari'ah**

The relationship between custom and sharia should not be framed as inherently adversarial. Classical and contemporary fiqh allow *'urf* (social custom) to inform legal reasoning so long as it does not contradict clear textual commands or the higher objectives of Islamic law (Fauzi, 2024; Najib, 2020). Fiqh further distinguishes between *'urf sahih* (valid custom) and *'urf fasid* (defective custom): the former neither contradicts scriptural texts nor removes rights or causes harm, and therefore may be accommodated; the latter conflicts with sharia or produces injustice and must be corrected (Efrinaldi et al., 2022; Luthfi et al., 2024; Yusuf & Yuslem, 2023). This binary provides a proportional instrument to assess Mandailing Natal practices without wholesale rejection or uncritical acceptance.

Applying this classificatory lens to the empirical material, several core Mandailing Natal practices clearly qualify as *'urf sahih*. Deliberative family meetings (*marpokat*), the *Dalihan Na Tolu* kinship arrangement (*Mora, Kahanggi, Anak Boru*), the institution of the *Hatobangon* as customary overseers, and the customary determination of the dowry (*patibal tuor*) all tend to reinforce the protective and purposive aims of marriage rather than undermine them. Empirically, these practices promote social deliberation, protect lineage clarity, and symbolically affirm the dignity and responsibilities of spouses—functions that correspond to *maqasid al-shari'ah* goals such as the protection of offspring (*hifz an-nasl*), protection of dignity and life (*hifz al-nafs*), and protection of property and



contractual certainty (*hifz al-ma*) (Al-Turabi & Auda, 2025; Firmansyach et al., 2026). In short, our field evidence indicates that *marpokat* and *patibal tuor* operate as social mechanisms that secure the practical aims of marriage and therefore can be read as *urf sahih* in the Mandailing Natal setting.

At the same time, the data reveal customary dynamics that risk sliding toward *urf fasid* when they impair individual agency or produce inequitable outcomes. Practices flagged in the field, most notably forms of collective pressure that render consent largely implicit, norms of deference that restrict women's open expression of choice, or ritual scripts that obscure contractual clarity, must be scrutinised because they can vitiate the substantive requirement of *ridha* (free consent) and thereby threaten *maqasid al-shari'ah* norms such as the protection of reason (*hifz al-aql*) and personal dignity (*hifz al-nafs*) (Jubba et al., 2024; Mursalin et al., 2023). These problematic tendencies do not imply that the entire customary system is illegitimate; rather, they indicate loci where normative reinforcement or context-sensitive reform is warranted to prevent *urf* from becoming *fasid*.

Explicitly linking these empirical findings to the *maqasid al-shari'ah* framework sharpens our evaluative capacity. For example, the community's emphasis on *Dalihan Na Tolu* and *Hatobangon* recognition secures lineage and communal order (*hifz an-nasl* and *hifz ad-din*), while the negotiated *patibal tuor* contributes to economic protection and contractual clarity (*hifz al-ma*). Conversely, when consent is effectively constrained by social coercion, the practice undermines *hifz al-aql* and *hifz al-nafs* because it compromises autonomous decision-making and personal dignity. Thus, the *urf and maqasid al-shari'ah* synthesis permits a two-fold assessment: it identifies customary elements that legitimately realise *maqasid al-shari'ah* ends, and it isolates practices that, if left unchecked, risk contradicting those ends.

Comparing these results with prior studies, our findings largely corroborate earlier observations that customary forms in Mandailing Natal function as complementary social frameworks to sharia rather than outright substitutes (Aji et al., 2021; Djawas et al., 2024; Nst et al., 2025). Those works likewise emphasise the role of customary deliberation and kinship structures in maintaining social order. At the same time, our analysis gives empirical substance to concerns previously raised by others about the potential for customary pressure to limit individual autonomy (Jubba et al., 2024; Mursalin et al., 2023). Where some literature has remained largely descriptive, this study supplements those accounts by applying the *maqasid al-shari'ah* evaluative lens to demonstrate precisely how particular practices advance or impede the higher objectives of Islamic family law (Efrinaldi et al., 2022).

In sum, the substantive evaluation suggests a largely concordant picture: many Mandailing Natal customs substantively instantiate the protective and purposive aims of marriage and can therefore be treated as *urf sahih*, while identifiable pressures and ambiguities in consent constitute normative fault lines that qualify as *urf fasid* and warrant corrective attention. This calibrated reading supports policy and community-level interventions that preserve beneficial customary forms while reinforcing legal and social safeguards, particularly measures that secure explicit, informed consent and enhance contractual transparency, so that customary practice continues to realise the *maqasid al-shari'ah* rather than frustrate them (Djawas et al., 2024).

