



## Mandailing Islamic Law Views on the Manangko Boru Tradition in Mandailing Customs

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### Abstract

Manangko Boru is a tradition where a woman who is still single or who has been proposed is taken by a man to her parents' house secretly to be his wife or also known as marlojong. There are two types of manangko boru, namely manangko boru for women who are still young or single and manangko boru who has been married by someone else. The purpose of this research is to find out how Islamic law views customs and traditions that run in social life, especially in the aspect of marriage, namely this manangko boru tradition. The data obtained to obtain information about the applicable traditions and customs was carried out by the observation and interview method of the perpetrators of the manangko boru tradition, traditional figures, religious figures and community figures in South Panyabungan District. With the results of the research, it is known that in customs, it is actually not justified to maintain the manangko boru tradition because the customs that run in social life are also based on Islam so that what is not justified in Islam is also not justified in Mandailing customs. And according to Islamic law, it is also not justified to maintain this tradition because it violates the rules and is not in line with Islamic law.

**Keywords:** *Islamic Law; Manangko Boru; Tradition*

### Abstrak

Manangko Boru adalah tradisi di mana seorang wanita yang masih lajang atau yang telah dilamar dibawa oleh seorang pria ke rumah orang tuanya secara diam-diam untuk menjadi istrinya atau juga dikenal sebagai marlojong. Manangko boru ini ada dua jenis yaitu manangko boru untuk perempuan yang masih gadis atau lajang dan manangko boru yang sudah dipinang oleh orang lain. Tujuan dari penelitian ini adalah untuk mengetahui bagaimana hukum Islam memandang adat dan tradisi yang berjalan di dalam kehidupan sosial terutama dalam aspek pernikahan yaitu mengenai tradisi manangko boru ini. Data yang diperoleh untuk mendapatkan informasi mengenai tradisi dan adat yang berlaku ini dilakukan dengan metode observasi dan wawancara terhadap pelaku tradisi manangko boru, para tokoh adat, tokoh agama dan tokoh masyarakat di Kecamatan Panyabungan Selatan. Dengan hasil penelitian diketahui bahwa di dalam adat sebenarnya tidak dibenarkan untuk mempertahankan tradisi manangko boru tersebut karena adat yang berjalan dalam kehidupan sosial itu juga berlandaskan dengan agama Islam sehingga yang tidak dibenarkan di agama Islam tidak dibenarkan juga dalam adat Mandailing. Dan secara hukum Islam juga tidak dibenarkan untuk tetap mempertahankan tradisi ini karena melanggar aturan dan tidak sejalan dengan hukum Islam.

**Kata Kunci:** *Hukum Islam, Manangko Boru, Tradisi*

### Introduction

The state of Indonesia is a legal country that has a people with a majority of followers of Islam, which in carrying out its social life in addition to being governed by the positive law of the state must also always be in harmony with Islamic law.<sup>1</sup> But besides that, each region in Indonesia has its own customs and cultural patterns. In the traditions and customs of the

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<sup>1</sup> Muhammad Faozan dan Abdul Haris Rasyidi, "Critical Review and Reality of Religious Moderation in Law and Legal Frameworks in Indonesia," *Asian Journal of Science, Technology, Engineering, and Art* 1, no. 2 (2023): 394-410, <https://ejournal.yasin-alsys.org/index.php/AJSTE/article/view/2259>.

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Mandailing people, marriage is a ceremony that is so sacred and must be in accordance with the regulations, both applicable in shari'a and customary.<sup>2</sup> In the Mandailing Natal community, there are three types of marriages that are known, namely, manangko boru or marlojong and tangko binoto.<sup>3</sup> Marriage is a type of marriage in which a bride is brought by a groom to her parents' house after a marriage in accordance with customs and sharia. This marriage is legally religious and there is no customary prohibition because this marriage is held in accordance with Islamic shari'a and there are also complete with a series of customs.

