

Tradition Beyond Formal *Fiqh*: Ethnic Perspectives on Negotiating *Kafā'ah* in Marriage within the Aceh Singkil Community

Fatimah Zuhrah,* Wakhid Sugiyarto, Marpuah, Ahsanul Khalikin, Titi Isnaini Fauzah

National Research and Innovation Agency, Jakarta, Indonesia

*Correspondence: fati005@brin.go.id

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Abstract

The emphasis on customary law within the Aceh Singkil community, alongside the application of *fiqh* (Islamic jurisprudence) in religious practices, raises important questions regarding the formation of legal realities in practice. This article explores the social considerations underlying legal practices, focusing on the role of ethnic identity within the Aceh Singkil community. The study employs a qualitative methodology to achieve this objective, utilizing in-depth interviews and document analysis as data collection techniques. The data are analyzed through a structural-functional sociological approach, conceptualizing legal practice as a social phenomenon. The findings reveal that ethnic-based collective consciousness significantly influences the community's tendency to prioritize customary law over formal *fiqh* rulings when determining *kafā'ah* (equality) criteria in marriage. This emphasis is evident in applying economic and occupational standards, the prohibition of intra-clan marriage, and the disregard for the religious status of a partner's parents. These standards are shaped by concerns for individual rights, the preservation of ancestral heritage, and the promotion of social harmony as part of a broader nation-building initiative. Nevertheless, the Aceh Singkil community continues to uphold *fiqh* norms, particularly the requirement that both spouses share the same religion, demonstrating that Islamic law remains an integral part of the collective consciousness, operating alongside customary norms. These findings affirm that the implementation of law within ethnic communities is grounded in a collective consciousness—shaped by both religious and customary elements—which serves as a foundation for constructing and sustaining social solidarity.

[Penekanan terhadap hukum adat dalam komunitas Aceh Singkil, yang juga menerapkan norma fikih dalam praktik keagamaannya, menimbulkan persoalan terkait pembentukan realitas hukum yang berlaku. Artikel ini bertujuan untuk mengungkap berbagai pertimbangan sosial dalam praktik hukum, dengan menitikberatkan pada peran identitas etnis dalam komunitas Aceh Singkil. Untuk mencapai tujuan tersebut, artikel ini menggunakan metode kualitatif dengan teknik pengumpulan data melalui wawancara mendalam dan dokumentasi. Data dianalisis menggunakan pendekatan sosiologi struktural-fungsional yang memandang penerapan hukum sebagai suatu fenomena sosial. Hasil temuan menunjukkan bahwa kesadaran kolektif berbasis etnis memengaruhi kecenderungan untuk lebih mengutamakan hukum adat dibandingkan dengan ketentuan fikih dalam menetapkan kriteria kesetaraan (*kafā'ah*) dalam pernikahan. Penekanan ini tercermin dalam penetapan standar kesetaraan berbasis ekonomi dan pekerjaan, larangan pernikahan dalam satu marga, serta pengabaian status agama orang tua pasangan. Penentuan

standar tersebut mempertimbangkan perlindungan hak individu, pelestarian warisan leluhur, dan pembentukan harmoni sebagai bagian dari proyek kebangsaan. Meskipun demikian, komunitas Aceh Singkil tetap mempertahankan norma fikih, khususnya persyaratan seagama bagi pasangan, yang menunjukkan bahwa hukum Islam merupakan bagian integral dari kesadaran kolektif yang berjalan sejajar dengan hukum adat. Temuan ini menegaskan bahwa penerapan hukum dalam masyarakat etnis bertumpu pada kesadaran kolektif, baik yang dibentuk oleh agama maupun adat, sebagai fondasi dalam membangun dan mempertahankan solidaritas sosial.]

Keywords: Aceh Singkil Community, Collective Consciousness, Customary Law, Ethnicity, *Fiqh*, *Kafa'ah* in Marriage.

Introduction

Religious identity within ethnic communities, traditionally understood as adherence to religious values,¹ is undergoing a dynamic transformation in the Aceh Singkil community, where Islamic law is actively applied in marriage practices. The principle of *kafa'ah* (equality) in marriage is negotiated alongside a strong commitment to customary traditions, which exert significant influence.² It is exemplified by the prohibition of marriage between individuals from the same clan, a restriction rooted in customary law.³ Such norms contrast with *fiqh* (Islamic jurisprudence) norms, particularly the establishment of binding conditions (*sharṭ luzūm*) in marriage. Within *fiqh*, the standard of *kafa'ah* is designed to protect women from potential social degradation by their spouses, especially in the context of customary patriarchal norms.⁴ The evolving role of customary law in ethnic communities implementing Islamic law reflects a continual negotiation between *fiqh* norms and indigenous legal practices,⁵ ultimately reinforcing collective group identity.

Previous research has largely overlooked the influence of ethnic identity on the application of *fiqh* in Acehnese marriage practices. Existing studies tend to frame the issue within the categories of Islamic, customary, and state law, neglecting its sociological dimension—specifically, the role of law as a mechanism for identity preservation. Three major research trends have emerged in analyzing this phenomenon. The first trend is the secularity of law enforcement, which presupposes a clear distinction between customary law (governing social relations) and religious law (governing the individual's relationship with God). This perspective results in humanitarian matters being predominantly addressed

¹ Richard Tapper classifies religious patterns in non-Arab Muslim ethnic societies into four categories: orthodoxy, religiosity, the mosque dimension, and the peripheral. These classifications highlight varying degrees of integration between Islamic values and indigenous customs or cultural practices, illustrating how religious expression is influenced by local sociocultural frameworks. See: Richard Tapper, "Holier Than Thou: Islam in Three Tribal Societies," in *Islam in Tribal Societies: From the Atlas to the Indus*, ed. Akbar S. Ahmed and David M. Hart (New York: Routledge, 2008), 244.

² Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, "Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāṣid Shari'ah Perspective," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (July 26, 2024): 119–37.

³ Salma Salma and Burhanuddin Burhanuddin, "Kajian 'Urf pada Tradisi Rompak Paga di Luhak Lima Puluh Kota Sumatera Barat," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 12, no. 2 (January 10, 2018): 315–42.

⁴ Al-Khaṭīb al-Syirbīnī, *Mughnī al-Muḥtāj ilā Ma'rifa Ma'ānī Alfāẓ al-Minhāj*, vol. 3 (Bairūt: Dār al-Kutb al-'Ilmiyah, 1994), 164.

