LEGAL PLURALISM AND SHARIA-CUSTOMARY CONTESTATION – TOBA BATAK CUSTOMS IN THE PRACTICE OF MINORITY MUSLIM MARRIAGE IN PAHAE JAE, NORTH TAPANULI

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Abstract
Marriage ceremonies among minority Muslim communities are a typical arena of negotiation between Islamic law (Sharia) and the dominant local customary norms. Integrating legal pluralism, reasoning of *al-ʿurf* and *maqāṣid*, and *Fiqh al-Aqalliyyāt* as an analytical framework, this study examines the contestation between Sharia and Toba Batak customs in the marriage practices of minority Muslim communities in Setia Village, Pahae Jae District, North Tapanuli Regency an area better known as the capital of the district, Tarutung. Muslims are a small minority of the surrounding population (officially about 4.9% of the total population of North Tapanuli Regency; Directorate General of Dukcapil of the Ministry of Home Affairs, 2024) so that it is immersed in the strong dominance of non-Muslim Toba Batak customs. The objectives of this study are: (1) to describe the adaptation strategies of minority Muslim communities in the face of Sharia-customary contestation; (2) to evaluate the adequacy of classical Islamic legal concepts in explaining these practices; and (3) to articulate their implications for *Indonesian Fiqh al-Aqalliyyāt*. This qualitative ethnographic study involved religious leaders, traditional elders, and married couples in Setia Village, through participant observation and in-depth interviews for approximately three months (July–September 2025). The data analysis followed the Miles, Huberman, and Saldāña (2019) model. The findings reveal three main patterns: (1) a systematic practice of what in this study is called "double compartmentalization", in which the sacred realm of Sharia is maintained in the private domain while the public customary realm serves as the dominant arena of social legitimacy; (2) the obligation of synmoth, empirically, goes beyond the condition of free will of the classical fiqh concept *ʿurf ṣaḥīḥ*. The analytical reading proposed by this study to be reconsidered through *ḍarūrah sūriyyah* (social emergency) or *maslahah mursalah* at *the ḍarūriyyāt* level; and (3) these practices are associated with a resilient pluralistic religious identity, the Batak Muslim na maradat, in which adherence to customs serves as a protective framework for Islamic practices, not a threat to them. As a temporary analytical proposition of a single location that

requires cross-site validation, this study contributes to the discourse of *Fiqh al-Aqalliyyāt* and legal pluralism in Indonesia, by showing that the direction of acculturation appears to be shaped no less by demographic and social power configurations than by normative textual arguments.

Keywords: Legal pluralism; *Fiqh al-Aqalliyyāt*; Muslim minorities; Toba Batak customs; marriage

A. Introduction

The dynamic relationship between Islamic law (Sharia) and local customary norms (adat) is one of the most enduring academic debates in Islamic studies in Indonesia. As a nation with great cultural diversity, Indonesia provides a valuable context for examining how Muslim communities negotiate competing demands between religious orthodoxy and customary traditions (Bowen, 2015; Hadler, 2009). The significance of this topic is not only academic, but also has direct implications for social cohesion, the application of Islamic family law, and the development of contextual Islamic jurisprudence in Indonesia. Within the framework of broader Islamic legal theory, these negotiations are mediated by the concept of *al-ʿurf* (custom) in *uṣūl al-fiqh*, which conditionally recognizes local practices that do not conflict with basic Sharia principles to be integrated into religious life (Fithri, Hadi, & Mawaddah, 2023; Wandi, 2018). In Muslim-majority communities in various parts of the archipelago, this theoretical accommodation has historically resulted in a relatively harmonious form of acculturation, in which customary rituals are gradually adapted to meet formal religious standards (Djawas et al., 2023; Nst & Lubis, 2024).

Note regarding the research location: throughout this article, "Tarutung" is used as a popular abbreviation as it is commonly used by the residents of the area itself for the location of the field research, which administratively is Setia Village, Pahae Jae District, North Tapanuli Regency; Tarutung itself is the capital of the district located in a neighboring district. In the section that demands precision, this article uses the full administrative designation.

