



The Application of *Tengganai* Permission in Traditional Marriage Processes: A Review of *Al-'Adah al-Muhakkamah*

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Abstract

Indonesia possesses a diverse array of customary laws that remain vibrant and evolving within its communities. However, not all customary legal practices can automatically serve as a legal basis from an Islamic legal perspective. This study aims to fill a gap in the literature by explaining how the principle of *al-'Adah al-Muhakkamah* views the application of customary law as practiced in society, particularly in the context of customary marriage. This study employs a qualitative method using a case study approach, with data collection techniques including interviews, observations, and document analysis. The research location is in a specific region within Jambi Province, Indonesia. The findings reveal that the customary law in effect among a particular community group in the Jambi region requires a letter of permission (*tengganai* permit) as one of the administrative prerequisites for processing a marriage referral letter at the village level. From the perspective of *al-'Adah al-Muhakkamah*, this customary practice does not conflict with Islamic law; it applies generally to the community, is consistently enforced, and has been passed down through generations. In addition to serving as an administrative formality, the requirement for a *tengganai* permit also functions as a protective mechanism for women and nieces, as well as a form of customary social control to ensure the man's responsibility before the marriage takes place. The implications of this research indicate that the implementation of the *tengganai* permit can serve as a model for integrating customary law and Islamic law that safeguards the welfare and dignity of marriage. Furthermore, this practice underscores the importance of local wisdom as a social protection mechanism that aligns with religious principles and state regulations.

INTRODUCTION

Islamic law can, in principle, accommodate customary law as long as it aligns with the principles of Sharia. However, in practice, the implementation of customary law must still be adapted to the provisions of Islamic law. If there is a conflict of principles between the two, Islamic law must take precedence, while

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customary law may be applied to the extent that circumstances permit (Rizhan, 2024). In Islamic law, a marriage may be conducted if its requirements and essential elements are fulfilled. The essential elements of marriage include: the presence of the bride and groom, a guardian on the bride's side, two witnesses, and the exchange of consent (marriage contract) (Demak, 2018). In addition to the fulfillment of these requirements and pillars, customary law also governs marriage matters in practice. Although customary law has not been formally established by the government, it is still recognized and adhered to by the community because it is considered to have the force of law (Nurwati, 2024). In an ideal legal system, there is no room for anything that contradicts moral values. Custom itself is viewed as the crystallization of morality within society (Burhanudin, 2021), where customary rules constitute moral norms whose validity has been generally accepted and recognized (Putra, 2015). Thus, customary law can be understood as a normative system deeply rooted in the moral, social, and ethical values of society.

Indonesia is renowned for its rich system of customary law. Customary law is a body of law that continues to evolve and develop in step with the times (Ramadhani, 2024). Customary law is a body of law that governs the entire Indonesian society (Putri, 2024). Each region has its own distinct customary laws, yet they all stem from the same cultural roots (Putra & Pangestika, 2024). Customary law is highly diverse and reflects the cultural richness and traditions of various regions (Aditya, 2019). This diversity is clearly evident in important aspects, one of which is marriage. Each region has its own unique rules and procedures for marriage in accordance with its respective customs.

In practice, marriage is often closely tied to customary law (Ardiansyah, 2024), so compliance with these rules is considered crucial. However, marriages between partners from different cultural backgrounds often present challenges. Differences in customary rules can lead to inconsistencies in marriage procedures and requirements, which ultimately have the potential to cause conflict and difficulties in reaching an agreement (Marwa, 2021). This situation demonstrates that customary law functions not only as a tradition but also as a social regulatory system with normative consequences in community life, including in matters of marriage.

One form of customary law that remains alive and is strongly practiced in the community is the *tengganai* consent letter among a particular community group in the Jambi region of Indonesia. The *tengganai* consent letter is a distinctive customary legal practice not found in other regions. The uniqueness of this custom lies in its role not only as a social norm but also as a mandatory requirement in marriage administration. The *tengganai* consent is a mandatory requirement for every couple intending to marry, reflecting the strong influence of custom in the lives of the local community. The *tengganai* consent letter contains permission to marry granted by the *tengganai* and is considered valid when signed by four *tengganai* representatives from both families.

The process of obtaining a *tengganai* consent letter is carried out through a customary forum known as *duduk tengganai*, which is a meeting between the *tengganai* representatives of the groom's and bride's families to discuss and approve the marriage plans. This letter plays a crucial role because without it, the marriage cannot take place. In fact, in the research location, the *tengganai* consent letter has become a mandatory requirement for marriage registration at the Office of Religious Affairs. The combination of customary law and state law in this context demonstrates the integration of customary norms into the state administrative system, highlighting the strategic position of customary law in the community's marriage practices.

There have been several studies examining this issue; among them, a study conducted by Daharis & Putra, (2023) reveals that in the village of Sibarambang, the roles of parents and the *Ninik Mamak* in weddings extend beyond that of mere witnesses; they are involved from the administrative stage through to the wedding reception. The marriage guardian is, in principle, the father; however, under certain conditions, the *Ninik Mamak* may act as a substitute guardian. The community understands marriage law to be situational, capable of being obligatory, recommended, permissible, or even disliked depending on the circumstances. Marriage registration has been conducted in accordance with Islamic law and statutory regulations, although practices such as drawing lots in matchmaking which contradict Islamic law still persist (Daharis & Putra, 2023).