⁵ Nur Avita, Ahmad Rusyaid Idris, and Frina Oktalita, "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahab* 12, no. 2 (November 24, 2022): 124–38.

through customary channels.⁶ The second trend explores the conflict between customary and Islamic law, highlighting the dichotomy between these two legal frameworks and presenting communities with mutually exclusive legal choices.⁷ The coexistence of these systems is often portrayed as a source of ongoing legal tension.⁸ The third trend involves legal pluralism, which emphasizes the flexibility of Islamic law in accommodating customary norms.⁹ This approach acknowledges integrating state, customary, and Islamic legal systems, resulting in a dynamic synthesis of legal norms.¹⁰ However, this framework frequently overlooks the underlying social forces that drive such legal convergence.

Understanding the persistence of customary law alongside the application of *fiqh* is essential for revealing why ethnic communities strive to preserve their ancestral heritage. This study addresses the question through three analytical dimensions. First, it examines individual interests within the Aceh Singkil community, demonstrating how customary law protects personal rights and elucidating the structural mechanisms through which ethnic groups safeguard their members at the micro-social level. Second, it investigates communal interests in the broader social domain, focusing on the collective structures reinforcing ethnic identity, particularly through marriage customs. Third, it explores national cohesion by analyzing the role of customary law within the wider societal framework and its contribution to fostering national unity. Together, these three dimensions provide a comprehensive foundation for understanding why the Aceh Singkil community—rooted in shared ethnicity and culture—prioritizes customary law in regulating marital equality.

The rationale for upholding customary norms in establishing the binding conditions of marriage lies in recognizing that legal implementation—regardless of its doctrinal origin—is inherently a social process aimed at preserving cultural values, moral norms, and social cohesion.¹¹ Its application within specific community frameworks reflects a belief in the sanctity of customary practices and reinforces collective consciousness toward achieving

⁶ See: Rosdalina Bukido et al., “Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia,” *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 6, no. 1 (August 20, 2021): 67–76; Rani Putri et al., “The Phenomenon of Multi-Ethnic and Religious Life the Aceh Singkil Regency,” *Malikussaleh Social and Political Reviews* 3, no. 2 (November 25, 2022): 47–51.

⁷ Karimuiddin Abdullah Lawang et al., “Marriage Processes of Khalwat Perpetrators in Customary Law in Aceh,” *Russian Law Journal* 11, no. 3 (2023): 542–49.

⁸ Adelina Nasution and Ismail Fahmi Arrauf Nasution, “Customary Law Approaches to Ḥaḍānah Disputes in Aceh: Arguments and Social Implications,” *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (2021): 257–78.

⁹ See: Ilyas Ilyas et al., “The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (May 28, 2023): 897–920; RR Dewi Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints,” *Abkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48; Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda, “The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (June 15, 2024): 27–52.

¹⁰ See: Mursyid Djawas et al., “Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism,” *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64; Awis Alhkarni and Novia Yuriska, “Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law,” *USRATY: Journal of Islamic Family Law* 2, no. 2 (December 20, 2024): 124–33; Dri Santoso et al., “Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 5, 2022): 199–218.

¹¹ Émile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen E. Fields (New York: The Free Press, 1995), 89.

shared objectives. This process contributes to the development of legal norms that are more closely aligned with communal interests. In this context, Bryan S. Turner emphasizes the transformative capacity of religious practice as a catalyst for social change and a force capable of shaping societal evolution.¹² Furthermore, the focus on collective consciousness provides a valuable lens to examine how societies affirm and reproduce their ethnic identities.¹³ For the Aceh Singkil community, the preservation of both indigenous and Islamic identities constitutes a fundamental motivation for maintaining customary legal authority within a society governed by Islamic legal principles.

Research Methodology

This study employs a qualitative research methodology to investigate the rationale behind establishing customary law within a society governed by Islamic legal principles. This approach is selected to facilitate an in-depth exploration of the binding conditions in marriage. This issue is not easily quantifiable but can be analyzed to enable broader theoretical generalizations.¹⁴ The research combines fieldwork with a socio-legal approach. Fieldwork allows for direct observation of the actions and practices of research subjects, while the socio-legal framework conceptualizes law as a social phenomenon. This perspective encompasses not only legal doctrines but also the sociological, historical, and geographical contexts in which law is situated.¹⁵

Table 1
Research Informants

No.	Informant Code	Position	Time
1.	R1	Religious Leader	January 2024
2.	R2	Religious Leader	February 2024
3.	R3	Religious Leader	March 2024
4.	R4	Traditional Figure	January 2024
5.	R5	Community Leader	February 2024
6.	R6	Community Leader	February 2024
7.	R7	Stakeholder	February 2024
8.	R8	Marriage Participant	February 2024
9.	R9	Marriage Participant	February 2024
10.	R10	Marriage Participant	February 2024

The study utilizes two primary sources of data: primary and secondary. The primary data is derived from implementing marital binding conditions among indigenous communities in Aceh Singkil. This district was selected due to its unique application of Islamic law within a pluralistic society characterized by ethnic, tribal, and religious diversity. The secondary data comprises academic literature and previous research pertinent to the study's focus, which contextualizes and supports the primary findings. The data collection process involved in-depth interviews and document analysis. Fieldwork was conducted in the Aceh Singkil, Aceh Province, Indonesia, from January to March 2024. Interviews were

¹² Bryan S. Turner, *Religion and Social Theory* (London: Sage Publications, 1991), 112.

¹³ Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), 90.

¹⁴ Joseph A. Maxwell, "Why Qualitative Methods Are Necessary for Generalization," *Qualitative Psychology* 8, no. 1 (February 2021): 111–18.

¹⁵ Robert G. Burgess, "Approaches to Field Research," in *Field Research: A Sourcebook and Field Manual*, (London: Routledge, 1982), 1.

held with community members directly engaged in marriage practices, including religious leaders, traditional authorities, community figures, stakeholders, and individuals who have experienced the marriage process (see Table 1). Informants were selected through purposive sampling to ensure a diverse representation of social roles and backgrounds.¹⁶ Document analysis was utilized to triangulate findings and enhance the validity and credibility of the data, incorporating historical records and relevant literature. To ensure data reliability, source triangulation was implemented by cross-referencing interview data with documentary sources.¹⁷

The data analysis was conducted in four systematic stages: data collection, data reduction, data presentation, and conclusion drawing.¹⁸ This study employs structural-functional sociology, particularly the theoretical framework of Émile Durkheim, to interpret legal practices as socially embedded phenomena. Durkheim conceptualized society as an interconnected system shaped by solidarity, with law serving to maintain social equilibrium.¹⁹ From this perspective, all legal decisions and actions—whether derived from customary or religious norms—are fundamentally driven by the imperative to sustain societal cohesion. Consequently, the emergence and persistence of customary law in Muslim-majority communities governed by Islamic law can be understood as a response to the collective need for social solidarity and normative stability.

