



## The Influence of Local Culture on Marriage Practices from an Islamic Law Perspective

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Info Articles	Abstract
<b>Article History</b> Received: 2025-08-11 Revised: 2025-08-24 Published: 2025-09-30  <b>Keywords:</b> <i>Local culture; Islamic law; Forced marriage; Silariang; Bride price</i>	<p>This study aims to examine local cultural practices in the implementation of marriage in Indonesia and analyze them based on the principles of Islamic law. The approach used is library research by collecting and reviewing various relevant literature on marriage customs in several ethnic groups, such as the practice of forced marriage in the Sasak community in Lombok, elopement (silariang) in the Toraja and Bugis-Makassar tribes, the prohibition of inter-ethnic marriage in Minangkabau, and the tradition of dowry in Bugis culture. The research findings indicate that several of these traditions still conflict with sharia provisions, particularly related to the right to freedom of choice of partner, the principle of justice, and ease in conducting marriage. The practice of forced marriage and elopement that does not meet the requirements of the presence of a guardian and witnesses are considered invalid under Islamic law. Furthermore, the prohibition of inter-ethnic marriage that hinders the implementation of marriage also contradicts Islamic values that emphasize equal rights and justice. The determination of burdensome customary dowries can hinder the goal of a harmonious marriage in Islam. This study emphasizes the importance of integration between cultural customs and sharia through the concept of 'urf sahih so that traditional traditions can be aligned with Islamic teachings. Therefore, the active role of religious and traditional leaders is very necessary in providing education and opening constructive dialogue to correct deviant practices, so that the implementation of marriage can run in accordance with the values of justice, compassion, and humanity according to Islam.</p>

### I. INTRODUCTION

Marriage is a formal institution that regulates the rights of couples to live together as husband and wife, with the aim of creating a family, educating children, avoiding sin, and maintaining inner peace.(Podungge, Ruhiat, and Khosyiah 2022)The meaning of marriage also encompasses the interests and outlook on life of the nation, state, and society. In Islam, marriage is not only for sexual purposes, but also for procreating legitimate children and building a peaceful life in a sakinah, mawadah, and rahmah household. A marriage is considered valid if it is carried out according to law and registered by the authorized institution. The desire to build a household is an essential part of human civilization, creating character and inner peace, and culminating in true love.(Kudus 2024)The foundation of a nation lies in the strength of its family, and the foundation of a family lies in marriage. Marriage is the

foundation that creates a family and enables it to thrive. Through marriage, a family is nurtured and educated, both spiritually and materially, to grow and achieve prosperity. Islam recommends marriage because it is the Sunnah of the Prophet. Allah says in the Qur'an, Surah Ar-Rad, verse 38:

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً وَمَا كَانَ لِرَسُولٍ أَن يَأْتِيَ بِآيَةٍ إِلَّا بِإِذْنِ

*Indeed, We indeed sent messengers before you (Prophet Muhammad) and We gave them wives and offspring. It is impossible for an apostle to produce evidence (miracles) except with Allah's permission. For each period there are conditions.*

In the law, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife, with the goal of forming a harmonious, loving, and compassionate family, and a happy one based on the principles of the One Almighty God. Meanwhile, according to the

Compilation of Islamic Law (KHI), marriage is a very strong contract (*mitsaaqan gholidzan*) to obey God's commands, and carrying it out is an act of worship. (Syarif, Irwansyah, and Mujahid 2020).

Basically, marriage is permitted when all the conditions and pillars that have been regulated in Islam have been fulfilled. However, marriage can also be unlawful if the intent and purpose is only to harm each other (Sulthon 2020).

In today's world, marriage between a man and a woman under 20 is considered taboo and strange by some. This is due to several reasons. Although many texts in the Qur'an and hadith explain marriage, *ijtihad* (intelligence) by jurists is still necessary to obtain objective legal provisions. Local culture, as an integral part of a nation's identity, has a significant influence on marriage practices. (Sulthon 2020).