Research conducted by Alkhusni et al., (2024) reveals that the *kacar kecur* custom in marriage in Keras Village, Jombang Regency, embodies philosophical values consistent with Islamic teachings and can therefore be categorized as *al-'adah al-muhakkamah*. This tradition is still practiced by the community as a cultural heritage that needs to be preserved; it even holds relevance to the values outlined in Quranic Surah an-Nisa' verse 34. Several studies emphasize the importance of documenting the ritual, educating the younger generation, and securing government support to ensure the preservation of this tradition (Alkhusni et al., 2024).

Research conducted by Harika et al., (2025) reveals that the principle of *al-'adatu muhakkamah* affirms that customs that do not conflict with the principles of Islamic law can serve as a legal basis. In the context of Dayak Ngaju and Banjar customary marriages, this principle plays a crucial role in preserving cultural values passed down through generations. Customary practices still play a significant role in regulating social life, including marriage, and remain recognized as long as they do not conflict with Islamic law or Indonesian positive law. Thus, the customary marriage laws of the Dayak Ngaju and Banjar align with the principle of *al-'adatu muhakkamah*, demonstrating the flexibility of Islamic law in accommodating cultural diversity as long as it is grounded in goodness and justice (Harika et al., 2025). Nevertheless, these studies generally position customs as a complement or support in the marriage process. No study has yet been found that specifically discusses customary law positioned as a mandatory requirement in marriage administration through the framework of the principle of *al-'adah al-muhakkamah*. Therefore, this study aims to fill this gap by examining the practice of the *tengganai* consent letter among a community group in Jambi Province, Indonesia, as a customary instrument possessing normative force and determining the continuity of the marriage process.

This study aims to analyze how the principle of *al-'adah al-muhakkamah* views the validity of a letter of consent regarding the marriage, which is established as a mandatory requirement in marriage administration. This study is expected to provide a theoretical contribution to the development of research on the integration of customary law and Islamic law, as well as a practical contribution to customary institutions, village governments, and the Office of Religious Affairs. Furthermore, the results of this study are expected to serve as a reference for local governments in formulating regulations or official guidelines regarding the role of the *tengganai* in marriage, ensuring they have a strong legal basis and are formally documented.

METHODS

This study employs a qualitative case study approach to gain an in-depth understanding of the practice of *tengganai* consent in traditional marriages. Consequently, data collection and analysis were conducted in an integrated manner to obtain a comprehensive picture of the cases under study (Assyakurrohim et al., 2022). This study was conducted in a region within Jambi Province, with the research sites encompassing three traditional councils. The selection of these locations was based on the consideration that all three traditional councils actively implement the *tengganai* consent as a mandatory requirement in the traditional marriage process. The data sources in this study consist of primary and secondary data. Primary data was obtained from informants selected through purposive sampling, namely individuals with direct involvement and in-depth understanding of the practice of *tengganai* consent. These informants included i) the head of the traditional community council, ii) members of the traditional council, iii) the village head/Lurah, iv) village/Lurah staff and employees, and v) staff from the Office of Religious Affairs.

The research instrument in this qualitative study is the researcher themselves as the primary instrument, supplemented by interview guidelines, observation notes, and documentation sheets. Data collection techniques were conducted through unstructured interviews, free observation, and documentation. Interviews were conducted flexibly to elicit in-depth information regarding the status of the *tengganai*, the consent mechanism, and the role of the *tengganai* consent letter in marriage administration. Observations were made by observing the *tengganai* consultation process, the processing of marriage referral letters, and marriage registration procedures at the Office of Religious Affairs. Documentation was used to obtain supporting data in the form of *tengganai* consent letters, administrative archives, and other official documents (Sugiyono, 2005), particularly *tengganai* consent letters.

Data analysis was conducted using the interactive analysis model developed by Miles, Huberman, and Saldaña, which consists of three stages: data condensation, data display, and conclusion drawing/verification (Adol et al., 2025; Az-Zahra et al., 2025; Busral et al., 2025; Engkizar et al., 2024, 2025; Hafidhoh, 2016; Ikhlas et al., 2022; Miles & Saldaña, 2015; Sari et al., 2025). Data condensation is performed by selecting, focusing, simplifying, and abstracting data from interviews, observations, and documentation relevant to the research focus. Next, the condensed data is presented in the form of descriptive narratives, matrices, or tables to facilitate the understanding of patterns and relationships among the data. The final stage involves continuous conclusion drawing and verification throughout the research process to ensure valid and accountable findings. Data validity is maintained through triangulation of sources and techniques.

RESULT AND DISCUSSION

The *Tengganai* Approval Process

At the research site, there is an additional requirement beyond the state's administrative regulations that must be fulfilled by the community when planning a wedding: a letter of approval from the *tengganai*. This letter is an official document containing permission from the household's *tengganai* as a form of consent to proceed with the wedding (Lubis et al., 2023). This requirement is based on local customary views that hold the principle that children are biologically the property of their parents, but under customary law, nieces and nephews fall under the responsibility of the *tengganai*. Therefore, the

tengganai has the right and authority to grant consent or permission regarding the marriage of their nieces and nephews. As stated by the following informant:

In one indigenous community in Jambi Province, the consent of the tengganai is required for nephews and nieces who wish to marry; however, in Sungai Penuh, this letter of consent from the tengganai is not merely a customary requirement but has also been incorporated as an administrative requirement for marriage registration at the village level and at the Office of Religious Affairs. This is because there is a saying that children belong to their parents, but nieces and nephews belong to the tengganai. The tengganai has the right to arrange the marriage of their nieces and nephews, so we, as the village government, also follow this applicable customary law (informant 1)

Before the wedding ceremony, prospective brides and grooms in this community generally go through several stages, ranging from the initial introduction to the ceremony itself. These steps are part of a traditional custom that has been passed down from generation to generation and reflect cultural values and local wisdom. This process is carried out in stages and follows a specific sequence that is usually observed by indigenous communities. As stated by the following informant.