Traditional Tendencies in Practice: Religious Adherence in the Aceh Singkil Community

Religious compliance in Aceh Singkil, deeply embedded within an ethnically rooted social structure, requires a nuanced examination of Islam's role in shaping the community's regulatory framework. Snouck Hurgronje, in his early ethnographic work, explored the interplay between custom (*adat*) and religion, emphasizing the perceived rivalry between clerics and traditional authorities.²⁰ This tension emerged from divergent perspectives on social change, with clerics often advocating for shifts in religious consciousness, particularly in rural settings. Building on this foundation, James T. Siegel identifies distinct patterns in rural Acehnese communities, where kinship ties and local customs form the structural core, thereby limiting the influence of formal Islamic law on social practices.²¹ Amirul Hadi observes that legal decisions in Acehnese society frequently prioritize tradition over *fiqh* norms, reflecting a deliberate strategy to maintain social cohesion by aligning legal norms with existing societal structures.²²

¹⁶ Patrik Aspers and Ugo Corte, "What Is Qualitative in Research," *Qualitative Sociology* 44, no. 4 (December 28, 2021): 599–608.

¹⁷ John W. Creswell and Dana L. Miller, "Determining Validity in Qualitative Inquiry," *Theory into Practice* 39, no. 3 (August 2000): 124–30.

¹⁸ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis (A Source Book of New Methods)* (Beverly Hills: SAGE Publications, 1984), 10–2.

¹⁹ See: Emile Durkheim, *The Division of Labor in Society*, trans. W. D. Halls (London: Palgrave Macmillan, 2013), 67; Emile Durkheim, *Suicide: A Study in Sociology*, trans. John A. Spaulding and George Simpson (London: Routledge, 2002), 302.

²⁰ C. Snouck Hurgronje, *The Acehnese*, trans. A. W. S. O'sullivan, vol. 1 (Leiden: E. J. Brill, 1906), 151.

²¹ James T. Siegel, *The Rope of God* (Michigan: University of Michigan Press, 2000), 67.

²² Amirul Hadi, *Islam and State in Sumatra: A Study of Seventeenth-Century Aceh* (Leiden: Brill, 2004), 177.

The community's collective interests are central to the Acehnese people's ongoing commitment to tradition, necessitating continuous negotiation with external religious influences. R. Michael Feener suggests that this preference for customary norms over rigid religious implementation arises from a belief that communal consensus—rooted in collective consciousness—provides a more adaptable, inclusive, and humane legal alternative.²³ This dynamic is often interpreted as a dialectical tension between Islamic reformists and rural communities. John R. Bowen observes that conflicts between Islam and tradition frequently lead to repressive initiatives, particularly among younger generations seeking to eliminate practices they perceive as inconsistent with Islamic orthodoxy.²⁴ However, this binary framing oversimplifies the lived realities of Acehnese society. As Eric E. Morris argues, rural adherence to tradition—despite clerical efforts to purify Islamic practices—reflects a cosmic worldview characterized by a persistent tension between social reality and the pursuit of religious ideals.²⁵ This divergence in perception facilitates the sustained coexistence of tradition and Islamic law, preserving social harmony and shaping the distinctive character of Aceh's legal culture.

The persistence of customary law within a community that formally upholds Islamic law is evident in numerous practical cases. Feener cites statements from the *Wilayatul Hisbah* (Sharia Police), acknowledging that customary law is often employed to resolve infractions of Islamic norms. For instance, in cases of *kehalwat* (illicit seclusion between non-mahram individuals), community leaders frequently impose culturally embedded penalties—such as requiring the offender to sacrifice a goat for a communal meal or fulfill other locally determined sanctions.²⁶ These measures are accepted to maintain social order and communal integrity. The integration of customary sanctions into the framework of Islamic law illustrates the fluid boundaries between religion and tradition in Aceh's multi-ethnic and pluralistic context. Rather than opposing forces, customary and Islamic laws operate in tandem, contributing to a cohesive and context-sensitive legal system.

Redefining the *Kafā'ah* Standard in Aceh Singkil Marriage Practices: Promoting Women's Rights Through Economic Equality

In the multi-ethnic community of Aceh Singkil, adherence to Islamic values, as articulated in classical *fiqh*, is approached by incorporating additional standards that are not traditionally recognized as binding conditions in marriage. While Islamic jurists (*fuqahā'*) generally agree on the classical criteria for *kafā'ah*—namely religion (*al-dīn*), lineage (*al-naṣb*), freedom status (*al-ḥurriyyah*), and profession or income (*al-ḥirfā'*)²⁷—the Aceh Singkil community expands these criteria to include occupation (*al-ṣinā'ah*), as acknowledged by the Shāfi'ī *madhhab*

²³ R. Michael Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013), 244.

²⁴ John R. Bowen, *The History and Structure of Gayo Society: Variation and Change in the Highlands of Aceh* (University of Chicago, 1984), 323.

²⁵ Eric E. Morris, *Islam and Politics in Aceh: A Study of Center-Periphery Relations in Indonesia* (Cornell University, 1983), 52.

²⁶ Feener, *Shari'a and Social Engineering*, 244.

²⁷ Wahbah bin Muṣṭafā al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adilātuh*, vol. 9 (Damascus: Dār al-Fikr, n.d.), 744.

(school of law),²⁸ and economic status (*al-māl*), as emphasized by the Ḥanbalī *madhhab*.²⁹ This adaptation reflects an ongoing negotiation between the authoritative framework of *fiqh* texts and a communal consciousness shaped by local traditions³⁰ to ensure the security and dignity of women. Such reinterpretations of normative standards are common in societies where strong collective traditions influence legal applications. Ultimately, this negotiation process serves to protect women from potential humiliation and marginalization within marriage.³¹ In Aceh Singkil, the formulation of marriage conditions often reflects the integration of traditional values into religious practice, demonstrating a dynamic and context-sensitive interaction between *fiqh* and local customs.

The emphasis on communal awareness in assessing marital compatibility is most clearly reflected in women's economic security prioritization. Data reveal two principal ways in which the community reinterprets religious norms to strengthen protections for women's individual rights within marriage. The first is the emphasis on economic equality between spouses. In Aceh Singkil, the concept of *kafā'ah* in marriage extends beyond religious compatibility to encompass economic status and occupation as essential factors in fostering a stable household.³² As R1 notes, wealth and professional status are viewed as necessary prerequisites for achieving a harmonious, conflict-free family life.³³ Consequently, economic parity is regarded as a fundamental criterion in pursuing the shared goal of marital harmony.

