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A Review of the 'Urf on the Law Governing the Customary Marriage Practice of Pakake Anak Daro in the Mandailing Tribe

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ABSTRACT

This research investigates the alignment of 'urf with Islamic law in the context of the Pakake Anak Daro customary marriage among the Mandailing tribe in Singkuang Village. Adopting a mixed-method approach, the study explores the role of 'urf within this marriage practice and its adaptation to modern times. Findings reveal that Pakake Anak Daro is a meaningful customary marriage rich in cultural values. It encompasses various processions, spanning pre-wedding, wedding, reception, and post-wedding stages, serving to strengthen cultural identity, foster social bonds, and express gratitude to Allah. The practice fulfills the 'urf sahiih (valid) criteria in Islamic law, embodying benefits, widespread acceptance, historical roots, and non-contradiction with Sharia principles. Pakake Anak Daro exemplifies the harmonious coexistence of local traditions and religious principles, contributing to Indonesia's rich cultural tapestry. The study recommends collaboration among the Government, Religious Leaders, Customary Leaders, and Indigenous People to safeguard and promote this customary marriage as an integral part of Indonesia's cultural heritage.

Keywords: Customary Marriage; Indigenous People; Pakake Anak Daro; 'Urf Sahiih.

INTRODUCTION

Marriage, far beyond a mere legal bond sanctioning intimacy and procreation, serves as a cornerstone upholding the social and cultural fabric of a society (Julianti & Lubis, 2024). It transcends the union of two individuals, signifying the merging of families and even communities. Through marriage, values, norms, and traditions are transmitted across generations, ensuring the continuity of culture and collective identity. Consequently, marriage is inextricably linked to its cultural context, with each culture possessing unique ways of celebrating and interpreting this momentous occasion (Sasmita et al., 2022).

As a universal institution, marriage is governed by diverse norms and laws that vary across tribes, religions, cultures, and nations (Nasution & Lubis, 2024). Indonesia, with its exceptional diversity, once had a pluralistic marriage system before the enactment of Law Number 1 of 1974. This system accommodated customary law, foreign cultures introduced by colonizers, and the laws of officially recognized religions in Indonesia (Gadjong, 2023). This plurality was a legacy of Dutch colonial policy enshrined in Articles 131 and 163 of the *Indische Staatsregeling*, which regulated the classification of laws and population based on groups (Miqat et al., 2024). Law Number 1 of 1974 subsequently brought significant changes by unifying Indonesia's legal system governing marriage. Nevertheless, the diversity of marriage traditions and customs remains vibrant, enriching the nation's cultural heritage.

Within Islamic jurisprudence, customs and traditions are referred to as 'urf. 'Urf encompasses various aspects of life, from daily habits to deeply ingrained social norms within Indigenous communities (Nasim et al., 2023). The concept of 'urf holds a significant position in Islamic law, particularly in matters not explicitly addressed

in the Quran and Hadith (Andriyaldi, 2021). *'Urf sahih* (valid), which aligns with Islamic principles, is recognized as a secondary source of law, enabling flexibility and adaptation of Islamic law to diverse sociocultural contexts (Abubakar et al., 2023). However, *'urf fasid* (corrupt), which contradicts Islamic teachings, is rejected and cannot serve as a legal basis (Amiruddin et al., 2023).

The *Pakake Anak Daro* customary marriage among the Mandailing indigenous people in Singkuang Village exemplifies the interplay of *'urf* and religious values. This customary marriage is rich in symbolism and cultural values passed down through generations. One notable procession is the *'arak-arak aji*, where the bride and groom are paraded around the village, accompanied by traditional music and the jubilation of the indigenous community. The uniqueness of *arak-arak aji* lies in its prerequisite: the bride's ability to recite the Quran, reflecting the integration of religious values into customary traditions.

Pakake Anak Daro also involves an examination of the bride and groom by the *tuan kadi* (religious official), encompassing questions about the pillars of Islam, pillars of faith, the *shahada* (declaration of faith), and the rituals of ablution. Additionally, the bride's Quran recitation skills are assessed. If the bride succeeds, the *arak-arak aji* procession takes place as a form of honor and celebration. This procession demonstrates the harmonious blend of *'urf* and religious values within the Mandailing tribe's customary marriage.

Nevertheless, *Pakake Anak Daro*, like other customary marriages, has undergone adaptations in response to social and technological changes (Putra & Rahayu, 2024). Initial observations on July 20, 2024, indicated that this customary marriage is still preserved and practiced by the Mandailing indigenous people in Singkuang Village. This customary marriage is rich in cultural values that are not widely known to the general public, ranging from traditional attire and bridal house decorations to proposal and marriage contract processes involving the active participation of the Indigenous community. The preparations for this customary marriage also require considerable time, reflecting the indigenous people's dedication to preserving this tradition.