Marriage by means of manangko boru or marlojong is a marriage tradition where a woman who is single or who has been proposed to is brought by a man to her parents' house secretly to be used as his wife.<sup>4</sup> This tradition can occur due to a mismatch from one of the parties either in terms of personality or in the matter of dowry, or it can be said that there is one party who does not give his blessing. This marriage results in a losing and even disadvantaged party. Marriage by means of tangko binoto is a tradition carried out by a man who brings a woman with the consent of his parents, but has not officially married according to Islamic sharia and also customs.<sup>5</sup> In this case, the woman is brought before the contract, but this is done through the consent of the two parents of the woman, therefore this tradition is called tangko binoto or in Indonesian can be interpreted as "stealing with permission" or "carrying with knowledge".

Previous studies on Islamic law's views on the manangko boru tradition in Mandailing customs have shown that there is a dynamic interaction between Islamic law and local cultural values. The manangko boru tradition, which is a form of respect in the social structure of Mandailing society, especially related to the respect for women in family and kinship roles, is an interesting object of study to be analyzed from the perspective of Islamic law.<sup>6</sup> Several previous studies have revealed that this tradition is in harmony with Islamic values, especially in terms of respect for women and the importance of maintaining kinship relationships (silaturrahim). However, there is also the potential for conflict when this tradition is considered contrary to Islamic principles, for example in terms of the division of rights or obligations that may not be in accordance with the provisions of sharia. Previous studies have generally highlighted how the Manangko Boru tradition is maintained as part of the cultural

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<sup>2</sup> M. Aulia Urrahman, Dinda Difa Madina, dan M. Rafli Kurniawan, "A Review of the'Urf Tradition of Mangompa Manuk in Mandailing Traditional Party: Case Study of Mandailing Community," *Jurnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam* 9, no. 1 (2024): 51-60, <https://journal.iaimnumetrolampung.ac.id/index.php/jm/article/view/4665>.

<sup>3</sup> Feby Febriani, Faisal Riza, dan Muhammad Faishal, "Communication Behavior of Mandailing Culture Husband and Wife at Different Age Different Wedding in Sopoonggang Baru Village (Case Study of Wife Older Than Husband)," *International Journal of Cultural and Social Science* 4, no. 2 (2023): 44-51, <https://www.pcijournal.org/index.php/ijcss/article/view/644>.

<sup>4</sup> Yurizka Syahdani Nasution, "ANALISIS HUKUM ISLAM TERHADAP TRADISI MANANGKO BORU PADA ADAT MANDAILING (Studi Kasus Kecamatan Panyabungan Selatan, Kabupaten Mandailing Natal)" (PhD Thesis, Sekolah Tinggi Agama Islam Negeri Mandailing Natal, 2023), <https://repository.stain-madina.ac.id/id/eprint/156/>.

<sup>5</sup> Lili Marlina, "BURANGIR NAHOMBANG KARYA SUTAN TINGGI BARANI PERKASA ALAM, DKK: KAJIAN SEMANTIK," *JURNAL BASASASINDO* 1, no. 1 (2021): 34-39, <https://jurnal.spada.ipts.ac.id/index.php/basasasindo/article/view/26>.

<sup>6</sup> Ahmad Ridoan Hasibuan, Imam Yazid, dan Heri Firmansyah, "Religious and Customary Perspectives on the Transition Process of Guardians in Malojongkon Boru Marriage Practices," *Jurnal Fuaduna: Jurnal Kajian Keagamaan dan Kemasyarakatan* 8, no. 1 (2024): 19-29, <http://ejournal.uinbukittinggi.ac.id/index.php/fuaduna/article/view/8530>.

identity of the Mandailing people, but still undergoes adjustments to be in harmony with Islamic teachings.

Several studies note that scholars and traditional leaders play an important role in bridging the integration between Mandailing customary law and Islamic law, by reinterpreting customary values so that they do not contradict sharia principles. In addition, the study also highlights the dynamics that have emerged in the practice of this tradition in the modern era, where social changes and religious education have increasingly encouraged the public to be more critical in assessing the relevance of this tradition to the teachings of Islam.<sup>7</sup> Previous studies provide an important foundation for understanding how Islamic law has not only become a religious norm but also serves as a tool for contextualizing local traditions.<sup>8</sup> However, there are still research gaps, especially in exploring further the role of women in the manangko boru tradition from an Islamic perspective, as well as how this tradition can adapt to the challenges of modernity without losing the values of local wisdom. Thus, this study will complement the existing study by offering a new and more in-depth and comprehensive perspective on the relationship between Mandailing customary traditions and Islamic law.

