



# DOWRY DIFFERENTIATION AND SOCIAL MEANING IN MUSLIM COMMUNITIES: A STUDY OF CUSTOMARY AND ISLAMIC LAW IN TANJUNG PAUH

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## Abstract

This study examines the social meaning and legal interaction of dowry differentiation within Muslim communities in Tanjung Pauh, focusing on the relationship between customary law and Islamic law. While previous studies on dowry in Indonesia have largely emphasized normative or economic aspects, limited attention has been given to how legal pluralism operates in everyday social practices, particularly when customary norms introduce distinctions not explicitly regulated in Islamic jurisprudence. This research adopts an empirical legal approach with a qualitative descriptive design. Data were collected through semi-structured interviews with customary leaders, religious figures, village authorities, and community members, complemented by observation and document analysis. The findings indicate that dowry determination is governed by a collective and institutionalized customary system, in which virgins receive one gram of gold and widows receive half a gram. This differentiation is consistently applied and widely accepted as a cultural symbol reflecting marital experience rather than as a form of social inequality. From the perspective of Islamic law, the practice is considered permissible as it upholds the principles of mutual consent, fairness, and the absence of coercion. This study demonstrates that the interaction between customary law and Islamic law results in a form of normative convergence, where local traditions are accommodated within Islamic legal values. It contributes to the discourse on legal pluralism by highlighting that culturally embedded practices can function harmoniously without undermining gender dignity. Practically, the study provides insight into how community-based norms shape the implementation of Islamic family law in diverse social contexts.

**Keywords:** Dowry; Customary Law; Islamic Law; Legal Pluralism; Muslim Community.

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## Abstrak

Penelitian ini mengkaji makna sosial dan interaksi hukum dalam praktik perbedaan mahar pada masyarakat Muslim di Tanjung Pauh, dengan fokus pada hubungan antara hukum adat dan hukum Islam. Meskipun kajian tentang mahar di Indonesia telah banyak dilakukan, sebagian besar masih berfokus pada aspek normatif atau ekonomi. Penelitian yang menyoroti bagaimana pluralisme hukum bekerja dalam praktik sosial sehari-hari, khususnya ketika norma adat menghadirkan perbedaan yang tidak secara eksplisit diatur dalam hukum Islam, masih terbatas. Penelitian ini menggunakan metode hukum empiris dengan pendekatan deskriptif kualitatif. Data dikumpulkan melalui wawancara semi-terstruktur dengan tokoh adat, tokoh agama, aparat desa, dan masyarakat, serta didukung oleh observasi dan analisis dokumen. Hasil penelitian menunjukkan bahwa penentuan mahar diatur melalui sistem adat yang bersifat kolektif dan terinstitusionalisasi, di mana perempuan perawan menerima satu gram emas dan janda menerima setengah gram. Perbedaan ini diterapkan secara konsisten dan diterima secara luas sebagai simbol budaya yang mencerminkan pengalaman perkawinan, bukan sebagai bentuk ketidaksetaraan sosial. Dari perspektif hukum Islam, praktik ini dinilai diperbolehkan karena memenuhi prinsip persetujuan bersama, keadilan, dan tidak adanya paksaan. Penelitian ini menunjukkan bahwa interaksi antara hukum adat dan hukum Islam menghasilkan bentuk konvergensi normatif, di mana tradisi lokal dapat diakomodasi dalam nilai-nilai hukum Islam. Secara teoretis, temuan ini berkontribusi pada kajian pluralisme hukum dengan menunjukkan bahwa praktik berbasis budaya dapat berjalan selaras tanpa merendahkan martabat gender. Secara praktis, penelitian ini memberikan pemahaman tentang bagaimana norma sosial masyarakat mempengaruhi implementasi hukum keluarga Islam dalam konteks yang beragam.

**Kata Kunci:** Mahar; Hukum Adat; Hukum Islam; Pluralisme Hukum; Masyarakat Muslim.

## INTRODUCTION

Marriage in Islamic law is not only a sacred institution grounded in the concept of *sunnatullah*, but also a socio-legal framework that regulates relationships, rights, and obligations between men and women. Within this framework, the concept of *mahr* (dowry) occupies a central position as both a legal obligation and a symbolic expression of respect, responsibility, and recognition of women's dignity.<sup>1</sup> Islamic law does not prescribe a fixed