In traditional customs, there are several steps from the initial meeting to the wedding, starting with the initial meeting, the betrothal ceremony, the exchange of vows, the engagement meeting with one party, the engagement meeting with both parties, the exchange of tokens, the issuance of the engagement letter, the wedding ceremony, and finally the post-wedding celebration (informant 2)

The first phase is known as “getting to know each other,” which is the stage where the prospective groom and bride get to know one another. This process of getting to know each other can take place in various ways, such as through an introduction by family or relatives, an arranged marriage, or through a more modern dating relationship. The purpose of this phase is to establish an initial understanding and agreement between both parties before moving on to the next stage. Following the getting-to-know-each-other phase, the process continues with a stage known as “*bertuik*.” In this stage, the man’s side presents a proposal to the woman’s side, which generally involves an invitation or intention to advance the relationship toward marriage. This *bertuik* moment is significant as it marks the beginning of a formal agreement between the two prospective spouses. The next stage is the “*mulang kato*” phase, which is the moment when the woman provides an answer to the questions posed by the man during the previous *bertuik* phase. This answer determines whether the relationship will proceed to the marriage process or not.

In practice, the *bertuik* and *mulang kato* phases reflect the communication between the two prospective spouses and serve as a means for them to convey their hopes and reach mutual agreements. However, there has been a shift in how these phases are carried out today. In the past, this process was typically conducted in a traditional manner, with the man actively asking questions while the woman provided the answers. However, with the passage of time and changes in societal mindset, this tradition has become more flexible. In some cases, women are now also permitted to ask questions first or express their intentions to the man. This reflects the tradition’s adaptation to modern social dynamics, without losing the core values inherent in the custom. As stated by the following informant.

Typically, it is the man who takes the initiative and the woman who responds. However, nowadays it is not uncommon for the woman to take the initiative and the man to respond, as values have shifted (informant 3)

After the woman accepts the marriage proposal during the *mulang kato* stage, the next step involves the crucial role of the parents from both sides. The

parents of the groom and the bride will immediately share the good news with their respective families as the first step toward initiating a more formal traditional process. The next stage is the holding of separate family meetings, where the families of both the bride and the groom hold separate gatherings.

At a one-sided engagement meeting, the matchmakers from each side gather at a predetermined location. Usually, this meeting is held at the home of the family of the couple-to-be, whether from the groom's or the bride's side. The location for this one-sided engagement meeting is determined through consultation among the matchmakers from each family. During this one-sided meeting, the elders will discuss the good news conveyed by the parents of the prospective bride and groom and verify the sincerity of their intentions. They will ask in detail whether the wedding plans are genuine and obtain direct confirmation from the parties involved.

If the outcome of this one-sided *tengganai* meeting concludes that the wedding plans have been agreed upon, the next step is to set a date for the joint *tengganai* meeting. This joint *tengganai* meeting is a crucial moment where the *tengganai* from the groom's and bride's sides come together in a joint gathering. The meeting is usually held at the home of one of the prospective bride and groom's families, chosen by mutual agreement typically at the prospective bride's home.

During this meeting between the families of both parties, the representatives from each side will discuss the couple's wedding plans in greater detail. They will address various matters, such as the specifics of the wedding ceremony, the responsibilities of each party, and the customs that must be observed during the wedding proceedings. Additionally, this meeting serves as a means to strengthen the bond between the two extended families and ensure that all parties are in agreement regarding every aspect of the wedding plans.

During the meeting between the two families, the proceedings begin with the recitation of *petatah-petitih*, or what is more commonly known as *perno/parno adat*. Perno is a traditional expression in the form of words used to convey a specific intention or purpose. This expression is composed in the form of proverbs using a local language rich in meaning, so not everyone can easily understand the content of the *perno* without a deep knowledge of the customs and language.

The event begins with the recitation of a *perno* by the groom's representatives, which is then responded to with a counter-*perno* by the bride's representatives. This dialogue reflects a tradition of respectful consultation and proper etiquette in accordance with local customs. During this procession, the bride-to-be is not permitted to be present directly in the room where the *perno* takes place. Instead, the bride-to-be remains in a separate location, such as an adjacent room or her own room, waiting to be called.

Once the proposal ceremony concludes, the bride-to-be is then invited to join the meeting between the elders of both families. The bride-to-be's presence at this stage marks the beginning of further discussions regarding wedding plans, including the presentation and ratification of agreements reached between the two extended families. This tradition not only underscores the importance of communication and respect within the customs but also strengthens the bond between both parties as preparation for the marriage.

After the bride and groom-to-be join the *tengganai* from both sides as well as their respective parents, the *tengganai* seating ceremony enters a crucial stage: the session where the *tengganai* question the couple. At this stage, the *tengganai* from both sides take turns asking the couple questions to verify their truthfulness and honesty regarding various aspects related to the marriage. This

process is conducted to uphold the honor of the extended family and ensure that the upcoming marriage proceeds in accordance with local customs, laws, and the values upheld by the community.

Next, the elders will ask the bride and groom whether they are truly still unmarried that is, have never been married before. For those who are widowers or widows, the *tengganai* will request proof in the form of an original divorce certificate as a primary requirement. The divorce certificate is carefully examined to verify its authenticity, so there is no doubt regarding their previous marital status. This is done to avoid potential legal or social issues in the future.