Marriage ceremonies have emerged as the most prominent and most contested arena of acculturation. Marriage rituals encompass two interrelated dimensions: the sacred dimension (Sharia), which governs the juridical validity of the marriage contract, and the socio-cultural dimension (adat), which governs social legitimacy, belonging to the community, and celebratory expressions (Siregar, Siregar, & Rangkuti, 2023). Tensions arise when customary norms are seen as potentially deviating from Sharia principles, prompting complex negotiations between religious and customary authorities. Legal pluralism theory offers a productive framework for understanding this dynamic, recognizing that religious law, customary law, and civil law can coexist, overlap, and compete in a single social arena (Pedersen, 2016; Masud, 2002). This framework, however, is not a simple binary of "custom versus Sharia": most studies of legal pluralism emphasize interlegality and forum shopping practices in which actors strategically choose between normative orders that coexist according to the expected outcomes of each (von Benda-Beckmann, 1981; Griffiths, 1986). This study engages the literature directly, treating the Tarutung case not as a fixed conflict between two systems of rules, but rather as a field of normative order that overlaps and is invoked according to the situation.

These dynamics of integration and contestation become much more complex when they occur within minority Muslim communities, which must confront not only

their own customary traditions, but also cultural pressures exerted by the non-Muslim majority around them (Masud, 2002; Mohiuddin, 2015). Previous research provides valuable theoretical grounds: studies in Buol identified substitution, syncretism, and deculturation in marriage practices; research in Mandailing confirmed the conformity of Pakake Anak Daro customary practices with *ʿurf ṣaḥīḥ* (Nst & Lubis, 2024); a contestation study in Tapanuli documented the crucial role of religious leaders in reshaping customary practices towards Sharia standards, including in the horja ritual itself (Siregar, Siregar, & Rangkuti, 2023); and research in the Bugis Bone community showed a relatively smoother integration between customary law and Islamic law (Djawas et al., 2023). Despite their contributions, the entire study is set in a Muslim-majority context, where Sharia holds strong cultural hegemony and acculturation generally moves towards "customary Islamization." Therefore, there is a fairly plausible gap to fill in this study: the relatively rare empirical study of Sharia-customary contestation that specifically occurs when Muslims become a demographic minority embedded in a non-Muslim customary system in which the direction of normative pressure is reversed compared to the above Muslim-majority cases.

This study fills this gap by examining the practice of marriage ceremonies in the minority Muslim community in Setia Village, Pahae Jae District, North Tapanuli Regency where Muslims are a small minority of the surrounding Toba Batak population, which is organized under a patrilineal kinship system known as Dalihan Na Tolu (Simbolon, 2017). This demographically extreme one-village configuration offers a useful analytical lens although it is not in itself generalizable to identify resistance strategies, compromise mechanisms, and conditions under which Sharia norms are maintained, adapted, or subordinated to customary imperatives. Read together with comparable one-location studies, this research is intended as one of several other contributions to the discourse of Fiqh al-Aqalliyyāt (Minority Fiqh) in Indonesia as well as the religious anthropological literature on the cultural strategies adopted by minority communities (Nurhayati, 2013; Kamali, 2025).