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<sup>1</sup>Nayera Mohamed Shousha and Dina Magdy Taha, "Sacred Bonds, Silent Pain: Understanding Women's Perceptions and Experiences of Marital Rape in Egypt," *Journal of Family Violence*, ahead of print, May 29, 2025, <https://doi.org/10.1007/s10896-025-00902-4>; Rajeev Kumar, "Dowry System: Unequalizing Gender Equality," in *Gender Equality*, ed. Walter Leal Filho et al., Encyclopedia of the UN Sustainable Development Goals (Springer International Publishing, 2021), [https://doi.org/10.1007/978-3-319-95687-9\\_21](https://doi.org/10.1007/978-3-319-95687-9_21); Fauziah Hayati et al., "Reconstructing Islamic Jurisprudence in Local Marriage Practices: A Legal-Ethnographic Study of Jujuran in Banjar Society," *El-Qist: Journal of Islamic Economics and Business (JIEB)* 15, no. 1 (2025): 14-31, <https://doi.org/10.15642/elqist.2025.15.1.14-31>; Fatima Mukaddam, *Muslim Women between Community and Individual Rights: Legal Pluralism and Marriage in South Africa*, vol. 4, Gender, Justice and Legal Feminism (Springer Nature Switzerland, 2024), <https://doi.org/10.1007/978-3-031-54614-3>; A. A. Basyir, *Hukum Perkawinan Islam* (UII Press, 1999); K. Khairuddin, "Mahar Dalam Islam: Hukum, Tuntutan, Dan Realitas Sosial," *Journal of Dual Legal Systems* 1, no. 2 (2024): 87-102, <https://doi.org/10.58824/jdls.v1i2.222>.

amount of dowry; instead, it emphasizes principles of mutual consent, fairness, and proportionality, allowing flexibility across different social and cultural contexts.<sup>2</sup>

In practice, however, the determination of dowry in Muslim societies is often shaped not only by Islamic legal norms but also by customary law (*adat*), resulting in a dynamic interaction between religious and local legal systems. In Indonesia, this interaction reflects a broader condition of legal pluralism, where customary norms coexist with Islamic law in regulating family matters.<sup>3</sup> While Islamic jurisprudence recognizes the validity of *'urf* (custom) as long as it does not contradict fundamental principles, tensions may arise when customary practices introduce distinctions or classifications that are not explicitly grounded in Islamic legal doctrine.<sup>4</sup>

One such issue emerges in the differentiation of dowry based on women's marital status, particularly between virgins and widows. From a gender perspective, this differentiation raises important questions regarding equality, dignity, and the social construction of women's value within marriage. Several studies have suggested that variations in dowry may reflect cultural symbolism and social stratification;<sup>5</sup> however, distinctions based on marital status can also be interpreted as reinforcing implicit hierarchies or gendered assumptions about women's worth.<sup>6</sup> At the same time, other

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<sup>2</sup>Asif Mohiuddin, "Gender Dynamics and Legal Perspectives: Exploring Women's Rights in Egypt," in *Human Rights Law in Egypt and Malaysia: Minorities and Gender Equality, Volume 2*, by Asif Mohiuddin, Political Economy of Islam (Springer Nature Switzerland, 2024), [https://doi.org/10.1007/978-3-031-63867-1\\_4](https://doi.org/10.1007/978-3-031-63867-1_4); Muharir Muharir et al., "Reciprocity and the Values of Maqasid Sharia among Muslim Transmigrant Farmers from Java in Strengthening Agricultural Economics," *Journal of Islamic Economics Lariba* 11, no. 2 (2025): 879–912, <https://doi.org/10.20885/jielariba.vol11.iss2.art9>; Asna Husin, "Falling Out of Love: Divorce of Three Acehese Ubanan Couples in the Islamic Law Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1868, <https://doi.org/10.22373/sjhk.v7i3.19433>; M. Anwar, "Mahar Dalam Hukum Islam Dan Maqasid Syariah: Studi Fenomena Mahar Unik Di Yogyakarta," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 7, no. 2 (2024): 781–97, <https://doi.org/10.58824/mediasas.v7i2.262>; A. Kafi, "Mahar Pernikahan Dalam Pandangan Hukum Dan Pendidikan Islam," *Paramurobi: Jurnal Pendidikan Agama Islam* 3, no. 1 (2020): 55–62, <https://doi.org/10.32699/paramurobi.v3i1.1436>.