Each region has distinct traditions and norms, which can influence how communities conduct marriages. For example, local customs, rituals, and values often influence the form and process of marriage. Therefore, it is important to understand how local culture interacts with Islamic legal principles in marriage practices.

In this context, this study aims to explore in-depth information regarding the influence of local culture on marriage practices from an Islamic legal perspective. Using a literature review method, this study will analyze various relevant literature, including texts from the Quran, Hadith, and previous studies discussing the relationship between culture and marriage law. It is hoped that the results of this study will provide more comprehensive insight into the dynamics between local culture and Islamic law in the context of marriage, as well as contribute to the development of a better understanding of marriage practices in society.

Thus, this research focuses not only on the legal aspects but also considers the social and cultural dimensions that influence individual decisions and the implementation of marriage in society. Through this approach, it is hoped that a harmonious solution can be found between local cultural values and Islamic legal principles, so that marriage practices can proceed well and in accordance with the expected goals.

## **II. RESEARCH METHODS**

Research through library research involves collecting data by combining data from several types of literature. The types of literature used are not limited to books; journals can also be included in the bibliography category. This method is used to discover various theories, laws, principles, opinions, ideas, and other sources that can be used in analyzing and solving the problem being discussed. Data collection is carried out by searching for relevant literature through academic databases, digital libraries, and other reliable sources. Literature selection is based on topic relevance, source credibility, and the availability of up-to-date information. The collected data is then analyzed qualitatively using a descriptive approach to illustrate the relationship between local culture and marriage practices in accordance with Islamic legal principles. (Jonaedi Efendi, Johnny Ibrahim, and Se 2018).

## **III. RESULTS AND DISCUSSION**

Description of local culture in marriage practices. Indonesia, as a multicultural country, has a variety of customs that influence the system and procedures of marriage. These customs often form an integral part of a community's social identity. However, these practices do not always align with Islamic legal principles, particularly regarding justice, freedom, and the consent of the spouses. Based on field findings and literature review, the following are four local cultural practices that still persist today:

### **1. Forced Marriage in the Sasak Tribe (Lombok, NTB)**

The tradition of *merariq*, or elopement, in Sasak society has become an important part of the marriage process. Essentially, *merariq* is interpreted as a form of "proof" of the man's love and readiness to take responsibility. However, in practice, this practice is often misinterpreted and carried out without the woman's full consent. The man's family sometimes "kidnap" the prospective bride without consultation or the consent of the woman and her family. After being "escaped," the woman is forced to marry to maintain the family's reputation and avoid social disgrace. Typically, the community assumes that a woman who has been taken away cannot return without remarrying, as she is considered "unclean"

according to custom. This pressure leaves women with no choice but to comply with the wishes of their parents and the surrounding community. In many cases, feelings of fear, shame, and social pressure are the main factors behind accepting these forced marriages.(Aprianita 2023).

2. Elopement (Silariang) in the Toraja and Bugis-Makassar Tribes

The practice of silariang occurs when a couple does not receive parental consent due to differences in social status, economic status, or violations of customary norms. Couples who engage in silariang will flee and temporarily stay in a safe place until negotiations between the two families are completed. Although there is an element of consent between the bride and groom, this practice often leads to conflict between families, and has even led to bloodshed in the past. In the modern context, silariang is sometimes a form of resistance against patriarchal systems or injustices within customary traditions. However, this practice still raises issues from an Islamic legal perspective if it is carried out without a marriage guardian or does not comply with the pillars and requirements for a valid marriage.(Auliyah and Ahmad 2023).

3. Prohibition on Inter-Ethnic Marriage in Minangkabau (West Sumatra)

The Minangkabau matrilineal kinship system makes ethnicity a fundamental aspect in determining social status and inheritance. In Minangkabau custom, men and women from the same ethnic group are not permitted to marry, as they are considered siblings, even if they are not directly related by blood. This is intended to maintain the purity of the lineage and maintain customary order. However, in practice, this prohibition sometimes limits an individual's right to choose a partner. Violating this prohibition can result in customary sanctions such as ostracism, revocation of inheritance rights, or even severance of family ties. This customary rule becomes controversial when couples who are not actually related by blood are still prohibited from marrying due to the tribal system.(Herviani 2019).