The people of Aceh Singkil regard economic equality as a crucial element in establishing a stable and dignified family. Notably, marriages in which women possess a higher economic status than their male partners are not inherently viewed as problematic. This perspective is supported by R4, who emphasizes that a woman's acceptance of a partner with lesser economic standing does not compromise the household's stability. R4 stated: "*In Aceh Singkil, the phenomenon of marrying an unequal partner is quite common, particularly in areas such as Subdistrict XX. For instance, when Mr. S married Mrs. A in a religious ceremony, they hailed from vastly different economic backgrounds—the husband from a modest family and the wife from a wealthy household. Despite this disparity, their marriage has endured to this day.*"³⁴ In contrast, R5 describes a dysfunctional family in which a woman from a less privileged background married a man from a significantly wealthier family. R5 explained:

*"Unlike marriages where economic compatibility is prioritized, significant financial disparities between spouses can lead to ongoing domestic conflict. It is evident in the case of couples B and C, whose relationship has been plagued by persistent arguments. The husband hails from a wealthy family, while the wife comes from a more modest background. Tensions emerged just three months after the wedding, resulting in repeated disputes. I have often been asked to mediate, but they have yet to achieve reconciliation."*³⁵

²⁸ Muḥammad bin Muḥammad al-Ghazālī, *Al-Wasīṭ fi al-Maḥab*, vol. 5 (Kairo: Dār as-Salām, 1417), 85.

²⁹ Maṣṣūr bin Yūnus Al-Bahūtī, *Kaṣṣyāf al-Qina' fi Matn al-Iqnā'*, vol. 11 (Riyāḍ: Wizārah al-'Adl fi al-Mamlakah al-'Arabīyah as-Su'ūdīyah, 2008), 311.

³⁰ Mark Granovetter, "The Strength of Weak Ties: A Network Theory Revisited," *Sociological Theory* 1 (1983): 201.

³¹ Al-Syirbīnī, *Mughnī al-Muḥtāj ilā Ma'rifa Ma'ānī Alfāḥ al-Minhāj*, 3:164.

³² R4, Traditional Figure of Aceh Singkil Community, January 28, 2024.

³³ R1, Religious Leader of Aceh Singkil Community, January 21, 2024.

³⁴ R4, Traditional Figure of Aceh Singkil Community, January 28, 2024.

³⁵ R5, Community Leader of Aceh Singkil Community, February 14, 2024.

Thus, in the Aceh Singkil community, emphasizing economic standards as a protective measure for women has become a widely accepted norm. This approach prevents their marginalization and safeguards their dignity within marital relationships.

This prioritization of economic status as a form of protection also reflects a broader awareness of the significance of women's economic independence. In a Muslim-majority context, such independence is recognized as essential for upholding women's rights and challenging the notion that gender-based discrimination within families arises solely from religious doctrine rather than from economic dependence on men.³⁶ In many instances, women's reliance on their husbands for financial support restricts their agency and participation in public life. Scholars such as Amaka Theresa Oriaku Emordi et al. have underscored the importance of economic independence in mitigating domestic inequality and gender-based subordination.³⁷ In this spirit, the Aceh Singkil community aims to safeguard women's marital rights by prioritizing economic equality as a legitimate and necessary component of *kafā'ah* in marriage.

Second, the assurance of equality is reinforced by the authority of a woman's family in determining the amount of the dowry (*mahr*), which serves as an additional measure of marital compatibility. Women have specific rights and criteria for assessing a prospective husband's eligibility, often based on their educational achievements, which the suitor must recognize. This provision is negotiated during the *mekhisi* (parental visit), a customary tradition practiced within the Aceh Singkil community. As R7 explained:

*“Weddings in the Singkil tradition are deeply rooted in customary practices. The process begins with mekhisi, during which parents or close relatives visit the prospective bride's or groom's home to confirm that the individual is not already betrothed. The groom's family then expresses their intentions, which the bride's family deliberates over several days. If the proposal is accepted, discussions regarding the dowry ensue, with the amount determined by the bride's level of education. Once an agreement is reached, the tandek sintua (formal proposal) is conducted.”*³⁸

The consideration of a woman's educational background in determining dowry represents a recalibration of male eligibility, serving as a binding condition shaped by communities with deeply embedded customary structures.

In the Aceh Singkil community, integrating women's social status and education into dowry negotiations enhances their bargaining power, ensuring a more equitable position within marriage. As Shenaz Rangwala et al. noted,³⁹ increased bargaining power—facilitated by status and education—empowers women to challenge patriarchal norms and pursue equality. By allowing women to contribute to higher dowry amounts based on these attributes, the community not only acknowledges their value but also works to secure their economic stability and agency within the household. Rajeev Kumar suggests that such

³⁶ Ghazal Mir Zulfiqar, “Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan,” *Journal of Business Ethics* 177, no. 4 (May 21, 2022): 799–811.

³⁷ Amaka Theresa Oriaku Emordi, Papia Sengupta, and Hope A. Ikednma, “Women, Marginalisation and Politics in Africa and Asia,” *Integrity Journal of Arts and Humanities* 2, no. 2 (August 30, 2021): 27–35.

³⁸ R7, Stakeholder of Aceh Singkil Community, February 14, 2024.

³⁹ Shenaz Rangwala, Chanaka Jayawardhena, and Shona Bettany, “Resignifying Gender: How Women of the New Indian Middle Class Enact Gendered Aspiration in a Globalizing Society,” *Gender, Work & Organization*, May 19, 2025.

practices reflect the husband's respect and commitment to the wife's well-being.⁴⁰ These negotiations, rooted in the *fiqh* framework yet shaped by local norms, underscore the community's active role in safeguarding women's rights within marriage.

The Aceh Singkil community promotes economic equality in marriage by establishing dowry amounts corresponding to a woman's social and educational status. This practice aligns with Islamic principles while being grounded in customary legal reasoning. Economic stability is emphasized not only as a foundation for household well-being but also as a means to uphold honor and dignity for women.⁴¹ By setting high economic standards, society affirms women's status—an expression of indigenous values that,⁴² while resonant with Islamic ethics, remain distinct from classical legal standards.⁴³ In this context, individual religious interpretations are often subordinated to collective customary norms rooted in shared belief systems. As a repository of communal values and practices, customary law assumes a quasi-religious authority, serving as a moral compass that transcends individual interests.⁴⁴ Consequently, economic equality's symbolic and moral significance becomes a cornerstone in negotiating legal conditions that are recognized as parallel to, if not equal to, the binding requirements of Islamic law.

The symbolic association of honor and protection with women's economic status reflects the preservation of universal values and collective conscience within ethnic societies. This safeguarding mechanism operates within communities structurally committed to maintaining their identity and cultural continuity through repetitive ethnic rituals and symbols.⁴⁵ The ongoing negotiation between Islamic law and customary tradition in the Aceh Singkil community provides evidence of the group's intergenerational resilience in preserving both its legal and cultural heritage.⁴⁶ Talcott Parsons characterizes such societies as fiduciary systems, responsible for transmitting dominant moral values and serving as guardians of collective behavior.⁴⁷ Therefore, the enforcement of economic equality in marriage is not merely a continuation of tradition but a forward-looking moral obligation, affirming the community's collective responsibility to protect women for future generations.