<sup>3</sup>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 (2023): 897, <https://doi.org/10.22373/sjhk.v7i2.15650>; Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (2023), <https://doi.org/10.15408/ajis.v23i1.32549>; Illy Yanti et al., "Negotiating Shari'ah and Customary Law: Legal Pluralism in Familial Relationships Among the Suku Anak Dalam in Jambi," *Journal of Islamic Law* 6, no. 2 (2025): 177–205, <https://doi.org/10.24260/jil.v6i2.3311>; Muhammad Suhardi, "Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok," *Society* 13, no. 1 (2025): 538–52, <https://doi.org/10.33019/society.v13i1.818>.

<sup>4</sup>M. Makin and T. W. Hidayati, "Mahar Dalam Perspektif Yusuf Al-Qardhawi Dan Relevansinya Terhadap Praktik Sosial Pernikahan Di Indonesia," *Usrah: Jurnal Hukum Keluarga Islam* 6, no. 3 (2025): 323–36, <https://doi.org/10.46773/usrah.v6i3.2170>; A. Burhan and A. Bahrosi, "Standarisasi Mahar Pernikahan," *Progresif* 8 (2023): 1–11, <https://doi.org/10.61595/progresif.v11i2.837>.

<sup>5</sup>M. Husen et al., "Tradisi Dan Status Sosial Dalam Penetapan Mahar Perkawinan Di Gampong Mamplam Aceh Utara," *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM)* 3, no. 1 (2022): 32–41, <https://doi.org/10.29103/jspm.v3i1.6224>; Rizki Ridwan and Nurnaningsih Nurnaningsih, "Prosesi Mappasikarawa Dalam Adat Botting Di Desa Sanrego Kecamatan Kahu Kabupaten Bone (Studi Kasus Perspektif Hukum Islam)," *Qadauna* 2, no. 2 (2021): 228–40, <https://doi.org/10.24252/qadauna.v2i2.16249>.

<sup>6</sup>Rinaldi Rinaldi et al., "Uang Panai Sebagai Harga Diri Perempuan Suku Bugis Bone: Antara Adat Dan Agama," *Jurnal Pendidikan Sosiologi Undiksha* 5, no. 1 (2023): 1–13, <https://doi.org/10.23887/jpsu.v5i1.64559>; Michelle Russen et al., "Think Leader, Think Man? The Role of Implicit Bias, Status-Legitimizing Beliefs, and Gender in Hospitality Leadership Discrimination," *Journal of Hospitality and Tourism Management* 62 (March 2025): 321–28, <https://doi.org/10.1016/j.jhtm.2025.02.002>; Shelagh Ferguson et al., "Gender Status Bias and the Marketplace," *Journal of Business Research* 107 (February 2020): 211–21, <https://doi.org/10.1016/j.jbusres.2018.11.047>.

perspectives argue that such differentiation may function symbolically without necessarily producing discrimination, depending on the social context and community interpretation.<sup>7</sup>

Despite extensive scholarship on dowry practices in Indonesia, most studies have focused on normative Islamic legal analysis, cultural symbolism, or economic aspects of dowry.<sup>8</sup> Limited attention has been given to how legal pluralism operates empirically when customary law differentiates dowry based on marital status, and how such practices are understood within both Islamic legal reasoning and community perceptions. In particular, there remains a lack of in-depth analysis that integrates legal pluralism and gender perspectives in examining whether differentiated dowry practices constitute symbolic recognition or potential inequality.

This study addresses this gap by examining the interaction between customary law and Islamic law in determining dowry in Tanjung Pauh, a community where dowry is formally differentiated between virgins and widows. Unlike general discussions of dowry, this case provides a concrete empirical setting in which legal norms, cultural values, and gendered meanings intersect. The differentiation—one gram of gold for virgins and half a gram for widows—has been institutionalized through customary deliberation and widely accepted within the community, making it an important site for analyzing how social legitimacy is constructed.

Accordingly, this study seeks to answer the following research questions: (1) How is dowry determined within the customary legal system of Tanjung Pauh?; (2) How is the differentiation between virgins and widows understood and justified by the community; and (3) How does Islamic law evaluate this practice within the framework of legal pluralism and gender justice?

By addressing these questions, this study aims to contribute to the discourse on Islamic family law by demonstrating how customary practices interact with religious norms in shaping gendered legal outcomes. Theoretically, this research enriches the study of legal pluralism by highlighting the possibility of normative convergence between adat and Islamic law. Practically, it provides insights into how culturally embedded practices can coexist with Islamic legal principles while maintaining social harmony, raising important considerations for gender equity and the interpretation of justice in Muslim societies.