This research is guided by three research questions: (1) How do Toba Batak customary practices shape marriage procedures in the minority Muslim community in Setia Village? (2) To what extent are the principles of Islamic law applied, adapted, or negotiated in relation to the local customary traditions of the region? (3) How do the interactions between local culture and Islamic law shape the religious identity and socio-religious life of these minority communities? Thus, this study aims to: (a) describe and analyze the strategies used by the minority Muslim community of Setia Village in navigating Sharia and customary contestation; (b) evaluate the adequacy of classical Islamic legal concepts, in particular *al-ʿurf, ḍarūrah*, and *maslahah mursalah* in explaining customary practices in the context of these extreme minorities; and (c) articulate the theoretical implications of this case, tentatively called the "Tarutung proposition," for the development of Indonesian Fiqh al-Aqalliyyāt. The contributions referred to in this study are three, offered as empirically based propositions from a single location, rather than as an established model: first, the concept of "double compartmentalization" as a candidate for different categories of structural adaptation of integration, assimilation, and syncretism; second, the proposal for a jurisprudential reframing of the discussion of sinamot from ʿurf to *ḍarūrah sūriyyah*/maslahah mursalah, which is put forward here as an analytical proposal, not a well-established classification; and third, an initial sketch of what the variant of Indonesian *Fiqh al-Aqalliyyāt* looks like that is rooted in the hegemony of local customs, not in the secularism of the state as in the Western variant. These contributions are intended as propositions for further investigation, not as a general model derived from a single

case.

Islamic Law, Customs, and the Concept of *al-ʿUrf*

Classical Islamic jurisprudence has long recognized the importance of local customs (*al-ʿurf*) as a secondary source of legal reasoning. In *uṣūl al-fiqh*, *ʿurf ṣaḥīḥ* adat that is morally good and does not contradict the strict text (*naṣṣ qaṭʿī*) is given formal legal recognition (Andriyaldi, 2021; Wandi, 2018). The classical fiqh rule of al-ʿādah muḥakkamah ("custom becomes law") is one of the fundamental qawāʿid fiqhiyyah and reflects the pragmatic tradition of fiqh in accommodating local practices, as long as it does not exceed the limits of strict Sharia prohibitions (al-Suyūṭī, 1983; al-Zarqā, 1989; Fanani, 2014; Hassan & Ramli, 2020). Among the standard conditions that the classical uṣūl al-fiqh attaches to *ʿurf ṣaḥīḥ* is that the custom is carried out consistently and without being forced by pressures that negate true willpower (al-Zuhaylī, 1986). Contemporary studies increasingly question the adequacy of this classical framework when applied to conditions of social oppression, where customary compliance is not a free choice but rather a structural obligation, raising the question of thresholds, which are at the heart of this study, about where *ʿurf ṣaḥīḥ* ends and ʿurf fāsid, or categories outside ʿurf altogether, starting in a minority context (Gegana & Zaelani, 2022; Suherman & Zuhdi, 2025). This is the theoretical gap that this study fills: whether, and under what conditions of proof, the category of classicalʿurf is still adequate for a context in which Muslim communities face structural social pressures from non-Muslim majorities.

Ḍarūrah, *Maqāṣid* al-Syarīʿah, and Social Emergencies

When the doctrine of classical *ʿurf* feels too analytically burdensome, Islamic jurisprudence offers two further principles of reasoning: *ḍarūrah* (emergency) and *maslahah* mursalah (unbound benefit). The principle of *ḍarūrah*, which was classically applied to allow actions that were originally prohibited in life-threatening emergencies (summarized in the rule of *al-ḍ arūrāt tubīḥu al-maḥẓūrāt*, with the accompanying rule that emergencies are strictly judged according to their proportions, *al-ḍarūrah tuqaddaru bi-qadarihā*), has been expanded by some contemporary scholars into a category that some call "social emergencies" (*ḍarūrah sūriyyah*), in which continued non-compliance with social norms is argued to cause severe communal harm (Aziz & Ahmad, 2018; Kamali, 2025). It should be emphasized that *ḍarūrah sūriyyah* is not a standard technical term with an established classical genealogy; it is used in this article, following its use in the contemporary literature to which this study refers, as an analytical extension of the recognized doctrine of *ḍarūrah*, and any classification of synamot under this category (developed in the discussion below) is presented as an interpretive proposal of this study, not as an established fiqh. *Maslahah mursalah* at the *darūriyyāt* level concerning the protection of religion, soul, heredity, intellect, and property provides a further doctrinal pathway for evaluating practices that are arguably pragmatically necessary for communal survival (Mun'in, 2021; al-Zuhaylī, 1986). These two principles underpin the jurisprudence of Fiqh al-Aqalliyyāt, which extends the classical framework to the specific situation of Muslim minorities (Nurhayati, 2013; Kamali, 2025). However, any application of ḍarūrah or maslahah reasoning is subject to the well-established doctrinal threshold of harm severity, the absence of a legitimate alternative, the proportionality between the harm avoided and the accommodation provided, the nature of which is temporary, and does not contradict the *nas qathʿi* and this study treats such thresholds as a test to be passed by its own classification of synmoth, not simply assumed (al-Zuhaylī, 1986; Aziz &