South Panyabungan District is one of the sub-districts in Mandailing Natal Regency. This sub-district is one of the sub-districts whose people still carry out the tradition of marriage in the manangko boru way. They choose to follow this tradition because they are worried about the possibility of something that will thwart their marriage, so they carry out this tradition in an effort to make their marriage run smoothly. Based on an interview conducted with one of the traditional leaders in South Panyabungan District, it was obtained that there are still several people who carry out the manangko boru tradition in marriage in the sub-district, either both parties come from the same sub-district or one of them is from another sub-district, such as the marriage by the Hendra couple (male) with Ummi (female) and the Udin (male) couple with Resi (female) which occurred in the South Panyabungan sub-district. It is known that they got married starting from the manangko boru tradition. They choose to carry out this tradition because they do not get permission to marry because they are still minors, so they still do it to ensure that their marriage continues. The same tradition also occurred in one of the villages in South Panyabungan District, namely by the couple Roihan (male) and Siti (female) due to lack of education.

This tradition does not only happen to girls, but there are also things that are done to women who have been proposed to by other men such as Awal's brother (male) who ran away from Defi (female) after being proposed by Arya (male). As a result of his actions, Awal had to pay a fine that amounted to twice the amount of dowry because he had taken away a woman who had been given a dowry by another man. From the above explanation, this research was carried out with the aim of finding out how Islamic law and customary law views the manangko boru tradition continues to occur from year to year.

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<sup>7</sup> Novita Aulia Lubis dan Jorge O. Brusa, "IMPLEMENTATION OF WALIMATUL'URS IN THE MIDDLE OF THE COVID-19 PANDEMIC A REVIEW OF MAQHASID SYARI'AH IN NEW VILLAGE COMMUNITIES DELI SERDANG DISTRICT," *Journal of International Islamic Law, Human Right and Public Policy* 1, no. 1 (2023): 17-40, <http://jishup.org/index.php/ojs/article/view/3>.

<sup>8</sup> Muji Mulia dkk., "Conflict And Consensus in Fiqh Siyasa: The Practice of Islamic Law Across Various Cultures," *Jurnal Ilmiah Peuradeun* 12, no. 3 (2024): 1263-88, <https://www.journal.scadindependent.org/index.php/jipeuradeun/article/view/1363>.

## **Method**

This study uses a qualitative approach which is a research method used to research a natural object, of which the researcher is a key instrument, and the analysis in this study uses inductive analysis.<sup>9</sup> This research will describe in depth the problem solving whose data was obtained through interviews with couples who carry out the manangko boru tradition, community leaders, religious leaders, and traditional leaders in South Panyabungan District, where the researcher will directly go to the field to get information about the problem. The time of this research was carried out in conducting this research from June to July 2023. The location of the research conducted by the author in conducting this research is in South Panyabungan District, Mandailing Natal Regency, Postal Code 22952. The target/subject of this study is couples who carry out the manangko boru tradition, community leaders, religious leaders and traditional leaders in South Panyabungan District, Mandailing Natal Regency. by conducting interviews with the subjects to obtain stronger information and data. The research was carried out by collecting, compiling, classifying, and interpreting data so that it could provide a clear picture of the problem being researched through interviews with couples who carried out the manangko boru tradition, community leaders, religious leaders, and traditional leaders because it was directly related and interacted with the community. In addition, the researcher also collects, analyzes and examines the materials contained in the library to help support the research discussed.

The type of research used by the author is normative-empirical legal research that is qualitative.<sup>10</sup> With several sources used, the first is primary data obtained directly and sources taken from interviews conducted with community leaders, religious leaders and traditional leaders in South Panyabungan District. The second is secondary data, namely data obtained directly and indirectly. The collection of the necessary data from the above data sources is carried out by several techniques, including observation, which is a method of collecting data by using or conducting direct observations systematically about the phenomenon or problem being studied. Then with the interview technique which is often also referred to as an oral questionnaire, which is a dialogue carried out by the interviewer to obtain information from a source. The data analysis technique used by the author in completing this study is analysis using an inductive approach. That is an approach that is the opposite of theorization with a deductive model. The data will be analyzed in a way of thinking that starts with looking at specific things and then draws a new, more general conclusion.