In addition, the *tengganai* also asks whether the decision to marry truly stems from their own free will or if there is pressure from parents or other parties. This question aims to ensure that the marriage is based on mutual consent without any element of coercion. The *tengganai* will also confirm whether both prospective spouses have accepted each other's shortcomings and understand their partner's circumstances, including the family situation of their prospective in-laws. Furthermore, the prospective bride and groom are also asked about the possibility of relationships with other partners, such as a legally recognized husband or wife, or even extramarital relationships like infidelity. These questions aim to ensure that both prospective spouses are in a clear, secure situation and have no hidden issues that could lead to future conflicts. In this regard, the bride's family typically takes a stricter and more detailed approach. This is due to the significant responsibility they bear in safeguarding the honor and safety of their niece or *anak kemenakan*. As stated by the following informant.

The matchmakers will assess both prospective spouses. They will ask whether they wish to marry because of parental pressure, whether they were arranged to marry, whether they already have another spouse, whether this bride is truly their last choice or if there are other options, and whether the groom is aware of his future in-laws' circumstances since, according to local custom, the groom moves into the bride's family home. If the bride or groom has been married before, the matchmakers must investigate the authenticity of the divorce certificate and ask how long they have been separated and whether they are still in contact with their ex-spouse. The matchmakers do this as a form of investigation and protection for their clients (informants 4 & 5)

This questioning process is conducted alternately. The *tengganai* from the groom's side will ask questions of the bride-to-be, while the *tengganai* from the bride's side will ask questions of the groom-to-be. This pattern not only reflects balance in the traditional consultation but also provides an opportunity for both sides to thoroughly assess their prospective in-laws. Through this question-and-answer session, the elders act not only as upholders of tradition but also as guardians of the extended family. They aim to ensure that every aspect of the wedding plans has been thoroughly considered, including the character, background, and family lineage of both the prospective groom and bride. This approach aims to maintain harmony, avoid future problems, and ensure that the upcoming marriage is truly grounded in honesty, mutual understanding, and noble traditional values.

After the question-and-answer session concludes, the next step is a consultation and negotiation involving the *tengganai*, parents, and the prospective bride and groom. During this consultation, various important matters related to the wedding will be discussed in detail. As stated by the following informant.

During the meeting, the matchmakers from both sides will also discuss the wedding arrangements, such as the wedding venue, the bride's attire, the groom's attire, the budget, the contents of the bridal chamber, and the dowry (informant 6)

Some of the main topics of concern include determining the wedding

venue, arranging the division of expenses, and the form of contribution from each party, the dowry, as well as kitchen assistance for the day of the event. The *tengganai* will also consult to determine a suitable wedding date and plan the wedding celebration. Usually, this celebration lasts for two days, with the first day dedicated to traditional ceremonies and the second day reserved for general guests.

The *tengganai* will discuss the *mulang muntin* ceremony. *Mulang muntin* is a traditional custom in which the groom's family formally hands over the groom to the bride's family after the marriage contract has been signed. This process is crucial because without the *mulang muntin* ceremony, the groom is not permitted to sit alongside the bride during the traditional procession. Therefore, *mulang muntin* is an integral part of the series of traditional wedding ceremonies.

Once all consultations and negotiations have reached an agreement, the next stage is the traditional engagement ceremony known as *letak tando* or *tunangan*. At this stage, the prospective groom and bride exchange items as a symbol that they have completed the duduk *tengganai* and are now officially bound by custom to proceed to the marriage stage. The items exchanged can take the form of a long cloth, a ring, or other objects; these exchanged items hold symbolic meaning as a sign of the binding of the traditional agreement that has been reached.

To conclude the entire series of traditional consultations, negotiations, and ceremonial agreements, a communal meal known as "*makan kawo*" is held. *Makan kawo* is a communal meal attended by all parties involved as an expression of gratitude for the agreement reached during the traditional consultations. This event also serves as a symbol of harmony and unity among the *tengganai*, families, and the prospective bride and groom who are about to marry.

Once the deliberation and negotiation process is complete, the next step is the signing of the *tengganai* consent letter. This letter is an official document within the traditional custom that states the *tengganai*'s consent to grant permission for their niece or nephew to marry. This consent letter serves as a traditional validation of the previously agreed-upon marriage plan.

Couples wishing to get married are required to meet various requirements, one of which is to submit a *Tengganai* Consent Letter. This letter is an important document containing statements of consent from the *tengganai* of the bride's family and the *tengganai* of the groom's family. A *tengganai* is an elder or respected figure who oversees all matters concerning the sons and daughters under their care (Arzam, 2012). This consent is not merely a formality but also reflects the role of customary traditions in ensuring the marriage proceeds in accordance with local norms and traditions.

The position of the *tengganai* in indigenous communities is highly respected because they are considered the primary custodians of the extended family. The *tengganai* is a respected figure entrusted with making important decisions, including those regarding marriage. This aligns with the traditional saying: "*Children belong to their parents, but grandchildren belong to the tengganai.*" This proverb emphasizes that while parents have rights over their children, the primary responsibility for their grandchildren especially regarding customary matters and family honor lies with the *tengganai*.