Based on the description above, the research aims to examine the alignment of *'urf* with the laws governing the customary marriage practice of *Pakake Anak Daro* within the Mandailing Indigenous community in Singkuang Village. Specifically, this research will delve into how the concept of *'urf* functions within this customary marriage practice and how this tradition adapts to contemporary developments without losing its essence. By understanding the dynamics between *'urf* and Islamic law in the context of customary marriage, it is hoped that this research can contribute to developing discourse on Islamic law and preserving local culture in Indonesia.

METHOD

This research adopts a mixed-method approach, combining qualitative field research with a normative analysis, to comprehensively understand the Pakake Anak Daro practice in Singkuang Village. Empirically, the study will explore how the indigenous people implement and understand customary law daily (Irwansyah, 2021). Meanwhile, the normative approach will analyze this customary marriage from an Islamic legal perspective (Qamar & Rezah, 2020). The research location is focused on Singkuang Village, given the continued preservation of this tradition. The customary elder and members of the Mandailing tribe, who are directly involved in the customary marriage processions, will serve as key informants. Data collection techniques include participant observation, in-depth interviews, and documentary studies. The collected data will be analyzed qualitatively, focusing on the interpretation of meanings, values, and legal practices within Pakake Anak Daro and its alignment with the concept of 'urf. Through this analysis, it is expected that this research can provide a detailed and in-depth description of various aspects related to the practice of Pakake Anak Daro and answer the established research objectives (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

A. The Pakake Anak Daro Customary Marriage: Affirming Mandailing Identity and Cultural Values

Like many indigenous communities in Indonesia, the Mandailing indigenous people of Singkuang Village hold their customary marriage in high regard, imbued with profound meaning. Pakake Anak Daro is not merely seen as establishing a new household but also as an affirmation of cultural identity and a sacred moment involving the entire community. The validity of marriage within the Mandailing indigenous community, predominantly Muslim, is determined by Islamic law, as regulated in Article 2 section (1) of Law Number 1 of 1974. However, beyond the legal aspects, Pakake Anak Daro possesses unique procedures and traditions deeply rooted in 'urf' within the community.

The Pakake Anak Daro procession consists of several main stages: pre-customary marriage processions, the customary marriage procession itself, the wedding reception, and post-customary marriage processions.¹ Through these stages, Pakake Anak Daro unites two individuals and strengthens social bonds, preserves cultural values, and reaffirms the identity of the Mandailing indigenous people in Singkuang Village.

¹Interview Results with the Customary Elder and Member of the Mandailing Tribe. Samnir and Mirna, on July 20, 2024.

1. Pre-Customary Marriage Processional Stages

Pakake Anak Daro among the Mandailing Indigenous people involves a series of customary marriage procession stages rich in meaning and symbolism. The pre-customary marriage stages include *perjodohan* (matchmaking), *manyuruh*, *manendei*, *ma anta tando*, and *batunangen*. These stages preceding the customary marriage procession reflect the noble values, social norms, and local wisdom upheld by the indigenous community.

Matchmaking is a crucial initial step in the customary marriage process of the Mandailing tribe. There are two main approaches to matchmaking: *mangelek-elek* and *marisiek*. *Mangelek-elek* is a direct approach where the male party or his family attempts to persuade and convince the prospective bride to accept the proposal. Meanwhile, *marisiek* is an indirect approach, where the male party conveys his intentions through an intermediary trusted by both families.

After the matchmaking stage, the procession continues to *manyuruh* or the proposal. In this stage, the male party formally expresses his intention to marry the prospective bride through an intermediary with a close relationship with both families. This intermediary plays a vital role in facilitating communication and ensuring the smooth progress of the proposal process.

Once the proposal is accepted, both families proceed to the *manendei* stage or set the terms. At this stage, both parties discuss essential matters related to the marriage, such as the *mahar* (dowry) requested by the female party and the time of its delivery. *Manendei* also allows the groom's family to meet the prospective bride in person and establish a connection with the bride's family.

Ma anta tando is a special procession conducted if the prospective groom cannot fully pay the *mahar* (dowry). In this procession, a portion of the *mahar* is given to the bride's family in advance. The *mahar* can be used by the prospective bride to fulfill the customary wedding requirements, such as purchasing traditional attire or house decorations. *Ma anta tando* allows the couple to meet customary obligations that sometimes require significant expenses.