## METHOD

This study employs an empirical legal research design with a qualitative approach, combining perspectives from socio-legal studies and gender analysis. The socio-legal approach is used to examine how legal norms—both customary law and Islamic law—operate within lived social practices, while the gender perspective is applied to critically analyze how dowry differentiation reflects or challenges constructions of women's value and social status.

The research was conducted in Tanjung Pauh Village, Kerinci Regency, Jambi Province, which was purposively selected due to its institutionalized customary system that

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<sup>7</sup>Aksin Wijaya et al., "Rethinking Gender Justice in the Quran: A Critical Exploration of Muslim Feminist Perspectives," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 26, no. 1 (2025): 77–98, <https://doi.org/10.14421/qh.v26i1.5704>; M. S. Mahmudi et al., "Studi Analisis Penentuan Jumlah Mahar Oleh Tokoh Adat Perspektif Hukum Islam," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 3 (2023): 3077–92, <https://doi.org/10.53363/bureau.v3i3.574>.

<sup>8</sup>Muhamad S. Fajar, "Tinjauan Hukum Islam Terhadap Uang Panaik Dalam Praktik Perkawinan Adat Bugis (Studi Lapangan Di Kecamatan Limbung Kabupaten Gowa)," *Jurnal Riset Hukum Keluarga Islam*, ahead of print, 2023, <https://doi.org/10.29313/jrhki.vi.1992>; Sanawiah Sanawiah and Ikbal R. Rismanto, "Jujuran Atau Mahar Pada Masyarakat Suku Banjar Di Tinjau Dari Perspektif Pandangan Hukum Islam," *Jurnal Hadratul Madaniyah* 8, no. 1 (2021): 52–63, <https://doi.org/10.33084/jhm.v8i1.2442>; Ali Maskur et al., "Enkulturasasi Hukum: Pemberian Mahar Hewan Kerbau Dalam Perkawinan," *Iqtisad Reconstruction of Justice and Welfare for Indonesia* 9, no. 2 (2022): 145–64, <https://doi.org/10.31942/iq.v9i2.7270>.

differentiates dowry between virgins and widows. This setting provides a relevant empirical context for examining the interaction between legal pluralism and gendered social norms.

Data were collected through three integrated techniques: semi-structured interviews, participant observation, and document analysis. Interviews were conducted with key informants selected through purposive sampling, including traditional leaders, religious figures, village authorities, and community members. Each group contributes distinct analytical insights: traditional leaders provide information on the formation and enforcement of customary norms; religious figures offer interpretations from Islamic legal perspectives; village authorities clarify administrative and regulatory aspects; and community members reflect lived experiences and social perceptions. Observations focused on marriage practices and customary deliberation processes, while documents—including customary records and meeting notes—were used to verify the consistency and formalization of dowry regulations.

Data analysis followed an interactive qualitative model involving data reduction, data display, and conclusion drawing. The analysis was guided by a socio-legal framework to identify patterns of interaction between normative systems, and by a gender lens to interpret the social meaning of dowry differentiation. All data sources were systematically compared to identify convergences and discrepancies.

To ensure validity and reliability, data triangulation was applied across sources and methods. When inconsistencies emerged between interview statements, observations, and documents, the researcher conducted follow-up verification with relevant informants and cross-checked documentary evidence. Analytical transparency was maintained by documenting coding processes, categorizing themes, and linking empirical findings directly to interpretive conclusions. This approach strengthens the credibility of the study and ensures that the findings are grounded in verifiable empirical evidence.

## FINDINGS AND DISCUSSION

### Findings

#### A. Customary System of Dowry Determination in Tanjung Pauh

The findings show that the determination of dowry in Tanjung Pauh is regulated through a collective and institutionalized customary system, rather than through individual or family-based negotiation. Interviews with traditional leaders indicate that dowry is not treated as a private agreement between the bride and groom, but as part of a broader social mechanism governed by adat institutions. This system ensures that marriage is understood as a communal affair, where norms are collectively defined and socially enforced.

Data from interviews further reveal that the formulation of dowry rules originates from customary deliberations (*musyawarah adat*) involving multiple community stakeholders, including traditional leaders, religious figures, elders, and representatives of women and youth groups. These deliberations produce shared agreements that are binding on all members of the community. Informants consistently emphasized that once such agreements are established, they are not subject to individual modification, reflecting a strong commitment to normative consistency and social equality within the customary framework.