Engaged couples who wish to proceed with the administrative marriage process such as submitting an application for an N1 document (Marriage Referral Letter) at the village government or sub-district office are required to obtain and submit a *Tengganai* Approval Letter. The *Tengganai* Approval Letter is a crucial administrative requirement in the marriage process within this community. Without this letter, prospective brides and grooms cannot proceed

with their marriage, both in terms of traditional customs and official administration. The *Tengganai* Letter of Consent is not only a requirement at the village or subdistrict level but must also be attached when processing marriage documents at the Office of Religious Affairs.

If the prospective bride and groom do not have a Letter of Consent from *Tengganai*, the village or subdistrict government will not process the initial marriage documents, such as the Marriage Referral Letter. This also applies at the Office of Religious Affairs, where this letter is one of the main requirements for proceeding with the marriage registration process. Without this letter, the Office of Religious Affairs cannot process further administrative steps, including the legal validation of the marriage under state law.

The importance of the *Tengganai* Consent Letter is not only related to adherence to tradition but also reflects respect for the role of customary law in the lives of the local community. This letter indicates that the marriage has received approval from the extended family, particularly the *tengganai*, who bear full responsibility for the affairs of their nieces and nephews. The absence of this letter not only hinders administrative processes but can also give the impression that the marriage lacks the blessing of the extended family. Therefore, the *Tengganai* Consent Letter is considered a document that every prospective bride and groom must obtain to ensure the smoothness and blessings of their marriage, both from a customary and formal legal perspective. Obtaining the *Tengganai* Letter of Consent is not a simple matter, as it must follow established customary procedures. This process involves the conduct of the “*duduk tengganai*,” a customary consultation that is an integral part of the local community’s traditions.

The content of the *Tengganai* consent letter includes the following statement: “We, the *Tengganai* and parents, have reached a consensus and hereby consent to the marriage of our aforementioned nephew/niece to the aforementioned woman/man.” This statement serves as the written form of the agreement reached during the previous meeting of the *tengganai* and customary deliberation.

This document is signed by various parties who play important roles in local customs. Typically, this letter is signed by 3 to 5 elders representing the family and the community, the village head, the RT (neighborhood unit) head or community leader, the head of a regional customary institution such as the Regional Customary Council, as well as local community elders. These signatures indicate that the decision is supported not only by the family but also by customary authorities and the surrounding community.

Each customary territory has a slightly different format for writing a *tengganai* consent letter. These differences include writing format, layout, or phrasing, but essentially they still use language that reflects customary values and aims to achieve the same result, namely granting official permission for marriage. This demonstrates flexibility within customary traditions, where each customary council adapts this document to local customs without altering the core of its intent and purpose.

This *tengganai* consent letter serves not only as written evidence of the customary agreement but also highlights the importance of the *tengganai*’s role and the customary structure in regulating and overseeing the conduct of marriages within the community. This document holds deep symbolic value, acting as a bridge between customary traditions and the new life journey to be undertaken by the prospective bride and groom. The process of obtaining this *tengganai* consent letter is not simple; rather, it must go through a long and detailed series of steps. Each step is designed with careful consideration of

customary norms to ensure that the decisions made are truly well-considered and in line with local wisdom. Therefore, this *tengganai* consent letter is not merely an administrative document but holds deep meaning and purpose.

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This letter serves as a form of protection for the couple, as well as an effort to shield them from undesirable circumstances in the future. Through a lengthy and complex process, the community is encouraged to exercise greater caution when making the decision to marry. This process emphasizes the importance of consultation, mutual agreement, and careful consideration before proceeding to marriage. Prospective brides and grooms who have completed the traditional rituals before marriage and obtained a letter of permission from the *tengganai* face several restrictions before the wedding ceremony. Although they are not yet officially bound by marriage, they are still required to uphold each other's good reputation, maintain harmonious relationships with relatives, and limit their social interactions to align with customary norms such as avoiding returning home late at night. In addition, they are also expected to distance themselves from things that contradict religious teachings. As stated by the following informant.

There are certain restrictions for engaged couples who have reached a certain level of maturity and have been given permission to marry. Even though they are still like unmarried children, they must avoid overly casual socializing, maintain good relations with relatives, and must not come home late at night, let alone engage in activities prohibited by religion (informant 7)

This letter of consent carries significant customary legal consequences. If the marriage is unilaterally annulled after this letter has been approved, the party initiating the annulment will be subject to a customary fine. This fine is substantial, with a minimum requirement of 20 *gantang* of rice and one goat, and a maximum of 100 *gantang* of rice and one buffalo. The magnitude of this fine not only serves as a deterrent but also represents a form of respect for customary law and an effort to maintain harmonious relations between the families involved in this process. Although in practice the amount of the fine may be adjusted according to the financial capacity of the party canceling the marriage, the community cannot take this matter lightly. These customary sanctions impose a significant moral burden and responsibility on the prospective bride and groom and their families to take the marriage process seriously. Thus, this tradition not only upholds the customary order but also fosters an awareness of

the importance of responsibility in building a family. This tradition reflects how customs within the Traditional Council are not merely a cultural heritage but also a social system that ensures the order and harmony of its community.

Based on the results of data analysis in a qualitative study using a case study design, the series of *tengganai* consultation processes carried out by the indigenous people in that community reveal a pattern of recurring and systematic social practices. Field findings reveal a number of important stages, including customary deliberation, verification of the prospective bride and groom's status, the involvement of the *tengganai* as the decision-maker, moral oversight prior to the marriage contract, and the enforcement of customary sanctions. These stages are evident in practices such as *bertuik*, *mulang kato*, one-sided and mutual *tengganai* meetings, and the issuance of the *tengganai*'s letter of consent.