The final stage before the marriage contract is *batunangen* or engagement. In this stage, the prospective groom pays off or delivers the *mahar* to the prospective bride's family. *Batunangen* marks the affirmation of commitment from both parties to proceed to the customary marriage procession.

2. Customary Marriage Processional Stages

Pakake Anak Daro among the Mandailing indigenous people in Singkuang Village is a customary marriage celebration steeped in tradition and noble values. The extensive processions involving the entire community underscore the significance of customary marriage in preserving cultural identity and strengthening social bonds. In this context, the stages of the customary marriage encompass various processions, commencing with *paket bakaun* and culminating in *arak maraton*, with the marriage contract as the pinnacle of the event.

The journey towards marriage begins with the *paket bakaun* procession, where the prospective couple seeks assistance from the local community for material or staple goods. Prior to this, the parents of the prospective couple must obtain permission from the village head as a gesture of respect for customary authority. Once permission is granted, this joyous news is conveyed to the entire community through *mandokoni* (announcement). In the evening, *paket bakaun* takes place, where community members offer voluntary contributions as a form of support and blessings for the couple.

Subsequently, *mandukuken urang tuo* is a significant moment to honor elders and community leaders. The families of the prospective couple prepare a special feast and invite various community figures, including the village head, religious leaders, customary leaders, *urang kayo adat* (customary elders), the head of the Village Consultative Body (BPD), and respected elders to convene. The essence of *mandukuken urang tuo* lies in communicating the plan for Pakake Anak Daro and determining the date for the customary marriage contract. The customary marriage procession will proceed to the next stage if the elders approve. As a gesture of respect and notification, the families of the prospective couple will visit each household for two days to share this joyous news.

As the wedding day approaches, the atmosphere becomes increasingly vibrant with various preparations. *Tagak banda* becomes a communal effort where men collaborate to erect the *banda* (kitchen or cooking area) for the mothers (*umak-umak*). These mothers will cook *gulai* (curry) to enjoy together and prepare the necessary spices for the wedding event the following day. The following preparation is *tagak paraget*, which involves setting up various customary marriage paraphernalia, such as flags, decorative fabrics, umbrellas, bridal seating, and the *mangolok* (a special place for the bride). After a communal meal, the men will raise the flags and umbrellas, while the women will arrange the bridal seating and the *mangolok*.

The *manta inai* procession adds to the festive atmosphere, where a group of women delivers *inai* (henna) to the groom's house. In this procession, *inai* will be applied to the groom's fingers and toes. However, not just anyone can apply the *inai*; it is reserved for married women with specific kinship ties (*anak mamak*). *Inai* symbolizes beauty and happiness while marking the change in the groom's status, which will soon become a husband.

On the wedding day, *matoe* or communal cooking embodies the togetherness and cooperation of the community. All parties, both the bride's and groom's families, prepare the feast for the wedding celebration. Meanwhile, *arak-arak diki* serves as the opening for the main wedding event. The groom, dressed in traditional attire consisting of haji clothing or a turban, is paraded around the hamlet accompanied by rebana music and traditional songs. This procession is a form of respect and blessings from the community for the groom.

Following *arak-arak diki*, the procession continues with *arak pasumandan*, escorting the groom to the bride's house. The groom is accompanied by a group of women comprising young girls, newlywed women, and female relatives of the groom, both married and unmarried. Before departing, the groom seeks permission from his parents, as in this tradition, he will reside with his wife's family after the customary marriage procession.

On the same wedding day, the *mangolok* procession commences at the bride's house. The bride is seated in a special place to be presented to the attending community members. She will be adorned in traditional attire and beautiful makeup. Uniquely, this procession occurs twice a day, with the bride changing her attire after the Dzuhur prayer and reappearing in a different outfit after the Asr prayer.

Before the marriage contract, the bride undergoes the *bacuku* procession, which involves gentle facial hair removal and trimming the front hair to create bangs. This procession serves two primary purposes: marking the change in status of the bride who will soon become a wife and preparing her to look stunning with more refined makeup on the wedding day.

Once the groom arrives at the bride's house, preparations for *arak-arak aji* begin. This procession usually occurs in the afternoon, leading to the marriage contract. However, there is a specific requirement for conducting *arak-arak aji*: the bride must be able to recite the Quran. If the bride successfully recites the Quran, the bride and groom are paraded around the hamlet, accompanied by children singing traditional songs.