## **Result and Discussion**

### **Manangko Boru Tradition in Mandailing Customs**

The Mandailing community is a society that is very thick with Mandailing customs and traditions that are implemented and maintained from generation to generation as well as

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<sup>9</sup> Audrey Alejandro dan Longxuan Zhao, "Multi-Method Qualitative Text and Discourse Analysis: A Methodological Framework," *Qualitative Inquiry* 30, no. 6 (Juli 2024): 461-73, <https://doi.org/10.1177/10778004231184421>.

<sup>10</sup> Bui Thanh Khoa, Bui Phu Hung, dan Mohsen Hejsalem Brahmi, "Qualitative Research in Social Sciences: Data Collection, Data Analysis and Report Writing," *International Journal of Public Sector Performance Management* 12, no. 1/2 (2023): 187-209, <https://doi.org/10.1504/IJSPM.2023.132247>.

marriage customs and traditions.<sup>11</sup> Marriages carried out by the community are carried out in accordance with applicable customs and traditions.<sup>12</sup> One of the traditions that is still ongoing today is the manangko boru tradition in the marriage customs of the community. There are two types of manangko boru traditions, namely manangko boru that has not been proposed to and mannagko boru that has been beloved. As said by a traditional leader from one of the villages in South Panyabungan District: That manangko boru in the community is known as marlojong, there are two manangko boru, namely manangko boru that has not been proposed and those who have been beloved. Manangko boru that has not been asked does not result in a fine in the form of money but only a disgrace that arises in the community, while if the manangko boru has been asked for, he will get a fine of twice the dowry that has been received. Manangko boru who has not been proposed means that a man brings an unmarried girl secretly from his parents' house. Usually couples who will carry out this tradition make an agreement in advance for their meeting. The man would wait for the girl at the place they had agreed to in advance and the girl would leave her parents' house secretly to go to the man. After meeting at the place of agreement, the journey continued to the man's house.

After arriving at the man's house, one or two representatives from the man's side are dispatched to convey a message to the woman's family. The message informs them that their daughter has arrived safely at the man's family house, in good health, and with the intention of getting married. This act is not only a formal notification but also a significant cultural gesture, signaling the serious commitment of the man's family towards the marriage. The family of the woman, upon receiving the news, will have to respond in a way that maintains their honor and reputation. Even if they are initially reluctant or do not fully agree with the decision, they will generally accept it. This is because refusing to accept the arrangement would lead to further disgrace or dishonor for the family, as it would be seen as a public rejection of an already established engagement.

Despite their reservations, the woman's family recognizes that challenging the decision would bring unnecessary social shame. As a result, the family will proceed with the next step in the process, which is to inspect the daughter's room. This inspection is not only a physical check of her belongings but also a symbolic act confirming that the daughter has left her parents' home to join the family of her chosen husband. Among the items the family will look for are personal items such as letters, shawls, or sarongs, which are significant markers of her departure. These items, often associated with personal belongings or symbols of intimacy, confirm that she has made the decision to leave her parental home and embark on a new life with her partner. This process reflects the social norms and expectations surrounding marriage in the community, where the movement from one household to another, especially the departure of a woman, is laden with cultural and symbolic meaning. It underscores the gravity of the marriage decision and the transition from the family of origin to the family of marriage, marking a significant rite of passage for the woman. The careful attention to these

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<sup>11</sup> Yusni Khairul Amri dan Dian Marisha Putri, "The Role of Traditional Leaders in Bridging Cultural Values," *Lakhomi Journal Scientific Journal of Culture* 4, no. 4 (2023): 159–66, <http://biarjournal.com/index.php/lakhomi/article/view/1025>.

<sup>12</sup> Gusti Yosi Andri dkk., "Marriage legalization: Preserving the customary marriage tradition of the ethnic Chinese community in Cirebon City," *Interdisciplinary Social Studies* 4, no. 1 (2024): 10–20, <https://iss.internationaljournalallabs.com/index.php/iss/article/view/731>.



traditions ensures that the family's honor remains intact while also facilitating the orderly progression of the marriage arrangement.