4. Additional Customary Requirements in Bugis Marriage (South Sulawesi)

Bugis culture highly values self-respect (siri') and family honor. One manifestation of this value is the groom's obligation to pay a dowry (panai') to the bride's family. The dowry is considered a symbol of respect for the woman's family and a sign of seriousness. However, in reality, the dowry can reach tens to hundreds of millions of rupiah, depending on the bride's social status, education

level, and occupation. As a result, many marriages are delayed because the groom cannot afford these demands. In fact, this practice is sometimes used to demonstrate the family's prestige or social standing.(Ruslan 2023).

In some cases, couples who love each other choose to separate because they are unable to meet the standard of dowry money, thus giving rise to social and emotional injustice.(Mulyadi 2024). Analyze these practices from an Islamic legal perspective. Islam places marriage as one of the most important social institutions in human life. The Qur'an and Hadith have established universal basic principles of marriage and guarantee individual rights, particularly the right to choose a partner based on consent, equality, and responsibility. In the context of local Indonesian culture, various customary marriage practices need to be analyzed within the framework of Islamic law to ensure that their implementation remains within the framework of sharia.

**A. Forced Marriage and Elopement in a Fiqh Perspective**

Marriage in Islam must fulfill the pillars and requirements of marriage, which include the presence of a prospective husband and wife, ijab-qabul (consent), a guardian, and two witnesses. However, more than just formal requirements, the consent or willingness of both parties, especially the woman, is a very important moral and legal element. A valid hadith states: "A marriage is not valid without a guardian and two just witnesses." (Narrated by Abu Dawud, Tirmidhi) "A widow has more rights over herself than her guardian, and a virgin is asked for her permission..." (Narrated by Bukhari and Muslim) Based on this, forced marriage is a form of coercion of will that is not valid according to sharia. This view is supported by the majority of contemporary scholars and fatwa institutions, including the Indonesian Ulema Council (MUI), which emphasizes that forced marriage is not valid according to religion because it violates the principle of freedom of choice in marriage.(Kurniawan 2016).

Meanwhile, elopement, or merariq (Sasak) and silariang (Bugis/Toraja), are often undertaken as a means of escaping customary or familial pressure. Although voluntarily undertaken, from a fiqh perspective, these marriages can be invalid if they do not have a legal guardian and witnesses present, as required by the Shafi'i school of thought widely practiced in Indonesia. Only the Hanafi school of thought permits a woman who

has reached puberty to marry without a guardian, but this view is not legally adopted by the Indonesian religious court system based on the Compilation of Islamic Law (KHI).

### **B. The Prohibition on Inter-Ethnic Marriage: An Islamic Perspective and the Principle of Justice**

Islam rejects all forms of racial, ethnic, or social discrimination in marriage. The Qur'an emphasizes that human dignity is not measured by ethnicity or nation, but by piety: "Indeed, the most noble among you in the sight of Allah is the most pious." (QS. Al-Hujurat: 13) The customary prohibition on inter-ethnic marriage, as is the case in Minangkabau, must be viewed in a cultural context, not in a sharia context. If this prohibition prohibits marriage between two Muslims without a sharia-compliant reason, then it contradicts the principles of Islamic justice. Even in Islamic jurisprudence, as long as the parties are not related to each other, there is no prohibition against inter-ethnic, national, or caste marriage. Therefore, this prohibition can be categorized as a form of 'urf fasid (corrupt custom) if it hinders something that is permissible according to sharia.(Setiyanto 2017).

### **C. Synergy between Culture and Sharia: The Concept of 'Urf Sahih**

Islam does not absolutely reject custom. In fact, in many cases, customs that are in accordance with Islamic principles can be a complementary source of law in fiqh, known as 'urf sahih. However, the condition is that these customs do not contradict the Qur'an, Sunnah, and maqasid sharia. Practices such as forced marriage, restrictions based on ethnicity, or excessive dowry are included in 'urf fasid (corrupt customs) if they cause: Injustice, Coercion of will, Psychological damage, Obstacles to halal marriage. Conceptually, Islam does not oppose the existence of local culture in the social order, including in marriage practices.(Nur and Marwing 2020).