The negotiation of women's comfort as a prerequisite for marriage exemplifies a broader effort to safeguard collective conscience, which underpins shared societal goals. The emphasis on economic conditions rooted in tradition reinforces the role of customary law in complementing the localized application of Islamic law. While this interplay is often framed

⁴⁰ Rajeev Kumar, "Dowry System: Unequalizing Gender Equality," in *Gender Equality. Encyclopedia of the UN Sustainable Development Goals*, ed. Walter Leal Filho et al. (Cham: Springer, 2021), 170–82.

⁴¹ Abidin Nurdin, "Mut'ah and Iddah: Post-Divorce Payment Practice in Aceh," in *Women and Property Rights in Indonesian Islamic Legal Contexts*, ed. John R. Bowen and Arskal Salim (Leiden: Brill, 2019), 109.

⁴² Roswita Sitompul, Alesyanti, and Nurul Hakim, "Marriage Mahar to Minimize the Low Rate of Marriage in Aceh Pidie, Indonesia," *Italian Sociological Review* 8, no. 3 (September 2018): 487.

⁴³ Islam mandates the giving of a dowry to women as a fundamental requirement of marriage, emphasizing moderation to avoid placing an undue burden on either spouse. See: Al-Zuhayli, *Al-Fiqh al-Islami wa Adilatuh*, 9:6763.

⁴⁴ Durkheim, *The Elementary Forms of Religious Life*, 66.

⁴⁵ Siniša Malešević, *The Sociology of Ethnicity* (London: SAGE Publications, 2004), 19.

⁴⁶ See: Feener, *Shari'a and Social Engineering*, 244.

⁴⁷ Talcott Parsons, "Some Theoretical Considerations on the Nature and Trends of Change of Ethnicity," in *Ethnicity: Theory and Experience*, ed. Nathan Glazer and Daniel P. Moynihan (Cambridge: Harvard University Press, 1975), 58.

as a formal legal tension, it should more accurately be viewed as a dialectical engagement—where religious texts and local traditions interact dynamically throughout Indonesia’s legal history.⁴⁸ Rather than opposing Islamic law, incorporating customary principles offers a distinctive perspective on legal formation, particularly in marriage. The values that emerge from this collective consciousness⁴⁹—such as justice, dignity, and inclusivity⁵⁰—demonstrate how culture can be meaningfully integrated into *fiqh* norms. This collective awareness highlights the necessity for negotiated legal enforcement that harmonizes customary and Islamic law, especially in multi-ethnic societies.

Manifesting Collective Consciousness in Ancestral Heritage: Standards of Lineage in Determining Equality

The deep-rooted traditional values that shape and guide actions within ethnic communities significantly influence the interpretation of religious norms.⁵¹ This interpretive process demonstrates that religion does not entirely replace the collective consciousness formed by shared ancestral values, which Indigenous communities continue to uphold. Émile Durkheim refers to this phenomenon as the “cult of man”—an expression of collective consciousness that fosters strong communal solidarity, ensuring the resilience of deeply embedded traditions despite introducing new religious practices.⁵² Shared perceptions of tradition generate a sense of cultural patriotism, which informs the diverse behaviors of the Acehese people. This dynamic facilitates the indigenization of Islamic teachings, positioning them as critical instruments in shaping societal conduct.⁵³ In this context, belief in custom becomes a central lens through which religious teachings are interpreted, as communal awareness and devotion to ethnic identity influence decisions related to religious practice.

The interpretation of religious norms through collective awareness is evident in establishing equality criteria based on clan-based honor. R8 stated that clan honor and equivalence constitute a non-negotiable condition every woman’s family considers when selecting a potential spouse.⁵⁴ This notion of equality, rooted in clan identity, aligns with the compatibility conditions articulated in Islamic legal discourse. As R4 elaborated:

⁴⁸ R. Michael Feener, “Islamic Jurisprudence and Adat in Southeast Asia,” in *Southeast Asian Islam*, ed. Nasr M. Arif and Abbas Panakkal (London: Routledge India, 2024), 61–85.

⁴⁹ Wan Zulkifli Wan Hassan et al., “Instilling the Understanding of Values of Interaction in Managing Extreme Attitudes towards Designing a Harmonious Ethnic Relations in Malaysia,” *International Journal of Academic Research in Business and Social Sciences* 11, no. 11 (November 7, 2021): 1875–99.

⁵⁰ Nehaluddin Ahmad and Zheimie H. Zamri, “The Imperative of Establishing an Islamic Judicial System in Türkiye: A Critical Examination from an Islamic Perspective,” *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 1 (2024): 303–11.

⁵¹ See: Norcahyono, Thoat Stiawan, and Mamdukh Budiman, “Reconstructing the Philosophy of Marriage: Banjar Wedding Rituals as Cultural Implementation of Maqashid al-Nikah in Achieving Spiritual Sanctity and Social Harmony,” *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 2 (2024): 393–410; Siti Dian Natasya Solin et al., “Batak Customary Marriage: A Study of the Prohibition of Same-Clan Marriage and Its Relevance in the Contemporary Era,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 62; Syaikh Syaikh, Gusti Muzainah, and Rabiatal Adawiyah, “Acculturation in the Inheritance Law of the Dayak Ngaju Community,” *Al-Adalah* 18, no. 1 (November 14, 2021): 97–112.

⁵² See: Durkheim, *The Division of Labor in Society*, 67; Durkheim, *Suicide*, 302.

⁵³ Susanne Schröter, “Acehnese Culture(s): Plurality and Homogeneity,” in *Aceh: History, Politics and Culture*, ed. Arndt Graf, Susanne Schroter, and Edwin Wieringa (Singapore: ISEAS Publishing, 2010), 157.

⁵⁴ R8, Marriage Participant of Aceh Singkil Community, February 25, 2024.

*“Beyond religion, which serves as a unifying force, clan ties create an even stronger bond within the community. In practice, individuals do not solely consider religious differences; they also emphasize clan affiliations significantly. Those from the same clan or with lineage-based familial connections are considered kin. Consequently, upon arriving in a new area, the first question often posed is about one’s clan. This practice highlights the deeply rooted significance of clan identity among the Singkil people.”*⁵⁵

The centrality of clan equality within the Aceh Singkil community informs various social customs and establishes localized criteria for binding marriage conditions.