The results of data clustering and interpretation indicate that these stages collectively form a traditional social control mechanism within marriage. This mechanism serves to ensure that a marriage is not only valid under customary and administrative law but is also socially and morally secure for all parties involved. The involvement of the *tengganai* in testing the honesty of prospective spouses, investigating previous marital status, and ensuring the absence of coercion demonstrates that customary law plays an active role in anticipating potential future conflicts and harm. Research findings indicate that the core of the *tengganai* consultation practice is the protection of younger relatives, particularly women, during the process leading up to marriage. This protection is reflected in the strict clarification process for the prospective groom, the imposition of customary sanctions in the event of a unilateral cancellation, and the enforcement of taboos prior to the marriage ceremony. Thus, the *tengganai* meeting serves not only as a forum for customary deliberation but also as a preventive instrument to curb marriage practices that are detrimental to women.

The Concept of *Al-Adatul Muhakkamah* in the Marriage Process at the Sungai Penuh Traditional Council

Al-Adatul Muhakkamah is a principle of Islamic jurisprudence that teaches that, under certain conditions, local customs or traditions may serve as a basis for determining legal rulings, particularly when no explicit textual evidence from Islamic law is available (Desmuliati et al., 2025). This principle emphasizes that customs developed within a community can serve as a legal reference, provided they do not contradict the fundamental principles of Islamic law (Akbar & Bakri, 2024). However, not all customs can be recognized as a legal basis (Rizhan, 2024). Customs that are recognized are those that have been widely accepted by the community, have values consistent with Islamic law, and bring benefits to that community (Rabiatul, 2025).

Before the Prophet Muhammad (peace be upon him) was sent as a messenger, Arab society already had customs and traditions that had governed their lives for generations (Hassan & Batool, 2024). These customs served as laws binding the community, although in some cases they contained elements that conflicted with the values of justice and truth. When Islam arrived, its flexible and universal teachings did not immediately reject these customs but rather selected and reformed them (Fanani, 2015). Islam accepts good customs in accordance with the principles of Sharia and supports moral and social values while abolishing customs that contradict the teachings of Tawhid and noble ethics. Thus, Islam allows for customs to serve as a complementary element in the establishment of law, provided their application is carried out proportionally and selectively (Maulana & Saepullah, 2024).

The requirements for the establishment of custom (*al-'adah*) in Islamic law

encompass several important aspects. First, it must not contradict the Quran and Hadith (Musta'in, 2025). Second, the custom must be recognized by the majority of the community and known to most groups within that community (Mahfudhi & Arrosid, 2021). Although there is a small minority that does not follow it, they still acknowledge the existence and validity of the custom. Third, the custom must apply generally, not only to specific groups but encompassing the entire society, particularly the Muslim community. From an Islamic legal perspective, the interaction between Sharia and custom often gives rise to a relationship that appears to be a conflict. However, this is a natural process in refining societal cultural practices to align with Islamic teachings. In fact, within Islamic legislation, custom (*urf*) is recognized as a valid source of law. The principle of *al-'adah muhakkamah* affirms that custom is acceptable provided it does not contradict Islamic sharia (Khaeriah et al., 2025). Thus, good customary practices that are in accordance with Sharia will be accepted and accommodated in Islamic law, while customs that contradict Islamic teachings will be abolished or modified in accordance with Islamic values (Gunardi et al., 2017).

Within the context of the community's traditional institutions, customary law plays a crucial role in regulating various aspects of community life, including the marriage process. One form of customary law enforcement in this region is the requirement for obtaining a NA (Marriage Recommendation Letter), which mandates a letter of consent from the *tengganai*. This letter is a customary document serving as proof that the prospective bride and groom have obtained approval from the *tengganai* or local customary leaders. Based on the analysis of field data using a grounded theory approach, it was found that the requirement for the *tengganai*'s letter of approval is not merely understood as an administrative procedure but as a social-customary mechanism to ensure the clarity of marital status and the honor of the family. The researcher identified several main themes from the data clustering and interpretation, including: "*tengganai* approval," "protection of nieces and nephews," "honesty regarding marital status," and "compliance with customary law." These themes emerged consistently in interviews with *tengganai*, traditional leaders, and village officials.

This indicates that customary law remains relevant within the national legal system, particularly in relation to marriage administration procedures. However, it should be noted that customary law regarding the *tengganai* consent letter has not yet been specifically regulated in village regulations or formal, structured policies. Nevertheless, this practice has become a shared understanding within the customary institutions of the community. The results of data interpretation and categorization reveal interconnections among themes that form a pattern of cause-and-effect relationships. The *tengganai* consent letter is understood as the primary instrument to ensure the authenticity of a prospective bride or groom's marital status, ultimately serving as a form of customary protection for younger relatives, particularly the *batino*. This pattern indicates that the *tengganai* consent letter is not merely a customary symbol but a means of social control to prevent marriage status fraud and future domestic conflicts. These three regions consistently require the same condition: the mandatory inclusion of a *tengganai* consent letter as part of the marriage administrative procedure. As stated by the following informant.