Islamic law actually accommodates the existence of 'urf (social customs) as long as these practices do not conflict with sharia teachings. Within the framework of Islamic jurisprudence, this is known as 'urf sahih, namely traditions considered valid because they align with the values of maqasid sharia, or the goals of Islamic law.(Mahmud 2022).

Therefore, local customs in marriage are normatively acceptable as long as they do not violate sharia principles such as the consent of the

bride and groom, the validity of the marriage contract, and the protection of individual rights. However, in practice, some forms of local culture are inconsistent with Islamic principles. One prominent example is the practice of forced marriage, as seen in the tradition of forced merariq among the Sasak people. According to Islamic law, the validity of a marriage requires the consent of both prospective bride and groom, especially the woman. There are authentic hadith that explicitly prohibit coercion in marriage, emphasizing that a marriage without the woman's consent is invalid. Therefore, forced marriage is viewed as a form of marriage that is void or invalid.

The Indonesian Ulema Council (MUI) fatwa also emphasized that marriages not based on the consent of the bride and groom are contrary to the basic values of Islamic law. Similarly, the practice of elopement, such as silariang in Toraja or other forms of merariq in Lombok, even if carried out with mutual consent, remains problematic if it does not fulfill the elements of a valid marriage according to Islamic law.(Auliyah and Ahmad 2023).

According to the Shafi'i school of thought, the majority of Muslims in Indonesia adhere to the law, the presence of a guardian and witnesses is an indispensable part of the pillars of marriage. If a marriage takes place without a guardian or witnesses, it is declared invalid under Islamic law unless re-validated by fulfilling all the pillars and requirements of the marriage contract.

The tradition of prohibiting inter-ethnic marriage, as practiced by the Minangkabau people, potentially conflicts with Islamic principles when it prevents marriages from being legally valid according to religion. Islam does not restrict marriage based on race, ethnicity, or social class. This is affirmed in Surah Al-Hujurat, verse 13 of the Quran, which emphasizes human equality and the purpose of the creation of various tribes and nations to get to know each other, not to limit each other.

If these customary prohibitions are rigidly enforced, leading to social sanctions and discrimination, then this contradicts the values of justice and equal rights taught in Islam. Furthermore, the practice of setting excessive customary dowries, such as the panai' (dowry) in Bugis society, is also a concern in Islamic law. While Islam does encourage the giving of a dowry as a form of respect for women, in practice it is recommended that the dowry not become a burden. If the dowry amount is determined excessively based on social status or educational

level, to the point of hindering the marriage, this contradicts the principle of *taisir* (convenience) in Islamic law. Such practices have the potential to hinder the primary purpose of marriage in Islam, which is to achieve peace and prosperity within the household. (Ruslan 2023).

Based on this description, it can be concluded that not all local customs that develop in marriage practices are acceptable under Islamic law. Some are acceptable as long as they do not conflict with sharia, but others contain elements of coercion, injustice, and administrative obstacles that are inconsistent with the *maqasid* of sharia.

Therefore, educational steps and constructive dialogue between religious leaders, traditional leaders, and the wider community are needed to guide deviant local cultures toward conformity with Islamic principles based on justice, mercy, and humanity. Scholars' opinions or fatwas on these practices. In the view of contemporary scholars, forced marriage is considered invalid and contrary to Islamic principles.

The Indonesian Ulema Council (MUI) has firmly issued a fatwa stating that marriages without the consent of both parties, especially the woman, do not meet the requirements for a valid marriage contract according to Islamic law. This fatwa refers to a hadith of the Prophet Muhammad (peace be upon him), which emphasizes the importance of the woman's consent and willingness in marriage. Therefore, the practice of forced marriage falls under the category of invalid or *fasid* marriages.