This event is what causes a fine, namely a fine that must be paid by a third party (a man who is a manangko boru who has been proposed). The fine is twice the amount of dowry that has been given to the girl. The fine was due to the fact that the girl had been given a dowry by a man, but she chose to cancel the proposal for the sake of another man. So the man who brought the girl secretly had to pay a fine of twice the dowry that had been given. For example, if the dowry given is IDR 25,000,000, the amount of fine that must be paid is IDR 50,000,000. This regulation applies to perpetrators who carry out the manangko boru tradition against girls who have been betrothed and married. For those who are not married and have not been proposed, they are not subject to fines even though they have previously been brought by another man. This event triggers the imposition of a fine, specifically a fine that must be paid by a third party, namely the man who has performed the manangko boru (proposing) ceremony for the girl. The fine is set at twice the amount of the dowry that has been given to the girl. This penalty is imposed when the girl, after receiving the dowry, decides to cancel the proposal in favor of another man. The man who initially proposed to her, in this case, is required to pay the fine, which is equivalent to double the amount of the dowry that was given. For example, if the dowry provided is IDR 25,000,000, the fine that must be paid is IDR 50,000,000.

This regulation is specifically enforced for cases involving the manangko boru tradition when the girl has already been betrothed and formally proposed to, and the arrangement has been made public. In such cases, the practice of canceling the proposal without valid reason causes harm to the man who has made the commitment, and the fine acts as compensation for the emotional and social consequences of the broken engagement. On the other hand, if the girl has not yet been formally proposed to or is not yet married, she is not subject to the fine, even if she has been brought by another man in a previous arrangement. This distinction ensures that the fine is only applicable in situations where formal commitment has been made, protecting the rights of those involved in the manangko boru process. The application of this fine is rooted in the cultural norms and legal framework of the Mandailing community, where the tradition of manangko boru plays a crucial role in the social and familial contract between the two parties. While the tradition respects the importance of dowries as symbols of commitment, it also emphasizes accountability, ensuring that individuals uphold their agreements and do not disrupt established relationships lightly. This regulation, therefore, serves not only as a form of financial restitution but also as a deterrent against dishonoring commitments within the community.

### **Islamic Law Views on the Manangko Boru Tradition**

Customary law is a set of unwritten rules and is a guideline for life that is maintained in the daily life of both urban and village people. People in South Panyabungan sub-district use the Mandailing Batak customary law or better known as the Mandailing custom.<sup>13</sup> The

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<sup>13</sup> Erawadi Erawadi dan Fadlan Masykura Setiadi, "Exploring Religious Harmony Through Dalihan Na Tolu: Local Wisdom in Peacebuilding in Indonesia," *Jurnal Ilmiah Peuradeun* 12, no. 3 (2024): 1379-1408, <https://journal.scadindependent.org/index.php/jipeuradeun/article/view/1398>.

customary law that applies in this sub-district contains the values of Islamic teachings in it because the people are one hundred percent embraced Islam so that in terms of problems and customary matters, they are still guided by Islamic law.<sup>14</sup> The traditional leader of this village considers that the manangko boru tradition is a tradition that should not be maintained because it deviates from the teachings of Islam. This tradition also results in disgrace for the perpetrator's family. In addition, this tradition also results in fines, not only fines in the form of money but also social fines. The perpetrator will be married at the man's house after the parents of the woman give permission. However, there are also women who are brought home by their parents, not because they do not agree but want to marry their daughters properly according to customary law and also Islamic law, namely by being made. This method was chosen because of the love and affection of parents to their children so that their children's marriage is carried out properly and the marriage is known by the extended family and relatives.

Islamic law is a shari'a revealed by Allah SWT to the Prophet Muhammad PBUH as a guideline that regulates the lives of all humans in the world, which aims to lead mankind to the salvation of the world and the hereafter. For a Muslim, it is mandatory to make this Islamic law a guideline both in criminal and civil cases because everything has been regulated by Allah for the salvation of mankind. Marriage is an example of Islamic law in the civil aspect, so every Muslim must carry it out in accordance with what has been regulated by Allah both in terms of harmony and conditions and other things in order to create a household that is *sakinah, mawaddah, warahmah*.<sup>15</sup> Village religious leaders in South Panyabungan District considered that the manangko boru tradition was wrong in religion and could not be justified. As said by Mr. Muhammad Taon when interviewed "manangko boru i ma sala according to the religion of sabotulna pe sala juo i adat", that is, manangko boru is a tradition that is wrong according to religion and also wrong according to religion. Because the tradition allows a girl to travel with a male *ajnabi* while she is not accompanied by her *mahram*. In accordance with the hadith:

لَا يَخْلُونَ رَجُلًا بِامْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ

Meaning: It is not permissible for a woman to leave the house except with her *mahram*. So based on the hadith, the girl has violated the rules because she went out with an *ajnabi* man without being accompanied by her *mahram* so that it was feared that they had done something that was not natural for those who were not a *halal* couple because of the absence of supervision from her *mahram*. Then from the departure of a girl with a man who is not her *mahram*, there will be a chance of adultery between the two. Meanwhile, Allah SWT has forbidden His servants to approach adultery, as Allah SWT said: Meaning: And do not approach adultery; Indeed, adultery is a heinous act. And a bad path.

The prohibition of approaching adultery includes all prohibitions on things that can lead to the act of adultery, because whoever violates it is feared that he will fall into it. Most of the problems of adultery are caused by being driven by lust. This can be triggered by traveling between women and *ajnabi* men, especially if they have a special relationship outside of

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<sup>14</sup> Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at the Panyabungan Religious Court," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 155-74, <https://e-journal.metrouniv.ac.id/milrev/article/view/7809>.

<sup>15</sup> Norcahyono Norcahyono dkk., "Analysis of the Nature Marriage in the Perspective of Islamic Family Law," *Jurnal Elsyakhshi* 2, no. 1 (2024): 15-24, <http://journal.staisni.ac.id/index.php/elsyakhshi/article/view/43>.

marriage, so it is forbidden for a woman to travel with ajnabi without being accompanied by her mahram because she is afraid of committing adultery.<sup>16</sup> Another reason is that the behavior of children who leave without permission from their parents or family is not a good thing. Likewise, the act of bringing people's daughters secretly is very uncommendable and this can be demanded by the girl's parents if they do not agree to it. Because it has been feared that unwanted things will happen, parents on both sides are forced to marry their children who are afraid that they have committed immorality first even though they are still underage to get married.

This tradition is indeed unjustifiable under Islamic law because one's daughter should not be brought secretly without permission and without the knowledge of her parents.<sup>17</sup> The Ulema Council of South Panyabungan District also gave the same information with religious leaders that this tradition should not be carried out because it violates Islamic law. However, this tradition cannot be stopped easily because it has been going on for a long time and occurs in a descending manner. Marriage should be carried out in accordance with Islamic law and not violate it. In accordance with Islamic law, the manangko boru tradition should not be carried out by the community, especially the people in South Panyabungan sub-district because it is clearly contrary to Islamic law. The marriage that is held should be carried out in accordance with Islamic law which begins with the existence of khitbah carried out by the man against the woman and continues to the marriage stage in accordance with the harmony and syarakat in Islamic law.

Islamic law also provides a prohibition regarding the prohibition of proposing to a woman who has been proposed to by another person as stated in the Compilation of Islamic Law "it is also forbidden to propose to a woman who is being proposed to another man, as long as the man's proposal has not broken up or there has been no rejection from the woman's side".<sup>18</sup> For this reason, manangko boru that has been proposed to by another man is not allowed and prohibited, especially if the manangko boru has entered into a marriage contract with another man. The legal basis for his prohibition on proposing to another person is:

نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَبِيعَ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا يَخْطُبَ الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ، حَتَّى يَتْرَكَ الْخَاطِبُ قِبْلَهُ أَوْ يَأْذَنَ لَهُ الْخَاطِبُ

Meaning: The Prophet Muhammad (peace be upon him) has forbidden some of you to buy and sell over the buying and selling of his brother. And let no man propose to another until the previous suitor has abandoned him, or he has been allowed by the previous suitor." (H.R.<sup>19</sup> Bukhori). This hadith explains that it is forbidden to propose to a woman who has been proposed to by someone else until the suitor leaves her by including the circumstances of the woman who is proposed to reject or not reject her. Other hadiths are:

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<sup>16</sup> Musda Asmara dkk., "Trendy Veil: Law, Function, and Its Stigma on Muslim Society," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023): 245-57, <https://ejournal.uinmybatu.sangkar.ac.id/ojs/index.php/Juris/article/view/8609>.