Ahmad, 2018).

Fiqh al-Aqalliyyāt and the Context of Muslim Minorities

Minority jurisprudence, Fiqh al-Aqalliyyāt, was systematically developed by Yusuf al-Qaraḍāwī and Ṭāhā Jābir al-ʿ Alwānī in the late twentieth century to address the legal challenges of Muslim minorities in Western secular countries (al-Qaraḍāwī, 2001; al-ʿ Alwānī, 2003; Nurhayati, 2013; Mun'in, 2021; Muhammad et al., 2021). The main insight of this study is that classical fiqh reasoning, which developed under conditions of Muslim political and cultural dominance, requires significant contextual adaptation when applied to communities that do not hold normative authority over their social environment (Masud, 2002; Mohiuddin, 2015). However, as this study argues, the application of Fiqh al-Aqalliyyāt in the Indonesian context where Muslim minorities are embedded not in the framework of secular ideologies, as assumed by the foundational works of al-Qaraḍāwī and al-ʿ Alwānī, but in the hegemony of competing local customary traditions requires further theoretical elaboration (Kamali, 2025; Muhammad et al., 2021). This is the gap that is expected to be filled by the Tarutung case, as one case study among several other case studies that will be needed by the more mature Indonesian *Fiqh al-Aqalliyyāt* literature.

Legal Pluralism and Religious Anthropology

The theory of legal pluralism states that various normative orders of state law, religious law, and customary law coexist and interact in a single social arena, with their relative authority determined not by formal hierarchy but by power and social legitimacy (Pedersen, 2016). In the Indonesian context, this framework has been productively applied to analyze the dynamics of interaction between customs, Islamic law, and civil law in various regions (Bowen, 2015; Siregar, Siregar, & Rangkuti, 2023). A closely related and empirical evidence-based literature strand examines how parties to a dispute actively choose between available normative forums "forum shopping" instead of passively inhabiting a single system (von Benda-Beckmann, 1981; Lund, 2021), a framework that is again discussed in this study in the Discussion section when placing dual compartmentalization among its neighboring concepts. Clifford Geertz's insight that religion has always been lived as a "cultural system" offers a complementary anthropological lens, directing attention to how religious practices are shaped by, and in turn shaped, broader cultural configurations (Rumahuru, 2012). The concept of pluralistic religious identity in which individuals simultaneously inhabit a variety of potentially competing normative frameworks has been documented from Pelauw in Maluku (Rumahuru, 2012) to other regions in Tapanuli (Sitorus, Irwansyah, & Jailani, 2024), although it has never, as far as this study is known, been systematically studied under conditions of extreme minority status as examined here. This combined framework of legal pluralism, religious anthropology, and Fiqh al-Aqalliyyāt became the analytical foundation of the research.

B. Methods

This study uses a qualitative approach with ethnographic design (Creswell, 2014) to explore and analyze how Toba Batak customary norms and Islamic law are negotiated in the marriage practices of minority Muslim communities in Setia Village, Pahae Jae District. The ethnographic approach was chosen because it is epistemologically appropriate to this phenomenon: different from survey-based methods, which only capture verbal reports, ethnography allows the complexity of normative negotiations to be captured as it occurs in practice including ritual

symbolism, distribution of authority, and lived meanings that are not always explicitly articulated by participants.