This institutional structure is reinforced by documentary evidence, including written customary records, meeting notes, and procedural guidelines for marriage ceremonies. These documents confirm that dowry provisions are formally codified and preserved across generations, providing both continuity and legal certainty. The existence of such records demonstrates that customary law in Tanjung Pauh operates not merely as an unwritten tradition, but as a structured normative system with recognized authority.

Observational data from marriage preparations further support these findings. Prior to the marriage ceremony, families are required to consult customary authorities to ensure

compliance with established dowry rules and other procedural requirements. This consultative process functions as a form of social control and coordination, preventing disputes and reinforcing adherence to shared norms. It also reflects the integration of customary law into everyday social practices.

From a social perspective, this system contributes to community cohesion and collective responsibility, as dowry is framed not only as a legal obligation but also as a moral and cultural symbol. Community members perceive compliance with customary provisions as part of maintaining social harmony and respecting inherited traditions. In this sense, the determination of dowry in Tanjung Pauh illustrates how legal norms are embedded within broader processes of community organization and social regulation.

### B. Differentiation of Dowry Based on Marital Status

The findings reveal that the differentiation of dowry based on women's marital status constitutes a central and consistently applied feature of the customary system in Tanjung Pauh. According to interviews with traditional leaders and supported by customary records, the amount of dowry is formally standardized: a woman who has never been married (virgin) receives one gram of gold, while a widow receives half a gram. This provision is uniformly implemented across the community, with no evidence of negotiation or variation at the individual level.

Empirical data indicate that this differentiation is not perceived by community members as an arbitrary rule, but as part of an established customary norm that has been collectively agreed upon and maintained over generations. Informants explained that the distinction originates from long-standing adat deliberations, which assign symbolic meaning to marital status within the context of marriage practices. The absence of recorded disputes or deviations in both interviews and documentation further confirms the stability and legitimacy of this rule within the community.

From the perspective of community understanding, the differentiation is interpreted as a form of symbolic recognition of life experience rather than a reflection of personal value or social hierarchy. Interviews with community members consistently indicate that a virgin bride is associated with entering marriage for the first time, while a widow is recognized as having prior marital experience. This distinction is articulated in functional terms, emphasizing difference without explicitly attributing superiority or inferiority.

In addition to the dowry itself, the study finds that supplementary customary obligations, such as ceremonial contributions, also vary according to marital status. Observational data and interviews confirm that these additional requirements follow the same pattern of differentiation, reinforcing the structured and comprehensive nature of the customary system. These obligations are understood as contributions to communal ceremonies rather than as individual transactions, highlighting the collective dimension of marriage practices.

From a social standpoint, the consistent application of differentiated dowry reflects a broader process of norm internalization within the community. Community members demonstrate a shared understanding of the rule and generally comply without resistance, suggesting that the practice has become embedded in everyday social expectations. While a small number of respondents acknowledged the possibility of misinterpretation, such views remain marginal and do not significantly affect the overall acceptance of the system.

**Table 1. Dowry and Customary Obligations Based on Marital Status.**

Marital Status	Dowry Amount	Customary Fee
Virgin	1 gram of gold	Higher amount
Widow	0.5 gram of gold	Lower amount

The table above illustrates the standardized differentiation of dowry and customary fees based on marital status in Tanjung Pauh. These provisions are applied uniformly and are well known among community members. The consistency of these amounts demonstrates the strength of customary law in regulating marriage practices. Community acceptance of these provisions contributes to procedural clarity and social stability during marriage ceremonies.

### **C. Community Perceptions and Social Acceptance of Dowry Differentiation**

The findings indicate that the majority of the Tanjung Pauh community accepts dowry differentiation as a normal and legitimate aspect of customary life. Interviews with villagers reveal a shared understanding that dowry is not a measure of love, personal worth, or social superiority. Instead, it is viewed as a cultural symbol that supports moral responsibility and social order. Community members emphasize that harmony within marriage depends more on mutual respect and commitment than on material provisions.

Village leaders explained that acceptance of dowry differences is rooted in collective consensus and cultural continuity. Because the rules are inherited and maintained through deliberation, they are perceived as legitimate and fair. Compliance with dowry provisions is motivated by moral obligation rather than coercion. This voluntary acceptance strengthens the authority of customary law.

Observations during community gatherings and informal discussions show that dowry differences rarely become a source of conflict. When the topic arises, it is discussed calmly and respectfully. The community prioritizes togetherness and avoids actions that could disrupt social harmony. This cultural attitude minimizes the potential for dispute.