<sup>17</sup> An Ras Try Astuti, "Meta-Analysis of Children's Moral Education in the Digital Era: A Bibliometric Analysis (1977-2021)," *Khizanah al-Hikmah: Jurnal Ilmu Perpustakaan, Informasi, dan Kearsipan* 12, no. 1 (2024): 172-82, <https://journal.uin-alauddin.ac.id/index.php/khizanah-al-hikmah/article/view/38545>.

<sup>18</sup> Ismail Rumadan, Husin Wattimena, dan Muis Saifuddin Anshari Pikahulan, "Systematic Review of Islamic Law and Human Rights Controversies: A Bibliometric Analysis," *Remittances Review* 8, no. 4 (2023), <https://remittancesreview.com/menu-script/index.php/remittances/article/view/1027>.

<sup>19</sup> Yasin Kahyaoğlu, Abdullah Ismail el-Medeni, dan Ahmet Oğuz, *El-Burhan; Buhari ve Müslimden Seçme Hadisler* (Nida Yayıncılık, 2020),.



عَنْ عُقْبَةَ بْنِ غَامِرٍ أَنَّ رَسُولَ اللَّهِ ص قَالَ: أَلْمُؤْمِنُ أَخُو الْمُؤْمِنِ فَلَا يَجِلُّ لِلْمُؤْمِنِ أَنْ يَبْتَاعَ عَلَى بَيْعِ أَخِيهِ وَلَا يَحْطُبَ عَلَى خِطْبَةِ أَخِيهِ حَتَّى يَدْرَ. احمد و مسلم

Meaning: From 'Uqbah bin 'Amir, the Prophet PBUH said, "A believer is a brother of another believer, so it is not permissible for a believer to bid on his brother's offer, and he should not propose to his brother's proposal so that his brother leaves him" (HR. Ahmad and Muslim).<sup>20</sup>

The prohibition of a person proposing to his brother's proposal is because it can cause hostility in the heart and can even cause quarrels and divisions so Islam prohibits it.<sup>21</sup> Judging from the aspect of maqāsid al-sharī'ah, namely the goal, target or end result in the form of the true benefit with the stipulation of the law on human beings, the tradition violates one of the maqāsid al-sharī'ah, namely violating the maintenance of religion (hifdzu al-din).<sup>22</sup> The division of maqāsid al-sharī'ah includes: The Maintenance of Religion (Hifdzu al-Dīn) includes teachings related to creed, worship and laws that Allah has decreed to humans. All are summarized in the pillars of faith and the pillars of Islam. By carrying out all these provisions, man is called a person who carries out the will of al-shāri' and includes maintaining religion. The Maintenance of the Soul (Hifdzu al-Nafs) is an effort to preserve the soul (self) and the continuation of human life, Islam requires to achieve the upright soul, namely the fulfillment of basic food, drinks, clothes, shelter. Maintenance of the Intellect (Hifdzu al-'Aql), the intellect is a vital limb of the human body. With this reason, man can distinguish, feel and know everything that he can achieve, whether something in himself or outside of himself. One example of the maintenance of reason is the obligation to learn to acquire knowledge.

Preservation of Offspring (Hifdzu al-Nasl/al-Nasb), Islam pays great attention to the offspring that are born from a clear and legitimate relationship according to religion and state. Thus, Islam prohibits adultery for the sake of preserving offspring.<sup>23</sup> In Islam, the maintenance of descendants is obligatory, therefore, to legalize sexual relations, Islam requires the implementation of a valid marriage contract.<sup>24</sup> Maintenance of Assets (Hifdzu al-Māl), one example related to the maintenance of assets is the obligation of everyone to work to meet the needs of their lives and the family for which they are responsible. However, no matter how small the work is engaged, what is important is legitimate work with halal results. Of the five maqāsid al-sharī'ah, the one violated by the perpetrator of the manangko boru tradition is hifdzhu al-din, because this tradition violates Islamic shari'a and carries out marriage is not in accordance with the teachings and recommendations of Islam.

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<sup>20</sup> "الدرر السننية - الموسوعة الحديثية - شرح الأحاديث" dorar.net, diakses 29 Desember 2024, <https://dorar.net/hadith/sharh/14668>.