The marriage contract, the culmination of the customary marriage processions, is conducted in the evening. This tradition is based on the belief that the tranquil night atmosphere will bring blessings and longevity to the marriage. The marriage contract procession is attended by various community figures, including the village head, religious leaders, customary leaders, *urang kayo adat*, the head of the BPD, and the head of the Religious Affairs Office (KUA). The bride's guardian plays a crucial role in marrying off the bride, by Islamic law (Delvira & Firmansyah, 2024). If the guardian is absent, this duty can be carried out by a government official, such as the head of the KUA. During the marriage contract procession, the couple will be tested on their ability to recite the *shahada* (declaration of faith) and reminded of the rights and obligations of husband and wife in marriage.

Badendang-dendang, a customary marriage procession laden with meaning, is performed at two significant moments: the night before the groom leaves his parent's house, and after the marriage contract at the bride's house. This procession aims to impart valuable advice to the newlywed couple, such as proper marriage conduct and filial piety's importance. In addition to advice, *badendang-dendang* is also enlivened with beautiful traditional dances, such as the umbrella dance and the *selendang* (scarf) dance. As a closing ritual, the couple's house is sprayed with perfume, a ritual to ward off negative energy and bring blessings to the new couple.

Arak maraton concludes the series of Pakake Anak Daro processions the following morning. The bride and groom, dressed in Mandailing traditional attire, are paraded around the hamlet followed by the community, marking the beginning of their journey as husband and wife. Thus, through a series of intricate and symbolic customary marriage processions, the Mandailing indigenous people of Singkuang Village preserve and perpetuate their ancestral heritage. Each stage in these processions holds its meaning and function, reflecting local wisdom, religious values, and the spirit of cooperation that are integral to the identity of the Mandailing indigenous people.

3. Wedding Reception Stages

Following the series of solemn and sacred customary processions, the Pakake Anak Daro celebration continues with the wedding reception. Although simpler compared to the previous stages, this reception still holds a vital role as an expression of gratitude and joy for the union of the bride and groom.

One common form of reception is the *kibotan*. This event serves as entertainment for the newlyweds and their families and an opportunity to

strengthen ties with relatives and friends in attendance. Traditional arts, such as music and dance, are typically integral to the *kibotan*. Additionally, distinctive Mandailing cuisine is served as a gesture of hospitality and respect to the guests.

The wedding reception, though modest, carries profound social significance. It is a gathering for extended family, neighbors, and friends to offer their support and blessings to the newlywed couple. Through interaction and shared celebration, social bonds within the community are reinforced while simultaneously commemorating a joyous occasion in the bride and groom's lives.

4. Post-Customary Marriage Stages

Following the solemn customary processions and the joyous reception, the newlywed couple embarks on a new chapter in their lives. The post-customary marriage stages focus on strengthening the bond between the couple and their extended families, particularly the husband's family.

The processions begin with *manjalang karumah mintuo*, the couple's first official visit to the husband's parents' home. During this visit, they bring provisions or food as a token of respect. The bride will also greet her husband's family with a handshake as a form of introduction and respect.

Subsequently, the newlywed couple resides in the husband's parents' home for a specific period. Initially, this tradition mandated a one-month stay, commencing a week after the marriage contract. However, this rule has become more flexible, with a minimum of 3-7 days. During this period, the bride is prohibited from returning to her parents' home without permission from her in-laws. Additionally, she is not allowed to bathe in the river she previously frequented.

After residing with the in-laws, the couple performs the *duduk di pagi jo patang* procession. In this procession, the newlyweds, adorned in traditional attire, sit on the house's porch to receive congratulations and blessings from relatives and neighbors. The bride typically wears a kebaya, while the groom wears a suit. This procession is conducted twice, each lasting for an hour, in the morning (around 9 to 10 am) and the afternoon (around 4 to 5 pm).

The final stage in the series of post-customary marriage processions is *manjalang*. In this stage, the newlywed couple visits relatives from both sides of the family. These visits are considered highly important as a form of respect and strengthening kinship ties. Neglecting to visit relatives during the

manjalang procession can lead to disappointment. As a token of respect, the couple usually brings *nasi pulut* (glutinous rice) and *gula merah* (palm sugar) as gifts, while the visited family will present them with gifts in return.

Through this series of post-customary marriage processions, the newlywed couple of the Mandailing tribe is expected to build harmonious relationships with their extended families, especially the husband's family. These traditions also serve as a means to strengthen social bonds and preserve the cultural heritage within the community.

B. Examining the Role of 'Urf in the Pakake Anak Daro

Long before the Prophet Muhammad was sent, indigenous communities possessed customs and traditions grounded in values they deemed virtuous (Ali et al., 2021). In Islam, this concept is known as 'urf. The relationship between 'urf and Islamic law is dynamic, sometimes harmonious, sometimes divergent, depending on the context and location.