The research was conducted in Setia Village, Pahae Jae District, North Tapanuli Regency, a location chosen because of its significance as a center for minority Muslim settlements in the middle of a landscape dominated by the indigenous Toba Batak people, as well as because of its accessibility through pre-established community contacts. The field research was conducted for approximately three months, July to September 2025. Participants were selected purposively to ensure the representation of three main stakeholder categories: (1) religious leaders, who lead Islamic rites and function as authoritative interpreters of Sharia for the community; (2) traditional elders, who oversee the Batak ritual process and hold customary authority; and (3) married couples and their nuclear families, who have direct experience navigating both normative systems. A total of 18 informants were involved in this study. Where the selected informant category consisted of 3 religious leaders with the code PA-01 to RA-03 aged 45-60 years, 4 traditional elders with the code TA-01 to TA-04 aged 50-70 years and married couples 11 couples with the code PS-01 s.d. PS-11 aged 30-55 years.

Data saturation was considered to have been achieved after the eighteenth informant interview and the third ceremony was observed to no longer produce new categories beyond those that had saturated the coding scheme described below. In the implementation of the interview, it was stopped and considered to be valid information from the informant in the field because there were no more pictures or new information from respondents 16 to 18 so that the researcher felt ignorant in taking information up to 18 informants. The implementation of this research was carried out with permission from P3M STAIN Mandailing Natal and his family, an implementation task letter signed by the Chairman of STAIN. Meanwhile, related to informant information, it was made anonymously as part of the research ethics.

The main data collection techniques were semi-structured in-depth interviews and participant observations. Semi-structured in-depth interviews followed guidelines compiled from research questions, with sessions lasting 60 to 120 minutes and conducted in Indonesian and Toba Batak according to the informant's preference. The interviews were recorded in audio with the permission of the informant and transcribed verbatim; the material originally recorded in Toba Batak was translated into Indonesian by a direct research team from Batak Toba so that the accuracy of the translation was guaranteed. Participant observation allowed researchers to be directly involved in the wedding ritual that, documenting the sequence of customary and religious elements, the distribution of ritual authority, as well as the interaction between the Sharia realm and the customary realm, including symbolism, spatial planning, and the role of stakeholders.

The data analysis followed the iterative model of Miles, Huberman, and Saldāña (2019), which consisted of three interrelated stages. First, the data reduction of simplification, sorting, and categorization of raw data relevant to the theme of customary-religious interaction was carried out through systematic thematic coding; the initial code was inducively generated from interview transcripts and field notes, then grouped into higher-level categories reported in the Findings section below by providing PA codes for religious leaders, TA for traditional leaders, and PS for couples. Second, the data presentation organized the data that had been reduced into a descriptive narrative and an analytical matrix that identified patterns of interaction between Batak customs and Islamic law. Third, the drawing and verification of conclusions took place iteratively through triangulation of data across sources, informant categories, and observation contexts. The validity strategy combines

member checking (verification of findings with key informants), triangulation of sources, and prolonged involvement in the field throughout a full three-month research period to support the trustworthiness of the findings.

C. Findings and Discussion

1. Findings

Field research in Setia Village yielded three empirical patterns, each illuminating a different dimension of the Sharia–customary contestation in the marriage practices of this minority Muslim community. All three are presented in terms of their analytical significance: (A) the structural organization of marriage ceremonies through what in this study is called double compartmentalization; (B) the economic and social character of synatic obligations; and (C) postmarital normative tensions in the settlement of inheritance and property disputes. At the request of the reviewer, the doctrinal classification of these patterns under *ʿurf, ḍarūrah,* or *maslahah* is reserved for the Discussion section below; this section reports what is observed and heard in the field.

Dual Compartmentalization

The most structurally significant pattern observed is the systematic and seemingly deliberate separation of "double compartmentalization" in the marriage rituals of minority Toba Batak Muslims. Instead of harmonizing or integrating the sacred dimensions and customs of marriage into a single set of rituals, as the majority Batak Muslim community has reported in the comparative literature, the communities observed here maintain a strict separation between two normative domains that operate independently but sequentially.