There are no written regulations governing this letter of consent; however, this procedure is still carried out from time to time because it has become a customary practice. Thus, although it is not regulated by state law, this letter of consent is governed by customary law (informant 8)

The absence of formal regulations explicitly governing this requirement indicates that customary law in the region remains heavily dependent on

community consensus and customary authorities. As stated by the following informant:

The letter of consent has existed for a long time, but it is not backed by state law, such as legislation, government regulations, or village regulations. However, this rule has become a common understanding and has existed for a long time, so no one gets married without it (informants 9 & 10)

Nevertheless, this practice has been in place for a long time and is widely accepted by the local community. This custom is not only part of a tradition passed down from generation to generation, but also reflects the values of deliberation, responsibility, and harmony within the community. This also demonstrates how customary law can synergize with state law in the context of a religious and traditional community. Thus, the existence of the *tengganai* consent letter as a requirement for processing the Marriage Introduction Letter serves as a concrete example of the application of *al-adatul mubakkamah*, where customary practices serve as a legal basis provided they do not conflict with Islamic law and support the interests of the community.

The local community adheres to the regulations regarding the *Tengganai* consent letter, so every marriage conducted within the community always follows the established procedures. No marriage can take place without this consent letter. Support from various community leaders, such as the *Tengganai*, village head, sub-district head, and the Office of Religious Affairs, is a key factor in the enforcement of this rule. All parties play an active role in ensuring that there is no loophole for marriages to be conducted without this letter of consent. Although this rule is not formally written into government regulations, the community continues to follow it with strict discipline because it has become part of their customs and cherished values. This is in line with the word of Allah in Surah An-Nisa verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى
اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: O you who believe, obey Allah and obey the Messenger (Prophet Muhammad) and those in authority among you. If you disagree about something, refer it back to Allah (the Qur'an) and the Messenger (his Sunnah) if you believe in Allah and the Last Day. That is better (for you) and has a better outcome (in this world and the Hereafter).

This verse teaches Muslims to always obey the rules established by their leaders, provided they do not conflict with Islamic law (Limbong et al., 2023). Compliance with these rules not only maintains social order but also reflects the values of obedience to Allah and His Messenger (Mubarok, 2021). Thus, the regulations regarding the letter of consent within that community serve not only as an administrative instrument but also as a symbol of compliance with religious teachings and customs passed down from generation to generation.

A *tengganai* consent letter is a document that is not easily obtained, as it requires a long and detailed series of customary procedures. The process begins with the introduction phase, followed by the *bertuik* ceremony, a one-sided *tengganai* meeting, and then a *tengganai* meeting involving both parties. Only after all these stages have been completed can the *tengganai* consent letter be issued. In practice, the custom ensures that the young couple is truly on the right path and is not hiding their true marital status. This stems from a past experience, in which there was a case of a man and a woman who were about to marry within the community. Both claimed to be single, but after the wedding, it was revealed that the man was already married in his hometown and had lied about his status. As stated by the following informant.

The origin of this consent letter dates back to a time when a couple intended to marry within this community. At that time, the marriage procedure only required a passport photo, the couple's personal information, family registration cards, ID cards, and so on; there was no consent letter yet. However, after they were married, it turned out that the man had a wife in his hometown. This tarnished the pride of the indigenous people in the community because they felt deceived and lied to. Therefore, an agreement was made to require the letter of consent from the in-laws as a mandatory condition for marriage (informant 9)

This case prompted the customary council, as the liaison between indigenous communities and the government, to propose the addition of an administrative requirement in the form of a *tengganai* consent letter. This addition aims to maintain transparency, prevent false claims regarding marital status, and protect the honor of customary traditions and the local community. This finding confirms that the *tengganai* consent letter functions as an instrument of customary protection and marital legitimacy, integrating all previous findings and explaining why the *tengganai* customary practice and the *tengganai* consent letter have been maintained to this day. In this context, custom functions not only as a tradition but also as a social legal system that ensures the welfare and order of marriage.

Indigenous communities view a marriage that is considered good and ideal as one that fulfills three main elements: adhering to religious teachings, following applicable laws, and observing local customs. These three elements are seen as complementary and form a crucial foundation for maintaining the harmony and legitimacy of a marriage. As stated by the following informant:

A good marriage according to custom is one that follows religious teachings, complies with the law, and adheres to local customs (informant 8)

A marriage that follows religious teachings reflects devotion to God, while compliance with the law demonstrates adherence to state laws that provide legal protection to the married couple. Meanwhile, observing local customs reflects respect for traditions passed down through generations, while also strengthening social bonds within the community. Only after these three elements are fulfilled is a marriage considered valid and meaningful in the eyes of custom, thereby bringing pride and honor to the extended families of both the bride and groom. This perspective highlights the importance of balancing religious, legal, and customary values in fostering a harmonious and respectful community life.

It is this customary element that researchers view as being in harmony with the principle of *al-adatul muhakkamah*. From this perspective, none of the procedures established by custom conflict with the principles of Islamic law, particularly the principle of *al-adatul muhakkamah*, which recognizes customary practices as a legal basis provided they do not contradict Islamic sharia. Customary law in this region holds that an ideal marriage is one that fulfills three essential elements: the religious element, the state element, and the customary element.

The results of substantive theory construction through grounded theory indicate that the application of the *tengganai* consent letter meets the requirements of *al-adatul muhakkamah* because this custom is generally practiced, widely accepted by the community, consistently observed, and brings tangible benefits. Thus, the *tengganai* custom and the *tengganai* consent letter can be positioned as a valid *'urf shabih* that may serve as a legal basis for consideration in Islam.

A marriage that fulfills the religious element demonstrates adherence to Sharia law, while the state element reflects compliance with the formal laws in effect in Indonesia. The customary element, meanwhile, emphasizes the importance of respecting and adhering to local values that have been passed

down through generations. These three elements are considered the main pillars in maintaining social harmony, upholding family honor, and ensuring the legitimacy of marriage in the eyes of the indigenous community.