Equality based on collective consciousness in an ethnically rooted society diverges from the concept of *naṣb* in *fiqh*. In Aceh Singkil, the permissibility of marriage related to clan equality is determined not solely by shared bloodlines but also by social standing and community recognition. Informants R10 and R1 emphasize that the community strictly prohibits marriage between individuals of the same clan. R10 noted: *“However, marriage within the same clan is strictly prohibited in certain regions. For instance, if a man belongs to the Manik clan, he is not permitted to marry a woman from that same clan.”*⁵⁶ R1 added: *“In contrast to other marriage restrictions, intra-clan marriage is vehemently opposed. Violating this norm can lead to expulsion from the village. For instance, when a man from Lae Balno intended to marry a woman from Singkohor, the mekhisi revealed that they belonged to the same clan lineage. Consequently, their union was prohibited by customary law, and the relationship was terminated.”*⁵⁷ This customary restriction exceeds the boundaries established by *fiqh*, which prohibits marriage between *maḥram* (unmarriageable kin) under two categories: permanent (*ḥurmah mu’abbadah*), based on blood relations (*naṣb*), marital ties (*muṣāharah*), or breastfeeding (*radā’ah*); and temporary (*ḥurmah mu’aqqatah*), arising from specific legal causes.⁵⁸ However, *fiqh* rules typically apply only to direct family members (*al-ṭabaqah al-ūlā*), such as parents, siblings, or children, in contrast to the broader clan-based prohibitions observed in Aceh Singkil.⁵⁹

The principle of clan equivalence guides the formulation of binding marriage conditions through customary standards. R9 noted that socially equal inter-clan marriages—such as those between the Manik and Barus, Manik and Solin, or Manik and Bancin clans—are common.⁶⁰ Therefore, marriage compatibility is not strictly confined to shared lineage, as the community demonstrates a degree of flexibility toward inter-clan and inter-ethnic unions, facilitated by increasing social mobility.⁶¹ Real-life examples illustrate this: R10, a member of the Singkil tribe, married a Javanese woman;⁶² R9, from the Batak clan, married outside his tribe;⁶³ and R8, also Batak, married a woman from the Singkil tribe.⁶⁴ While such marriages

⁵⁵ R4, Traditional Figure of Aceh Singkil Community, January 28, 2024.

⁵⁶ R10, Marriage Participant of Aceh Singkil Community, February 25, 2024.

⁵⁷ R1, Religious Leader of Aceh Singkil Community, January 21, 2024.

⁵⁸ Al-Zuhaylī outlines five categories of women who are temporarily prohibited from marriage: women who have been divorced three times by the same husband (*ṭalāq muḡhlaẓ*), women who are currently married or in a legally mandated waiting period (*‘iddah*), women who do not adhere to a scriptural religion (*ahl al-kitāb*), the sisters of current wives (due to the prohibition against marrying two sisters simultaneously), and a fifth wife for a man who is already married to four women. See: Al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adilatuh*, 9:6641.

⁵⁹ Al-Zuhaylī, 9:6626.

⁶⁰ R9, Marriage Participant of Aceh Singkil Community, February 25, 2024.

⁶¹ R8, Marriage Participant of Aceh Singkil Community, February 25, 2024.

⁶² R10, Marriage Participant of Aceh Singkil Community, February 25, 2024.

⁶³ R9, Marriage Participant of Aceh Singkil Community, February 25, 2024.

⁶⁴ R8, Marriage Participant of Aceh Singkil Community, February 25, 2024.

are accepted, they do not incorporate traditional ceremonial attributes,⁶⁵ highlighting a nuanced approach to partner suitability that balances cultural honor with social adaptability.

This flexible interpretation of marital conditions—coupled with the prohibition of intra-clan unions—demonstrates a contextual redefinition of *naṣb* in classical *fiqh*.⁶⁶ Traditionally, *naṣb* emphasizes equality in lineage or national origin.⁶⁷ However, in Aceh Singkil, *naṣb* is redefined to prioritize ancestral customs and cultural heritage, thereby elevating collective identity as a criterion for marital compatibility. In ethnically grounded Muslim communities, collective identity reinforces social integration and shapes the legal negotiations between custom and *fiqh* norms. Durkheim’s concept of “civil religion” aptly describes this phenomenon: religion evolves to strengthen cultural identity and becomes a moral force that unites individuals—not only through blood relations but also through shared obligations to tradition.⁶⁸ In Aceh Singkil, this moral force is deeply embedded within Islamic practice, articulated through interpretive processes that sustain ancestral heritage.

The customary prohibition on intra-clan marriage reflects a collective consciousness shaped by moral and ethnic imperatives, which influence the development of local legal systems within the Islamic framework. The moral authority of ethnic communities, expressed through this collective consciousness, has long served as an ideological force legitimizing social norms.⁶⁹ Martin E. Marty argues that ethnic ties, as the most potent symbolic expression of collective consciousness, can assume religious significance and may even “replace religious institutions.”⁷⁰ These ties, imbued with moral codes, mythologies, and symbolic narratives, foster a profound devotion to communal unity. Hayes describes this cohesion as a form of “togetherness” that transcends mere will, encompassing reason, imagination, and emotional bonds. This unity is propelled by a collective commitment to preserving tradition and cultural destiny.⁷¹ Simultaneously, the community’s openness to inter-clan and inter-ethnic marriage—provided it does not contravene customary prohibitions—aligns with *fiqh* governing *naṣb*, affirming the compatibility of customary and Islamic norms.

While remaining faithful to the collective consciousness, integrating customary standards into Islamic law affirms the non-secular nature of Islamic legal practice in Aceh Singkil. This perspective contrasts with the interpretations of Robert N. Bellah and W. Lance Bennett, who argue that ethnic collective consciousness often functions independently of religious institutions. Bellah’s “civil religion” concept depicts collective identity as a secularized form of spiritual expression.⁷² Similarly, Bennett posits that the spirituality

⁶⁵ R1, Religious leader of Aceh Singkil community, January 21, 2024.

⁶⁶ Al-Zuhayli, *Al-Fiqh Al-Islāmī Wa Adilatuh*, 9:6752.

⁶⁷ Muhammad Fauzani, “Eksistensi Adat Larangan Menikah Semarga Kecamatan Suro Makmur Aceh Singkil (Analisis Perspektif Hukum Islam)” (Banda Aceh: UIN Ar-Raniry, 2023), 6.

⁶⁸ Durkheim, *The Elementary Forms of Religious Life*, 432.

⁶⁹ Sidney E. Mead, “The Nation with the Soul of a Church,” in *American Civil Religion*, ed. Russell E. Richey and Donald G. Jones (New York: Harper and Row, 1974), 59.

⁷⁰ Martin E. Marty, “Two Kinds of Two Kinds of Civil Religion,” in *American Civil Religion*, ed. Russell E. Richey and Donald G. Jones (New York: Harper and Row, 1974), 140.

⁷¹ Carleton J.H. Hayes, *Nationalism: A Religion* (New York: Macmillan, 1960), 164–65.