Historically, in many regions, customary law was deeply entrenched before the arrival of Islam. When Islam emerged, these customary laws often adapted to the principles of Sharia, though not always entirely replaced (Rahmadani et al., 2024). One example is Pakake Anak Daro, which remains prevalent among the Mandailing indigenous people in Singkuang Village, a customary marriage passed down through generations.

The Mandailing indigenous people of Singkuang Village consider the practice of Pakake Anak Daro a unique and sacred customary marriage. Its uniqueness lies in the couple's meeting not only during the reception, as is common in Indonesian culture, but also in the *arak maraton* procession that encircles the village. Its sacredness stems from the tradition's significance as an expression of gratitude to Allah for the blessing of customary marriage. Therefore, the Mandailing indigenous people steadfastly uphold the Pakake Anak Daro tradition as an inseparable part of their customary marriage processions.

The phenomenon of Pakake Anak Daro within the Mandailing tribe can be examined from the perspective of Islamic law, mainly through the concept of 'urf. Linguistically, 'urf originates from the word *a'rafa, ya'rifu*, often interpreted as *al-ma'ruf*, meaning something commonly known or accepted (Karimah, 2023). In the Islamic context, 'urf is often equated with the term "*adat*" (custom) (Fauzi, 2024). 'Urf is recognized as one of the sources of law in *ushul fiqh* (principles of Islamic jurisprudence) (Jamal & Ahmadi, 2023), as exemplified in Q.S. Al-A'raf verse 199, which proclaims:

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ ﴿١٩١﴾

“Take what is given freely, enjoin what is good, and turn away from the ignorant.”

Ushul fiqh scholars interpret al-ma’ruf in this verse as something considered reasonable and customary within a society (Munir & Kusnadi, 2024). Thus, the verse can be interpreted as a command to uphold traditions deemed suitable by the community as long as they do not contradict the principles of Sharia. Furthermore, as ‘urf represents customs deeply integrated into the life of a community, there are various ways to classify it. ‘Urf can be categorized based on its form, scope, and quality.

‘Urf, based on its form, can be differentiated into two types: ‘urf qauli (verbal customs) and ‘urf fi’li (behavioral customs) (Insani et al., 2024). ‘Urf qauli pertains to the use of language and terminology, whereas ‘urf fi’li is reflected in the actions and practices of the community. In this context, the practice of Pakake Anak Daro within the Mandailing tribe falls into the category of ‘urf fi’li. It is evidenced by the tradition’s generational transmission, where each stage of the customary marriage procession involves actions and practices that have become customary within the community.

‘Urf, based on its scope, can be divided into two categories: ‘urf ‘am (general) and ‘urf khas (specific) (Taufik & Mutaqin, 2023). ‘Urf ‘am refers to widely practiced customs, transcending specific regions and cultures. On the other hand, ‘urf khas refers to traditions that are only prevalent in certain areas or indigenous communities. In this context, the practice of Pakake Anak Daro within the Mandailing tribe belongs to the category of ‘urf khas. This customary marriage is exclusively observed and practiced by the Mandailing indigenous people in Singkuang Village, highlighting their distinct and unique culture.

The most crucial categorization of ‘urf in determining whether a custom can be considered a legal basis in Sharia is based on its quality, namely ‘urf sahih (valid) and ‘urf fasid (corrupt) (Permadi, 2022). ‘Urf sahih are customs that align with Islamic law. Conversely, ‘urf fasid are customs that contradict Sharia, either by permitting what is forbidden or prohibiting what is permissible. To determine whether a ‘urf can be classified as ‘urf sahih, scholars have established specific conditions.

The first condition for a custom to be accepted in Islam is to contain *maslahah* (benefit) and be reasonable (Shuhufi & Purkon, 2023). Conversely, it cannot be justified if a ‘urf leads to harm or contradicts reason. In the context of Pakake

Anak Daro, this customary marriage has a clear purpose that embodies benefit. The tradition encourages the newlyweds to express gratitude to Allah for the blessing of marriage and provides blessings and advice on building a harmonious household. Furthermore, the practice of Pakake Anak Daro is also reasonable, as it does not contain elements that are harmful or contrary to state law or Islamic law.