If a nephew or niece intends to get married but ignores one of these elements, the *adat* will categorically refuse to grant permission to marry. In fact, if it is discovered that a marriage was conducted without involving the *adat*, the parties involved may be subject to sanctions in the form of an *adat* fine. As stated by the following informant:

No member of the indigenous community would be willing to arrange a marriage for their nephew or niece if the nephew or niece intends to disregard one of the three aforementioned requirements. For example, if a nephew or niece wishes to marry but does not yet want to register the marriage with the Office of Religious Affairs that is, if they intend to have a traditional betrothal ceremony then the indigenous community will not assist or facilitate the marriage because, according to custom, that is considered wrong (informant 8)

This punishment is designed not only as a form of sanction but also as an important warning to the community to comply with the prevailing customary norms. Thus, customs within the customary institutional framework of the community serve not only as social norms but also as a mechanism that maintains harmony between religious, state, and customary values in community life.

Every procedure that must be followed to obtain a *tengganai* permit is based on the principles of public welfare and justice. These procedures are carefully designed by the *tengganai* to ensure that their wards are protected physically, emotionally, and socially. One of the main focuses of this process is to preserve the dignity of the *batino* (female) children under the *tengganai*'s care. This aims to minimize the risk of undesirable outcomes, such as a situation where a prospective partner is found to already have another partner in their hometown, which could tarnish the family's reputation and harm the *batino*.

In carrying out these procedures, the *tengganai* are deeply involved and take full responsibility for their nieces and nephews. They not only attend and lead the initial stages, such as the *tengganai* ceremony, but also accompany their nieces and nephews through subsequent stages, including the marriage ceremony and life after marriage. The presence of the *tengganai* is not merely a customary formality but also that of a guide who provides direction to ensure the young couple is not drawn into harmful situations. Through the *tengganai*'s active role, this process has a profoundly positive impact on maintaining social harmony and ensuring the validity of the marriage. As stated by the following informant:

The presence of the tengganai in a marriage is not merely limited to granting permission to marry but also serves as a guide for the young couple to avoid undesirable situations. The tengganai also acts as a mediator in domestic conflicts if assistance is requested by the young couple (informant 5)

This letter of permission also embodies values consistent with the principle of *al-adatul mubakkamah* customs that may serve as a legal basis provided they do not conflict with Islamic law (Putri, 2024). This tradition meets the main criteria of the principle of *al-adatul mubakkamah* (Maulana & Saepullah, 2024): i) there is no verse in the Quran or hadith prohibiting its application, so it aligns with Islamic principles; ii) it applies generally to the entire indigenous community, not limited to specific groups; iii) it is a long-standing tradition, not a recent innovation; and iv) it is practiced consistently and repeatedly (Asyuro & Sayehu., 2025), demonstrating its continuity as part of the social order.

Given all the benefits it yields, this marriage permit is not merely an administrative requirement but also an effective tool for upholding moral values and customs. This process provides protection, particularly for the bride's

family, against potential harmful issues in the future, while simultaneously strengthening the relationship between customary law and Islamic law within the context of the indigenous community. The application of customary law brings significant benefits, although it is not without some potential drawbacks. One of its primary benefits is safeguarding the dignity and honor of the younger generation, particularly the female side (the younger generation). With this customary law in place, the risk of fraud or ambiguity regarding marital status can be minimized, as the custom requires clarity and agreement from all parties involved. Furthermore, this customary law serves as a protective mechanism for the dignity of women within the indigenous community, ensuring that the marriage process is conducted with full responsibility and respect for local wisdom and values.

By upholding the honor and dignity of girls and prioritizing the principles of justice and deliberation, this customary law is not only consistent with the principle of *al-adatul muhakkamah* but also makes a tangible contribution to fostering social harmony within the community. The findings of this study confirm that the customs of this community do not conflict with Islamic law but rather reinforce one another in shaping a marriage system that is just, dignified, and sustainable. The presence of this customary law demonstrates how traditional values can synergize with Islamic teachings and state law, forming an inclusive, just, and sustainable social system. This custom reflects local wisdom that is not only relevant in the past but also holds strong relevance in addressing the dynamics of modern society.

From the perspective of *al-'adab al-muhakkamah*, the practice of the *tengganai* seating arrangement and the requirement for a *tengganai* consent letter qualify as customs that can serve as evidence because they are widely observed in the local community, are performed repeatedly and consistently, and do not conflict with the principles of Islamic law. In fact, this custom aligns with the objectives of Islamic law (*maqāṣid al-syarī'ah*), particularly in preserving the honor (*ḥifẓ al-'ird*) and safety of women in marriage. Therefore, the practice of the *tengganai* ceremony can be understood as a form of harmonization between custom, Islamic law, and state law in the regulation of marriage within that community.

CONCLUSION

This study concludes that the requirement for a *tengganai* permit in traditional marriages within the community represents a form of integration between customary law and Islamic law that aligns with the principle of *al-'Adab al-Muhakkamah*, while also serving to safeguard the welfare, honor, and protection of women and their children. The novelty of this study lies in the assertion that the *tengganai* permit is not merely an administrative requirement, but a traditional social control mechanism that reinforces the moral and social responsibilities of the male party before the marriage takes place. Consequently, these findings underscore the need for written guidelines and coordination among customary institutions, village governments, and the Office of Religious Affairs to ensure that the practice of the *tengganai* permit has a clearer, more uniform legal basis and can serve as a model for the integration of customary and Islamic law in the field of marriage.

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