⁷² Robert N. Bellah, *Beyond Belief: Essays on Religion in a Post-Traditionalist World* (Berkeley: University of California Press, 1991), 168.

inherent in collective identity may diverge from institutional religions' symbols and theological themes, such as Christianity.⁷³ The Aceh Singkil community exemplifies a unique synthesis in which customary law is not separate from but embedded within Islamic legal practice. Comparative research supports this distinction. Muhammad Shuhufi and Arip Purkon find that accepting Islamic law among Sundanese communities is contingent upon its compatibility with social structures, thereby minimizing disruptions to indigenous norms.⁷⁴ In contrast, Dewi Anggraeni highlights instances where customary law is dismissed due to perceived incompatibility with Islamic or state law,⁷⁵ often framing custom as a legal threat.⁷⁶ However, this study overlooks a crucial dimension: the adaptive capacity of collective consciousness, which engages dialectically with religious and legal change. Rather than being in static opposition, custom, and Islamic law in Aceh Singkil coexist in a dynamic interaction, demonstrating the ability of tradition to evolve while maintaining its normative authority.⁷⁷

From Religious Equality to Universal Unity: Fostering National Harmony Through Marriage Norms

The evolving social dynamics within the Aceh Singkil community—shaped by increasing engagement with modernity—have influenced the adaptation of religious practices to local socio-cultural contexts.⁷⁸ Communities exhibiting these characteristics tend to embrace diversity through mutual dependence, fostering a natural form of solidarity.⁷⁹ This interdependence arises from varying degrees of social specialization, which are influenced by patterns of community mobility. Émile Durkheim argues that the strength of social bonds within any given structure directly correlates with the intensity of interpersonal interactions,⁸⁰ a process further amplified by demographic shifts, including migration.⁸¹ Consequently, the growing interconnectedness and mutual reliance within the Aceh Singkil community have transformed marriage norms in Islam, reinforcing values of multiculturalism and tolerance in both interpretation and practice.

⁷³ W. Lance Bennett, "Political Sanctification: The Civil Religion and American Politics," *Social Science Information* 14, no. 6 (December 1, 1975): 79–102.

⁷⁴ Muhammad Shuhufi and Arip Purkon, "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 25, 2023): 138.

⁷⁵ Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia," 25–48.

⁷⁶ Mohamad Abdun Nasir, "Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law," *Mazahib* 21, no. 2 (December 27, 2022): 155–86.

⁷⁷ See: Pairin Pairin et al., "The Integration of the Islamic and Customary Law in Tolaki Society, Southeast Sulawesi: Islamic History and Education Perspectives," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (August 31, 2024): 1669; Muhammad Mutawali, "The Dialectics of Customary Law and Islamic Law: An Experience from Dou Donggo Customs of Bima, Indonesia," *AHKAM: Jurnal Ilmu Syariah* 21, no. 1 (June 30, 2021): 45–64.

⁷⁸ See: Hotnidah Nasution and Ahmad Rifqi Muchtar, "Negotiating Islamic Law: The Practice of Inheritance Distribution in Polygamous Marriages in Indonesian Islamic Courts," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (June 12, 2024): 125–44; Muhammad Juni Beddu et al., "Fresh Flour in the Perspective of Religion, Social, and Culture in The Riau Islands Community," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 16–27.

⁷⁹ Jeffrey E. Nash and James M. Calónico, *Institutions in Modern Society: Meanings, Forms, and Character* (New York: General Hall, Inc., 1993), 15.

⁸⁰ Durkheim, *The Division of Labor in Society*, 117.

⁸¹ Durkheim, *The Division of Labor in Society*, 203.

This transformation is rooted in a fundamental Islamic principle—religious similarity—constituting the essential requirement of *kafā’ah* in marriage. In Aceh Singkil, couples are required to share the same religion; therefore, conversion to Islam becomes a prerequisite for interethnic marriages. As R7 explains: “*The Singkil tribe, situated in a border region, often participates in interethnic marriages, such as those between the Singkil and Nias tribes. Religious uniformity is a stringent requirement; typically, if one of the prospective spouses is Christian, they are expected to convert to Islam.*”⁸² Accordingly, marriages involving *mu’allaf* (new converts to Islam) are common. R3 stated: “*I have witnessed several weddings involving converts to Islam, even though their parents and siblings remained non-Muslim.*”⁸³ R2 added: “*It is not uncommon to encounter marriages in which one family is Muslim while the other is non-Muslim.*”⁸⁴ This emphasis on a shared religious identity generates new inter-family dynamics and fosters unique relationships between Muslim and non-Muslim households.

The union of extended families with differing religious affiliations necessitates a negotiation process to maintain communal harmony. As R5 recounts:

*“They not only accept religious differences but also cultivate mutual respect. In their daily lives, they maintain strong bonds and coexist harmoniously. During a conflict in Aceh Singkil that heightened interreligious tensions, this family—comprising both Muslims and non-Muslims—remained united. They understood that external conflicts should not disrupt the familial trust they had built. Peace, they believed, begins within the family.”*⁸⁵

The acceptance of religious diversity within family units has strengthened interfaith unity and reduced potential conflicts.⁸⁶ The expansion of marriage-binding conditions reflects an adaptive response to societal changes, facilitating broader family networks rooted in collective awareness and customary traditions.⁸⁷

Despite embracing diversity, the Aceh Singkil community does not adopt a secular perspective on law or society. Instead, religious values remain central, upheld through the requirement of shared faith in marriage, which serves as the primary condition for equality. Islam has become an integral component of the collective consciousness, preserved for its sacred significance.⁸⁸ In *fiqh*, religious compatibility in marriage traditionally encompasses the shared faith of both partners and, in some interpretations, that of their parents.⁸⁹ Muḥammad ibn al-Ḥasan al-Shaybānī emphasizes the importance of parental religious alignment in determining compatibility.⁹⁰ However, in Aceh Singkil, this principle is adapted to reflect

⁸² R7, Stakeholder of Aceh Singkil Community, February 25, 2024.

⁸³ R3, Religious Leader of Aceh Singkil Community, March 12, 2024.

⁸⁴ R2, Religious Leader of Aceh Singkil Community, February 25, 2024.

⁸⁵ R5, Community Leader of Aceh Singkil Community, February 10, 2024.

⁸⁶ R3, Religious Leader of Aceh Singkil Community, March 12, 2024.

⁸⁷ R9, Marriage Participant of Aceh Singkil Community, February 25, 2024; R10, Marriage Participant of Aceh Singkil Community, February 25, 2024; R2, Religious Leader of Aceh Singkil Community, February 25, 2024.

⁸⁸ Robert Wuthnow, *Producing the Sacred: An Essay on Public Religion* (Chicago: University of Illinois Press, 1994), 2.

⁸⁹ Al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adilatuh*, 9:6749.