Meanwhile, elopements, which often occur without the presence of a guardian or witnesses, as in the *silariang* tradition in Toraja or *merariq* in Lombok, have also received attention from Islamic scholars. These scholars emphasize that a marriage contract must fulfill the pillars and requirements stipulated in Islamic law, including the presence of a guardian and witnesses. If these requirements are not met, the marriage is considered invalid under sharia law. However, if the re-contract is officially performed and all requirements are met, the marriage can be recognized as valid.

Regarding the prohibition on inter-ethnic marriage, Islamic scholars agree that Islam does not recognize restrictions on marriage based on ethnicity, race, or class. This is affirmed in Surah Al-Hujurat, verse 13 of the Quran, and is reinforced by the opinion of many Islamic scholars that marriage may only be rejected if there is a sharia (Islamic law) justification, such as a *mahram* relationship or a violation of religious

law. Therefore, discriminatory customary restrictions that hinder legitimate marriage are inconsistent with the principles of justice and equality in Islam.

As for the issue of burdensome traditional dowries, such as high *panai'* money, the ulama emphasize the importance of ease in implementing the dowry. In the hadith it is stated that the best dowry is the one that is the lightest and does not burden the man. Ulama such as Sheikh Yusuf Al-Qaradawi reminded that dowry should not be a burden or obstacle to marriage, because the main purpose of marriage is to build a harmonious *sakinah* family. A dowry that is too high is considered to be contrary to the principle of *taisir* (convenience) in Islam.

In the classical Islamic tradition, as taught by Imam Malik and Imam Shafi'i, it was once permissible for a guardian to marry off a girl without her permission under certain circumstances, on the grounds of protecting her welfare and preventing harm. However, this view has been criticized by modern scholars who believe the practice is inconsistent with the current context, which places greater emphasis on justice, women's rights, and mutual consent. In general, scholars emphasize that culture and customs must be examined and aligned with sharia principles. Cultural practices that contain elements of coercion, discrimination, or burdens must be corrected to uphold justice, humanity, and the *maqasid* of sharia in marriage practices.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

This research shows that local cultural practices in marriage ceremonies in various regions in Indonesia have a strong influence on marriage procedures, but not all of them are in line with the principles of Islamic law. The practice of forced marriage, elopement without a guardian or witnesses, the prohibition of inter-ethnic marriage, and the imposition of burdensome customary dowries are examples of customs that conflict with Islamic law because they contain elements of coercion, injustice, and obstacles that hinder individual rights. Islamic law emphasizes the importance of the consent of both spouses, the presence of guardians and witnesses, and the ease of fulfilling the dowry as conditions for a valid marriage. Therefore, local culture is acceptable as long as it does not conflict with the principles of Islamic law and the *maqasid* (objectives of Islamic law). Synergy and adjustment between customs and sharia are

needed to ensure justice and welfare in marriage practices.

## B. Suggestion

Based on the conclusions above, the following are suggestions that can be put forward to address the problems that have been identified:

1. Based on the conclusions above, the following are suggestions that can be put forward to address the problems that have been identified:
2. Increasing Education and Socialization There needs to be a more intensive effort in providing education and socialization to the general public, traditional leaders, and religious leaders regarding the principles of marriage according to Islamic law, especially regarding the importance of the consent of both bride and groom, the requirements for a valid marriage, and the ease of providing a dowry, so that conflicting cultural practices can be reduced.
3. Strengthening Dialogue between Religious and Traditional Leaders It is recommended to facilitate constructive dialogue between traditional leaders and religious scholars in order to align local cultural values with Islamic legal teachings so that an agreement can be created that can maintain tradition while protecting individual rights.
4. The Active Role of the Government and Religious Institutions The government, together with religious institutions, such as the Indonesian Ulema Council (MUI), is expected to tighten supervision and formulate clear guidelines regarding the implementation of marriages in accordance with Islamic law, while also providing a resolution mechanism if there is a conflict between custom and Islamic law.
5. Further In-Depth Research Development It is recommended that broader and more in-depth studies be conducted to examine the variety of cultural practices in various regions and their impact on the application of Islamic law in marriage, with the aim of producing more appropriate policy

recommendations that can be implemented effectively.

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