The second condition for a custom to be accepted in Islam must be prevalent within a community or at least within a significant portion of that community (Safitri et al., 2021). In this case, the practice of Pakake Anak Daro is still firmly upheld by the Mandailing indigenous people. Not only in Singkuang Village but this customary marriage is also practiced by some communities in neighboring villages. Thus, it can be said that the practice of Pakake Anak Daro has become a common custom among the Mandailing indigenous people.

The third condition for a custom to be accepted in Islam is that it must have existed and been practiced before the establishment of relevant laws, not a 'urf that emerged later (Wahidah & Janeko, 2023). In the context of Pakake Anak Daro, this customary marriage is a legacy of the ancestors of the Mandailing indigenous people in Singkuang Village, originating from the Minangkabau diaspora. They were the first to implement this customary marriage practice, passed down through generations. Therefore, the practice of Pakake Anak Daro has long been rooted in Singkuang Village and is not a 'urf that emerged recently.

The fourth crucial condition for a custom to be accepted in Islam is that it must not contradict the *dalil syara'* (religious texts) or established religious principles (Arianto & Rahma, 2023). This condition emphasizes the importance of harmony between 'urf and Sharia. If an 'urf contradicts the *nash* (religious texts) or Islamic principles, it falls into the category of 'urf *fasid* and is unacceptable. The Mandailing indigenous people themselves assert that the practice of Pakake Anak Daro does not contain elements of *shirk* (polytheism). Moreover, this tradition is rich in positive values, such as expressing gratitude to Allah, providing advice on building a household, preserving the environment, promoting harmony, and fostering cooperation. Therefore, it can be concluded that the Pakake Anak Daro practice belongs to the 'urf *sahih* category because it embodies virtuous values and does not contradict Islamic law.

However, there is a discrepancy between the practice of Pakake Anak Daro and the recommendation in Islamic law to expedite marriage if both parties are ready and compatible to avoid temptation and harm (Amanaty & Syarafuddin, 2023). In Pakake Anak Daro, a considerable time gap exists between matchmaking and the marriage contract due to the elaborate preparations and numerous customary marriage processions involved. The Mandailing indigenous people still

believe that neglecting or not performing the entire Pakake Anak Daro processions can bring misfortune and is even considered to lead to shirk. Therefore, they must solidify their intentions and the purpose behind conducting this customary marriage, returning to the essence taught by their ancestors, which is to express gratitude for the gift of marriage from Allah.

CONCLUSIONS AND SUGGESTIONS

Based on the research findings and in-depth discussions, it can be concluded that the practice of Pakake Anak Daro among the Mandailing Indigenous people in Singkuang Village represents a customary marriage rich in meaning and imbued with noble values. Beyond a mere series of processions encompassing pre-wedding, wedding, reception, and post-wedding stages, this tradition reflects a strong cultural identity, strengthens social bonds, and expresses gratitude to Allah. From an Islamic legal perspective, Pakake Anak Daro fulfills the 'urf sahih (valid) criteria, a custom acceptable and recognized within Sharia. It is supported by several key factors. Firstly, the tradition embodies clear benefits (*maslahah*), evident in its purpose of providing marital advice, fostering kinship ties among families and the community, and enhancing social harmony. Secondly, Pakake Anak Daro is deeply rooted and widely practiced in Singkuang Village and surrounding villages, demonstrating its general applicability. Thirdly, the tradition has a long historical lineage, passed down through generations, proving its existence predates the establishment of relevant laws. Most crucially, Pakake Anak Daro does not contradict the principles of Islamic law; in fact, it is laden with positive values such as gratitude, mutual respect, and communal cooperation, aligning with religious teachings. Thus, the Pakake Anak Daro customary marriage serves as tangible evidence of how local traditions and cultural values can coexist harmoniously with religious principles, enriching the cultural tapestry of Indonesia. This tradition demonstrates Islamic law's flexibility and wisdom in accommodating cultural diversity as long as it does not conflict with its fundamental principles.

Based on the conclusions above, several strategic steps are recommended for various stakeholders. The government is expected to actively protect and preserve Pakake Anak Daro as an integral part of Indonesia's cultural wealth. It can be achieved through comprehensive documentation, educational and socialization programs, and support for cultural preservation activities undertaken by the indigenous community. Religious leaders have a crucial role in guiding the indigenous people to ensure that the implementation of this customary marriage remains aligned with religious values. It is essential to continuously provide an understanding of the essence and meaning of each customary procession and ensure the absence of elements contradicting the law. Customary leaders, as custodians of local wisdom, are expected to pass on knowledge about Pakake Anak Daro to the younger generation through formal and non-formal

education. This tradition can be revitalized by involving young people in every procession so they feel a sense of ownership and responsibility for its preservation. The indigenous people have a primary role in safeguarding the continuity of this customary marriage. It is important to continue practicing and developing Pakake Anak Daro as part of their cultural identity while adhering to the applicable religious and legal principles. Collaboration between the indigenous people, customary leaders, religious leaders, and the government will be vital in preserving and developing Pakake Anak Daro as a customary marriage tradition, ensuring that this valuable cultural heritage can continue to thrive and benefit future generations.