Nevertheless, the research also found that a small number of individuals express concern that lower dowries for widows could be misinterpreted. These concerns are generally expressed privately and have not resulted in formal objections. The community's strong emphasis on deliberation and kinship helps contain differing opinions and maintain unity.

### **D. Institutional Roles and Integration of Customary and Islamic Legal Norms**

The findings demonstrate that the regulation of dowry in Tanjung Pauh involves a structured distribution of roles among customary institutions, religious authorities, and village administration. Interviews with key informants indicate that customary leaders hold primary authority in determining dowry provisions and overseeing ceremonial procedures. These responsibilities include enforcing standardized dowry rules, facilitating customary consultations, and ensuring that marriage practices comply with established adat norms.

Religious leaders, on the other hand, play a complementary role by providing normative guidance based on Islamic principles. Interview data show that religious figures do not directly intervene in determining the amount of dowry but focus on ensuring that the process aligns with essential Islamic values, such as mutual consent, sincerity, and the absence of coercion. Informants consistently emphasized that, as long as these principles are upheld, differentiated dowry practices are not considered problematic within the religious framework.

Village authorities contribute primarily to the administrative and legal formalization of marriage. Their role includes recording marriages, ensuring compliance with state regulations, and facilitating coordination between families and institutional actors. Interviews with village officials confirm that they do not interfere in customary determinations of dowry, but instead ensure that all procedural requirements are properly documented and legally recognized.

Observational data further reveal that these institutional roles are practically interconnected during the marriage process. Customary consultations are often attended

by both adat and religious figures, allowing for simultaneous consideration of cultural and religious aspects. This collaborative interaction ensures that marriage practices are not only socially legitimate but also morally validated, reducing the likelihood of normative conflict.

From an empirical standpoint, the integration of these institutional roles contributes to a harmonious coexistence between customary law and Islamic law. Informants consistently reported the absence of disputes arising from differences between adat and religious norms. The alignment between customary provisions, religious guidance, and administrative procedures indicates that legal pluralism in Tanjung Pauh operates through coordination rather than competition, reinforcing both social order and institutional trust.

## Discussion

The findings of this study demonstrate that the determination of dowry in Tanjung Pauh reflects a functional model of legal pluralism in which customary law (*adat*) and Islamic law operate in a complementary and mutually reinforcing manner. The institutionalized system—characterized by collective deliberation, formal documentation, and consistent social enforcement—illustrates how legal norms are embedded within community structures and sustained through shared legitimacy. Rather than functioning as competing normative systems, adat and Islamic law converge in practice, producing a coherent framework for regulating marriage. This finding is consistent with the concept of *living law*, where normative authority emerges from collective acceptance. From the perspective of Islamic jurisprudence, the absence of a fixed dowry amount allows local customs (*urf*) to shape its implementation, provided that fundamental principles such as mutual consent, fairness, and the absence of coercion are maintained.<sup>9</sup> In this context, the differentiation of dowry does not constitute a normative violation but rather reflects a localized adaptation within the permissible boundaries of Islamic law.

At the same time, the differentiation of dowry between virgins and widows raises important questions when viewed through a gender perspective. Normative frameworks in gender studies often interpret distinctions based on women's marital status as indicative of symbolic hierarchies that may reinforce unequal social valuation.<sup>10</sup> However, the empirical findings of this study suggest a more nuanced reality. In Tanjung Pauh, the community interprets this differentiation in functional and symbolic terms, associating it with differences in marital experience rather than with notions of superiority or inferiority. The high level of social acceptance and the absence of significant resistance indicate that the practice is perceived as culturally meaningful rather than discriminatory. This suggests that gendered differentiation, in certain socio-cultural contexts, may not necessarily translate into substantive inequality, but instead operates as a symbolic marker within a broader

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<sup>9</sup>Makin and Hidayati, "Mahar Dalam Perspektif Yusuf Al-Qardhawi Dan Relevansinya Terhadap Praktik Sosial Pernikahan Di Indonesia"; Khairuddin, "Mahar Dalam Islam: Hukum, Tuntutan, Dan Realitas Sosial"; Noora Arajärvi and Livia Holden, "The Legal Procedures Governing Cultural Expertise," in *Cultural Expertise*, 1st ed., by Livia Holden (Routledge, 2025), <https://doi.org/10.4324/9781003544258-9>; Fauzi Fauzi, "'Urf and Its Role in The Development of Fiqh: Comparative Study of Family Law Between Egypt and Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 346, <https://doi.org/10.22373/ujhk.v7i1.23968>.