### **Implications for Women's Rights, Marital Consent, and the Broader Islamic Family Law Discourse**



The empirical patterns documented in Mandailing Natal raise immediate concerns for women's rights because implicit or deference-based consent can weaken individual agency and impede legal protection. Where *ridha* is expressed primarily through family acquiescence rather than clear, affirmative agreement, women risk being exposed to decisions that do not reflect their considered will, with attendant difficulties in proving coercion or seeking remedies in dispute settings (Rahman & Ahyani, 2023; Yenti et al., 2020). Practically, such dynamics can reduce women's bargaining power over mahr, maintenance, and post-marital claims and can perpetuate asymmetric outcomes even when the customary form appears socially legitimate.

At the institutional level, the primacy of customary validation, especially where civil registration is incomplete, creates a form of legal invisibility that disproportionately disadvantages women. Marriages recognised chiefly by customary authorities but lacking formal documentation may obstruct women's access to state protections (inheritance, social services, and divorce adjudication), a problem previously noted in studies of living law and state legal interfaces (Djawas et al., 2024; Nst et al., 2025). Addressing this gap therefore requires both normative alignment and procedural measures that translate customary legitimacy into enforceable legal recognition.

Framing these concerns through a *maqasid al-shari'ah* lens clarifies normative priorities: customs that secure lineage, dignity, and material protection concretely advance *maqasid al-shari'ah* goals (*hifz an-nasl*, *hifz al-nafs*, and *hifz al-mal*), while practices that obscure autonomous consent undermine protection of reason and personhood (*hifz al-aql* and *hifz al-nafs*) and should be reclassified as *'urf fasid* requiring corrective attention (Al-Turabi & Auda, 2025; Fauzi, 2024). This analytical synthesis supports a contextual *ijtihad* that affirms beneficial customary forms yet provides principled grounds for reform where customs conflict with the higher objectives of Islamic family law.

Accordingly, three interlocking policy priorities are recommended. *First*, ensure explicit, documented expression of consent and contractual clarity (including clear recording of *mahar*) to reduce evidentiary and protection gaps. *Second*, strengthen pathways that integrate customary authorities *Hatobangon* and *Dalihan Na Tolu* councils with civil registration systems so that socially recognised marriages also acquire formal legal visibility. *Third*, implement *maqasid*-informed legal literacy and capacity building for both women and customary leaders to preserve socially valuable practices while preventing those that inadvertently curtail rights. These measures aim to protect vulnerable parties, especially women, without erasing beneficial local customs, thereby harmonising living law with the substantive objectives of Islamic family law.

## Conclusion

Mandailing Natal serves in this study as a clear example of how customary marriage operates as a form of living law: social legitimacy (community acceptance) and structural recognition, *Dalihan Na Tolu* involvement and customary authorities, together constitute a locally authoritative logic of marital validity. Empirical evidence shows that many customary procedures, *marpokat* deliberations, *patibal tuor*, and the role of *Hatobangon*, generally reinforce the protective and purposive aims of marriage articulated in Islamic family law, such guardian, genuine consent, and clear contract, so that several practices may be usefully classified as *'urf sahih* and read through a *maqasid al-shari'ah* lens as advancing dignity, lineage, and material protection. At the same time, the study identifies normative fault lines—most importantly, forms of implicit or deference-based



consent—that risk undermining women’s agency and thus qualify as *‘urf fasid*, signaling where targeted normative reinforcement is needed. Methodologically and theoretically, the research contributes an integrated *‘urf* and *maqasid al-shari’ah* analytic that links field data with contemporary fiqh to move beyond descriptive accounts and offer a principled evaluative framework.

These findings have direct practical implications for policymakers, customary leaders, and scholars. Practically, the study recommends measures to secure documented, explicit consent and clearer recording of mahr; to strengthen mechanisms that integrate customary validation with civil registration, thereby reducing legal invisibility for women; and to implement *maqasid al-shari’ah*-informed legal literacy and capacity building for both women and customary authorities so that beneficial customs are preserved while harmful pressures are mitigated. For Islamic legal discourse, the results endorse a contextual *ijtihad* that affirms *‘urf sahih* and reforms *‘urf fasid* on *maqasid al-shari’ah* grounds. Future research should test these recommendations empirically, through comparative studies across regions, longitudinal tracking of changing practices, and impact evaluations of registration or literacy interventions, to refine policy design and further substantiate the *‘urf* and *maqasid al-shari’ah* approach in diverse Muslim social contexts.

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