REFERENCES

- Abubakar, A., Achyar, G., Khatimah, H., & Samad, S. A. A. (2023). The Postponement of the Implementation of Inheritance Distribution in the Seunuddon Community, North Aceh in the Lens of 'Urf Theory and Legal Pluralism. *El-Usrah: Jurnal Hukum Keluarga*, 6(2), 411-429. <http://dx.doi.org/10.22373/ujhk.v6i2.10207>
- Ali, T., Paton, D., Buergelt, P. T., Smith, J. A., Jehan, N., & Siddique, A. (2021). Integrating Indigenous Perspectives and Community-Based Disaster Risk Reduction: A Pathway for Sustainable Indigenous Development in Northern Pakistan. *International Journal of Disaster Risk Reduction*, 59, 1-16. <https://doi.org/10.1016/j.ijdr.2021.102263>
- Amanaty, F., & Syarafuddin, M. (2023). Pernikahan di Usia Muda Perspektif Syafiq Riza Basalamah. *Journal of Indonesian Comparative of Syari'ah Law*, 6(2), 239-258. <https://doi.org/10.21111/jicl.v6i2.10820>
- Amiruddin, A., Tulab, T., & Rosyid, A. Z. (2023). The Tradition of "Muter Punden" After the Marriage Contract on the North Coast of Pati Based on the Perspective of Islamic Law. *Hukum Islam*, 23(1), 90-105. <http://dx.doi.org/10.24014/jhi.v23i1.22114>
- Andriyaldi, A. (2021). Al-'Urf Theory and Its Relevance to Contemporary Jurisprudence Issues. *Al Hurriyah: Jurnal Hukum Islam*, 6(2), 118-130. <https://doi.org/10.30983/alhurriyah.v6i2.4784>
- Arianto, D. S., & Rahma, N. L. (2023). Perkawinan Pring Sedapur: Tinjauan Urf' dan Masalah Mursal. *Jurnal Penelitian Agama*, 24(1), 35-48. <https://doi.org/10.24090/jpa.v24i1.2023.pp35-48>
- Colonial Regulations, *Staatsblad* Number 415 of 1925 on the *Indische Staatsregeling*.
- Delvira, S., & Firmansyah, H. (2024). The Role of the Religious Affairs Office in Preventing Unauthorized Guardianship: Islamic Marriage Law Perspective. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(2), 230-248. <https://doi.org/10.56087/aijih.v27i2.482>

- Fauzi, F. (2024). 'Urf and Its Role in the Development of Fiqh: Comparative Study of Family Law between Egypt and Indonesia. *El-Usrah: Jurnal Hukum Keluarga*, 7(1), 346-371. <http://dx.doi.org/10.22373/ujhk.v7i1.23968>
- Gadjong, A. A. (2023). Legal Consequences of Violating the Endogamy Marriage System in Indonesia: A Study of Legislation. *SIGn Jurnal Hukum*, 5(1), 141-154. <https://doi.org/10.37276/sjh.v5i1.229>
- Insani, S. S., Zulfan, Z., & Ikhwan, I. (2024). Tinjauan 'Urf Terhadap Tradisi Manggadaikan Anak Karena Ta Impok Palapa Ndayang oleh Masyarakat Muara Kandis Punggasan. *Al-Rasikh: Jurnal Hukum Islam*, 13(1), 38-50. <https://doi.org/10.38073/rasikh.v13i1.1653>
- Irwansyah. (2021). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Revision Edition). Mirra Buana Media.
- Jamal, J., & Ahmadi, F. M. S. A. (2023). Renewal of the Epistemology of Fiqh by Hasbi Ash-Shiddieqy and Its Implementation in Minority Muslim Communities. *Peradaban Journal of Law and Society*, 2(2), 117-129. <https://doi.org/10.59001/pjls.v2i2.81>
- Julianti, A., & Lubis, A. (2024). The Impact of Implementing Premarital Health Test Certificate Requirements on Unregistered Marriage Practices. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(2), 268-287. <https://doi.org/10.56087/aijih.v27i2.485>
- Karimah, L. D. (2023). Tradisi Pra-Nikah Kirab Pendopo Perspektif 'Urf. *Masadir: Jurnal Hukum Islam*, 3(1), 655-673. <https://doi.org/10.33754/masadir.v3i01.919>
- Law of the Republic of Indonesia Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 1974 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 3019). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/742>
- Law of the Republic of Indonesia Number 16 of 2019 on Amendment to Law Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 2019 Number 186, Supplement to the State Gazette of the Republic of Indonesia Number 6401). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1753>
- Miqat, N., Susilawati, S., Korompot, R. R., Mubarak, A., & Iqbal, M. (2024). Study of Marriage Age Limit According to Indonesian Marriage Law. *Alauddin Law Development Journal*, 6(1), 9-16. <https://doi.org/10.24252/aldev.v6i1.42424>
- Munir, A., & Kusnadi, K. (2024). Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah. *Tribakti: Jurnal Pemikiran Keislaman*, 35(2), 303-320. <https://doi.org/10.33367/tribakti.v35i2.5417>
- Nasim, A. S., Rahman, N. A., & Hamid, I. J. (2023). Exploring Islamic Law and Customary Law: The Saro-Saro Tradition and the Prohibition of the Hijab in Marriage in the Jailolo Muslim Community, West Halmahera. *Justicia Islamica: Jurnal Kajian Hukum dan Sosial*, 20(2), 321-340. <https://doi.org/10.21154/justicia.v20i2.6287>