<sup>10</sup>Sabine Sczesny et al., "How Women and Men Should (Not) Be: Gender Rules and Their Alignment With Status Beliefs Across Nations," *Psychology of Women Quarterly* 49, no. 2 (2025): 243–63, <https://doi.org/10.1177/03616843251328263>; Yuying Tong and Rachael Keyi Chen, "Rethinking Gender Inequality in China's Rural-to-Urban Migration: An Intersectionality Approach," *Sociology Compass* 19, no. 6 (2025): e70075, <https://doi.org/10.1111/soc4.70075>; Richi Simon and Shumayela Hasan, "Patriarchy and Gender Inequality: A Comprehensive Analysis of Women's Empowerment in Contemporary India," *Gender Issues* 42, no. 1 (2025): 7, <https://doi.org/10.1007/s12147-025-09351-1>; Rohit Varman et al., "Normative Violence in Domestic Service: A Study of Exploitation, Status, and Grievability," *Journal of Business Ethics* 171, no. 4 (2021): 645–65, <https://doi.org/10.1007/s10551-020-04444-1>.

normative system. Nevertheless, this interpretation does not eliminate the possibility of critical reflection, particularly in light of evolving discourses on gender justice, which may challenge such practices in the future.

Beyond its legal and gender dimensions, the dowry system in Tanjung Pauh also demonstrates significant implications for community development and social cohesion. The standardized and relatively modest dowry structure reduces the risk of economic burden, social competition, and marital conflict—issues that have been widely documented in other regions where dowry practices are more economically demanding.<sup>11</sup> By framing dowry as a collectively regulated and socially embedded practice, the community reinforces shared responsibility and minimizes the potential for inequality. This contributes to broader objectives of social welfare and stability, aligning with key concerns in Islamic community development. In this sense, dowry functions not only as a legal or cultural requirement but also as a social instrument that supports harmony and sustainability within the community.

The findings further highlight the critical role of institutional collaboration in maintaining normative balance between customary and Islamic legal systems. The clear distribution of roles among customary leaders, religious authorities, and village administrators enables each institution to contribute within its domain without generating conflict. Customary leaders regulate procedural and normative aspects of dowry, religious figures ensure alignment with Islamic ethical principles, and village authorities provide administrative and legal formalization. This coordinated interaction prevents overlapping authority and strengthens institutional trust. Previous studies have shown that tensions between adat and Islamic law often emerge in contexts where such coordination is weak or contested.<sup>12</sup> In contrast, the Tanjung Pauh case illustrates how structured collaboration can facilitate legal harmony. However, this stability should not be viewed as static. Social transformation, including generational change, increased access to education, and the growing influence of gender equality discourse, may introduce new challenges to established norms. The capacity of local institutions to adapt through dialogue and negotiation will therefore be essential in sustaining this balance.

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<sup>11</sup>Mary K. Shenk et al., “Intensive Kinship, Development, and Demography: Why Pakistan Has the Highest Rates of Cousin Marriage in the World,” *Population and Development Review* 50, no. 4 (2024): 1045–90, <https://doi.org/10.1111/padr.12678>; Suman Kumari, “Mapping the Geography of Crime against Women in the Union Territory of Jammu & Kashmir: A Geospatial Analysis,” *SN Social Sciences* 5, no. 5 (2025): 55, <https://doi.org/10.1007/s43545-025-01089-7>; Juan F. Gamella and Vasile M. Muntean, “Marriage and the Reproductive Regime of a Digitally Connected Roma Diaspora,” *Journal of Contemporary Central and Eastern Europe* 31, no. 3 (2023): 533–59, <https://doi.org/10.1080/25739638.2023.2277078>; MacKenzie A. Christensen, “Feminization of Poverty: Causes and Implications,” in *Gender Equality*, ed. Walter Leal Filho et al., Encyclopedia of the UN Sustainable Development Goals (Springer International Publishing, 2021), [https://doi.org/10.1007/978-3-319-95687-9\\_6](https://doi.org/10.1007/978-3-319-95687-9_6).