<sup>21</sup> Samy Khattab, "Peaceful Co-existence in Societies from the Past to the Present: A critical Analytical Study in light of the Qur'an and the Prophet's Sunnah" (PhD Thesis, University of Leeds, 2024), <https://etheses.whiterose.ac.uk/35765/>.

<sup>22</sup> Sanuri Sanuri, "Maqasid al shariah and methodological crisis of contemporary Islamic law" (Insight Mediatama, 2023), <http://repository.uinsa.ac.id/id/eprint/2988/>.

<sup>23</sup> Iman Jauhari dan Zamakhsyari Hasballah Thaib, "The Qur'an and Islamic Legal Perspectives on Child Protection," *The Pharos Journal of Theology* 104, no. 04 (2023): 1-13, [https://www.pharosjot.com/uploads/7/1/6/3/7163688/article\\_17\\_vol\\_104\\_4\\_indonesia.pdf](https://www.pharosjot.com/uploads/7/1/6/3/7163688/article_17_vol_104_4_indonesia.pdf).

<sup>24</sup> Agustin Hanapi, Sarina Aini, dan Cut Endang Puspa Sari, "Bridging Fiqh and Positive Law: A New Paradigm for Child Legality and the Best Interest of the Child in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 293-308, <http://ejournal.uinmybatusangkar.ac.id/ojs/index.php/Juris/article/view/10712>.

If viewed in terms of 'urf, this tradition is classified as 'urf fasid because the manangko boru tradition has no evidence that allows it and is clearly contrary to the evidence and shari' which has become a provision in Islam. No different from the perspective of Islamic law, customary law also does not justify the manangko boru tradition for the same reason because customary law follows Islamic law, a couple of men and women who are not mahrams travel without an accompanying mahram.<sup>25</sup> He feared that there had been adultery between the couple. Leaving home with the intention of getting married without the permission of his parents. The acceptance of parents' requests to marry their children by marriage is made in accordance with customary law which is appropriate solely not because it justifies the tradition but is carried out to maintain the good name of the family and as an effort to eliminate the disgrace committed by the child.

This tradition will result in a negative impact on marriage as conveyed by a traditional leader from Aek Ngali village, South Panyabungan District said that there will be several possible impacts that will be vulnerable to marriage carried out with the manangko boru tradition, namely, Causing family disgrace, especially if it is not married. There is community wisdom that precedes religion. The occurrence of underage marriages and increasing the number of marriage dispensation applications at the Religious Court. There is a disharmony between the family. The likelihood of divorce is higher. There will be many quarrels that occur in his household, both between the two partners and with his family members. A marriage that starts off on a bad path will have more problems to maintain the household, such as not getting along with the in-laws, not getting along with the brothers-in-law and can even result in incompatibility between the families of both parties. In fact, this can trigger divorce due to the many disputes in the household, so it can be said that marriage with the Manangko Boru tradition has a higher probability of divorce than a marriage that is started properly and in accordance with sharia'.

## **Conclusion**

Based on the research conducted on the Manangko Boru tradition in the Mandailing custom in South Panyabungan District, the following conclusions can be drawn, the Manangko Boru tradition that is still carried out by the Mandailing indigenous people in South Panyabungan District can be triggered by several reasons, namely there is no blessing from parents, early age, has fallen into promiscuity, to reduce costs, lack of community education and family economic problems. This tradition is classified into two types, the first one, the manangko boru tradition for women who have not been betrothed. Perpetrators of this tradition are not subject to fines but will only cause disgrace to their families. Second, the manangko boru tradition for women who have been betrothed. Perpetrators of this tradition will be fined according to the agreement of both parties. If a dowry has been given, a fine of twice the dowry that has been given to the woman will be given. Judging from Islamic law, this tradition has violated sharia because many things are contrary to religion because first, it allows men and women to travel without a mahram from women. Second, it is feared that

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<sup>25</sup> Suprijati Sarib dan Sabil Mokodenseho, "Comparison Between Islamic Law and Positive Law in a Judicial Context," *West Science Islamic Studies* 1, no. 01 (2023): 34-41, <https://wsj.westsciencepress.com/index.php/wsiss/article/view/284>.

something unwanted has happened during the two of them. Third, not asking for permission from parents in advance or violating parental prohibitions.

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