⁹⁰ Muḥammad bin al-Ḥasan al-Syaibānī, *Al-Jāmi’ al-Ṣaḡhīr* (Beirut: ‘Ālam al-Kutub, 1406), 173.

evolving social structures within a diverse society, demonstrating a moral awareness that prioritizes humanitarian values and social cohesion.⁹¹

The extension of customary norms to promote national harmony through marriage exemplifies a delicate balance between exclusivity and tolerance. This approach aligns with Durkheim's theory of mechanical solidarity, which posits that a shared moral framework binds ethnic communities. He argues that even in societies deeply entrenched in ethnic identity, an acknowledgment of a transcendent moral force exists—one that transcends group-specific loyalties.⁹² In this context, the Aceh Singkil community fosters a universal collective consciousness that softens the rigid boundaries of ethnicity and religion, thereby facilitating inclusive and tolerant social values.⁹³ Their willingness to incorporate values beyond the confines of *fiqh* and customary law demonstrates an ability to harmonize tradition and religion. This observation is echoed by Eric E. Moris, who noted a similar cosmic worldview among Acehnese communities. Such a worldview enables the synthesis of diverse values, reaffirming a distinctive commitment to humanitarian principles through marriage.⁹⁴ Although interfaith family relationships may seem to contradict classical *fiqh* norms, this apparent contradiction is alleviated by the community's recognition of universal moral values. Max Weber describes such transformations as arising from ethnic sentiment shaped by collective political engagement, which fosters a broader sense of communal belonging.⁹⁵ Similarly, Richard Pipes argues that communal awareness is enhanced through interactions with other communities, where diversity enriches rather than threatens collective identity.⁹⁶ In Aceh Singkil, the intersection of Islamic law, customary clan structures, and religious diversity has thus facilitated the development of a universal moral framework that transcends and reconfigures the rigidities of *fiqh* and customary law in shaping marital norms.

The expansion of marriage norms beyond classical *fiqh* requirements, driven by a knowledge-based collective consciousness, reflects an ongoing negotiation between legal tradition and social evolution. The integration of binding conditions rooted in customary, religious, and humanitarian considerations—allowing them to coexist with Islamic law—remains underexplored in current scholarship.⁹⁷ Many studies depict the implementation of Islamic law in Acehnese society as an act of complete submission, suggesting that local communities passively accept religious doctrine.⁹⁸ Often, these interpretations emphasize justice and equality as fixed elements of *fiqh*, highlighting their inherent compatibility with

⁹¹ Steven Lukes, *Emile Durkheim, His Life and Work* (London: Allen Lane Penguin Press, 1973), 118.

⁹² Emile Durkheim, *Professional Ethics and Civic Morals*, trans. Cornelia Brookfield (London: Routledge, 1957), 72.

⁹³ Anthony Giddens, "Introduction," in *Durkheim on Politics and the State*, ed. Anthony Giddens, trans. W.D. Halls (Cambridge: Polity Press, 1986), 22.

⁹⁴ Morris, "Islam and Politics in Aceh," 52.

⁹⁵ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, trans. Ephraim Fischoff et al. (Berkeley: University of California Press, 1978), 389.

⁹⁶ Richard Pipes, "Reflections on the Nationality Problems in The Soviet Union," in *Ethnicity: Theory and Experience*, ed. Nathan Glazer and Daniel P. Moynihan (Cambridge: Harvard University Press, 1981), 454.

⁹⁷ Dian Andi Nur Aziz et al., "Examining Qanun in Aceh from a Human Rights Perspective: Status, Substance and Impact on Vulnerable Groups and Minorities," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 1 (June 5, 2023): 37–56.

⁹⁸ Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia," *Abkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 95–120.

pluralistic societies.⁹⁹ However, such analyses frequently overlook the ethnic, historical, and cultural factors that shape the practice of Islamic law in real-world contexts. The historical interaction between Islam and local customs has played a crucial role in shaping legal attitudes and practices within Aceh's multicultural society.¹⁰⁰ This interaction reflects not only a commitment to preserving collective identity but also an effort to cultivate a universal awareness that enables Islamic and customary law to function in tandem and, in some cases, to mutually inform and transform one another. This evolving relationship positions the Aceh Singkil as a case study in legal pluralism, where the reconciliation of traditional, religious, and humanitarian values through marriage law serves as a model for fostering unity in diversity.

Conclusion

The religious identity of the Acehnese people, often depicted as firmly anchored in *fiqh*-based (Islamic jurisprudence) legal doctrines, reveals a more intricate reality in light of this study. The findings illustrate a distinctive collective consciousness within ethnic communities that prioritizes the preservation of customary law as a primary framework for maintaining social cohesion—particularly in defining *kafā'ah* (marital equality) criteria. This emphasis reflects an ongoing negotiation with the binding conditions prescribed by *fiqh*, indicating that legal interpretations are not static but evolve in dialogue with local cultural norms. The application of economic equality as a criterion for marriage, the prohibition of intra-clan unions, and the acceptance of spouses with non-Muslim parents exemplify how customary norms influence the pursuit of social harmony as a collectively endorsed standard. Nevertheless, the Islamic legal requirement that both spouses share the same religion is strictly upheld, indicating that Islamic teachings have been internalized as part of a new form of collective consciousness that operates alongside customary law. The coexistence of these two normative systems—customary and Islamic law—demonstrates a relationship that functions in parallel without leading to direct acculturation, full assimilation, or religious syncretism.

The complementarity and interconnectedness observed in applying Islamic and customary law in Aceh Singkil are best understood through a structural-functional sociological lens, which situates legal practices within broader social systems. This analytical model allows for the reinterpretation of marriage conditions defined in *fiqh* not merely as legal imperatives but as social behaviors that reinforce collective values and uphold communal solidarity. By framing marriage regulations in this manner, we can clarify their deeper function as mechanisms for social integration, shaped by both religious doctrine and customary expectations. However, this study also highlights a significant ambiguity: while certain binding conditions are culturally emphasized, they do not impact marriage's legal validity (*sibhal*) under *fiqh*. This distinction merits further scholarly investigation. Future research should explore whether the community's reliance on customary norms constitutes a religiously obligatory standard or whether these practices serve as supplementary social

⁹⁹ Anwar Abdullah et al., "The Lived Experience of a Non-Muslim Chinese in Indonesia's Sharia-Regulated Province of Aceh: A Phenomenological Study," *Sunan Kalijaga: International Journal of Islamic Civilization* 4, no. 1 (March 30, 2021): 57–75.

¹⁰⁰ Salman Abdul Muthalib et al., "Public Services for Non-Muslims in Aceh: Non-Muslim Rights in the Application of Islamic Sharia Law," *Res Militaris* 12, no. 2 (2022): 85–101.

mechanisms to maintain communal cohesion without altering the religious foundation of marital validity.

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