<sup>12</sup>Leonard C. Sebastian and Syed Huzaifah Bin Othman Alkaff, *Indonesia and Islam in Transition*, Global Political Transitions (Springer Nature Singapore, 2024), <https://doi.org/10.1007/978-981-97-1140-6>; Maarten Manse, “The Plural Legacies of Legal Pluralism: Local Practices and Contestations of Customary Law in Late Colonial Indonesia,” *Legal Pluralism and Critical Social Analysis* 56, no. 3 (2024): 328–48, <https://doi.org/10.1080/27706869.2024.2377447>; Wazir Jahan B. Karim, “In Body and Spirit: Redefining Gender Complementarity in Muslim Southeast Asia,” in *Discourses, Agency and Identity in Malaysia*, vol. 13, ed. Zawawi Ibrahim et al., Asia in Transition (Springer Singapore, 2021), [https://doi.org/10.1007/978-981-33-4568-3\\_4](https://doi.org/10.1007/978-981-33-4568-3_4); Rachael Diprose and Muhammad Najib Azca, “Conflict Management in Indonesia’s Post-Authoritarian Democracy: Resource Contestation, Power Dynamics and Brokerage,” *Conflict, Security & Development* 20, no. 1 (2020): 191–221, <https://doi.org/10.1080/14678802.2019.1705074>; Arskal Salim, “Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 529, <https://doi.org/10.22373/sjhk.v5i2.11082>; Keebet Von Benda-Beckmann, “Trajectories of Legal Entanglement Examples from Indonesia, Nepal, and Thailand,” *Legal Pluralism and Critical Social Analysis* 54, no. 1 (2022): 13–30, <https://doi.org/10.1080/27706869.2022.2056372>.

Overall, this study contributes to the broader discourse on Islamic family law by providing an empirical illustration of how legal pluralism operates in everyday social practice. It demonstrates that customary and Islamic legal norms can converge to produce outcomes that are both socially legitimate and normatively acceptable within the community. At the same time, by incorporating a gender perspective, the study offers a more nuanced understanding of dowry differentiation, moving beyond binary interpretations of equality and inequality. The findings also underscore the role of customary institutions in supporting social cohesion and community development, thereby linking micro-level legal practices with broader socio-cultural dynamics. By grounding its analysis in triangulated empirical data, this study highlights the importance of understanding Islamic law as a lived and contextually negotiated system, shaped by the interaction of legal norms, cultural values, and gendered meanings.

## CONCLUSION

This study demonstrates that the determination of dowry in Tanjung Pauh is governed by a well-institutionalized customary system that operates in harmony with Islamic law, reflecting a functional form of legal pluralism. The findings show that dowry differentiation between virgins and widows is consistently applied and socially accepted, not as a hierarchical valuation of women, but as a symbolic recognition embedded within local cultural norms. The integration of customary institutions, religious authorities, and village administration ensures that the practice remains aligned with core Islamic principles, particularly mutual consent, fairness, and the absence of coercion. This convergence illustrates how Islamic law, in its flexible and contextual nature, accommodates local customs (*'urf*) while maintaining its ethical foundations.

Beyond confirming the coexistence of adat and Islamic law, this study contributes to the broader discourse by offering an empirically grounded understanding of how gender-differentiated practices can be interpreted within specific socio-cultural contexts. It highlights that symbolic differentiation does not automatically translate into substantive inequality, but rather must be assessed within the framework of community meaning, social acceptance, and institutional regulation. In this regard, the study enriches discussions on Islamic family law, legal pluralism, and gender by demonstrating the importance of contextual analysis in evaluating justice and social norms in Muslim societies.

However, this study also acknowledges that the sustainability of such practices cannot be assumed as static. Future research is needed to explore how evolving social dynamics—such as increasing gender awareness, educational transformation, and generational change—may influence community perceptions of dowry differentiation. Comparative studies across different regions in Indonesia or other Muslim societies would also be valuable to examine whether similar patterns of normative convergence exist or whether tensions between customary law and Islamic law emerge under different socio-economic conditions. Additionally, further research integrating feminist legal theory and *maqāṣid al-sharī'ah* perspectives could provide deeper insights into how principles of justice, dignity, and equality are negotiated within plural legal systems.

From a practical perspective, the findings suggest that strengthening institutional dialogue between customary and religious authorities is essential for maintaining social harmony while allowing space for adaptive change. Policymakers and community leaders may consider promoting inclusive deliberation processes that incorporate diverse voices, including women and younger generations, to ensure that customary practices remain socially legitimate and responsive to contemporary values. In this way, the study not only contributes academically but also offers a foundation for developing more equitable and sustainable approaches to regulating marriage practices in Muslim communities.

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