- Nasution, A., & Lubis, A. (2024). KUA's Efforts in Maintaining Harmonious Families in Families with Different Religions Based on the Value of Religious Moderation (Case Study of Manik Maraja Village, Sidamanik District). *Journal of Law, Politic and Humanities*, 4(4), 607-614. <https://doi.org/10.38035/jlph.v4i4.407>
- Permadi, D. P. (2022). Mitos Pernikahan Belik Tarjhe di Desa Pacentan Madura dalam Perspektif 'Urf. *Wahana Akademika: Jurnal Studi Islam dan Sosial*, 9(2), 105-119. <https://doi.org/10.21580/wa.v9i2.11376>
- Putra, R. A., & Rahayu, M. I. F. (2024). Samawa Indigenous Marriage Law: Harmonizing Local Wisdom with National Law. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(1), 76-91. <https://doi.org/10.56087/aijih.v27i1.458>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).
- Qur'an Kemenag. (2022). *Al-A'raf* [7]. Ministry of Religious Affairs of the Republic of Indonesia. Retrieved July 18, 2024, from <https://quran.kemenag.go.id>
- Rahmadani, D., Marzuki, M., Bakari, Y., & Muzakkir, A. K. (2024). The Participation of the Kaili Indigenous People and the Bugis Ethnicity in Preserving the Kupatan Ritual of the Java Ethnicity. *SIGn Journal of Social Science*, 4(2), 87-99. <https://doi.org/10.37276/sjss.v4i2.335>
- Safitri, D. N., Daud, F. K., & Aziz, M. (2021). Tradisi Pemberian Belehan Perspektif 'Urf di Desa Megale Kedungadem Bojonegoro. *Al-Fikrah: Jurnal Studi Ilmu Pendidikan dan Keislaman*, 4(1), 71-96. <https://doi.org/10.36835/al-fikrah.v4i1.111>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Sasmita, S., Dewi, C., Nasrum, M., Hendra, H., & Badollahi, M. Z. (2022). Symbols and Meanings in the Mematua Ritual Procession among the Kaili Indigenous People. *SIGn Journal of Social Science*, 3(1), 26-37. <https://doi.org/10.37276/sjss.v3i1.320>
- Shuhufi, M., & Purkon, A. (2023). Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture. *Jurnal Ilmiah Al-Syir'ah*, 21(1), 138-153. <https://dx.doi.org/10.30984/jis.v21i1.1870>
- Taufik, T., & Mutaqin, K. (2023). Pernikahan Runggal Perspektif Hukum Islam: Studi Kasus Masyarakat Desa Kebarongan, Kecamatan Kemrajen, Kabupaten Banyumas. *Misykat Al-Anwar Jurnal Kajian Islam dan Masyarakat*, 6(1), 73-90. <https://doi.org/10.24853/ma.6.1.73-90>
- Wahidah, U., & Janeko, J. (2023). Fenomena Tradisi Larangan Perkawinan Adat Mangku Dalam dan Temu Pojok Pada Masyarakat Desa Tenggulun Kecamatan Solokuro Kabupaten Lamongan. *Journal of Sharia*, 2(1), 23-32. <https://doi.org/10.55352/josh.v2i1.174>