The first realm is the sacred realm of Sharia, including marriage contracts, dowries, guardians, and witnesses. This realm is carried out with fidelity to the requirements of classical fiqh, usually in a mosque or at home, in a closed and private atmosphere that is deliberately separated from the traditional procession that is public. The second realm is the public realm of customs, including sinamot (payment of customary dowries), the giving of ulos (ceremonial cloth), traditional singing (dendang), communal feasts (horja), and the giving of clan to wives. This realm serves as the main arena of public visibility, and according to informant reports, it generally lasts longer and costs more than religious ceremonies.

The timeline of these two domains is analytically quite revealing: the customary ceremony is reported to be completed first before the marriage contract is implemented. As a key informant said, referred to by the pseudonym Simamora: "All customary ceremonies must be completed before the marriage contract. If the customary conditions have not been resolved, the marriage is considered invalid in the eyes of the community" (interview, August 12, 2025). This time sequence gives the customary realm a kind of social priority in practice, although the community theologically still believes that the marriage contract alone determines the validity of Islam. The result, as observed, is a structure of dual legitimacy in which each normative realm is fulfilled according to its own conditions, in its own realm, without direct conflict or syncretism. In the three marriage ceremonies observed by researchers in Setia Village, this pattern was found consistently; The study does not claim that it suggests the practice has been institutionalized throughout the wider community, such stronger claims require a broader sample of ceremonies or systematic attention to negative or deviant cases.

The payment of sinamot, which according to informant reports can be worth tens to hundreds of millions of rupiah, is the most financially and normatively significant

element in the customary realm observed. As a social obligation, non-compliance with the informant's reporting risks causing effective exclusion from the Toba Batak clan network.

Informant Mr. Regar (pseudonym) explained the logic of this operative directly: "Here, if there is a marriage among Muslims, the customary rituals must still be carried out, as long as no one violates Islamic rules" (interview, September 5, 2025). According to the informant, the Toba Batak clan network controls access to land rights, economic reciprocity, and social protection, and the sinamot serves as the main instrument of acceptance into the network. The informant describes the refusal to fulfill the obligations of the sinamot as bringing not only social disapproval, but also a potential threat to the social and economic position of the family in the community.

Local religious leaders, according to informants and researchers' observations, consistently enforce what they consider to be the essential requirements of Sharia in marriage *(ijāb-qabūl*, dowry, wali, and witnesses), while giving considerable leeway to customary practices in the social realm *muʿāmalah*. Whether this pattern is more flexible than the formal fatwas issued by the Indonesian Ulema Council (MUI) or large Islamic organizations that according to informants and the existing literature generally depart from the assumption of Muslim normative dominance (Wibowo, et al., 2024) and what jurisprudential status should be given to these local patterns, is a question that this study discusses in the Discussion section.

Postmarital Tensions: Heirs and Dispute Resolution

A third empirical pattern concerns the post-marriage phase, particularly divorce and disputes over inheritance and division of property. Recurrent tensions have been reported over which normative system should govern these kinds of disputes: customary law, Islamic inheritance law (*farāʾid*), or civil law. Informant Mrs. Romauli Tambunan (pseudonym) reported that customary deliberation is generally prioritized as the primary dispute resolution mechanism and, in the vast majority of cases narrated by informants, successfully resolve conflicts without the need to go to religious courts or civil courts (interview, August 18, 2025). Cases in which the disputing parties propose a competing normative system, especially when Islamic inheritance rules will result in divisions that go contrary to customary expectations according to the informant, remain a source of recurring communal tensions. Table 1 summarizes these three empirical patterns; their jurisprudential and theoretical significance is developed in the following discussion.

Table 1. Summary of Empirical Patterns: Sharia–Customary Contestation in Marriage Practice

Pattern	Empirical Description	Analytical Significance (developed in Discussion)
Double compartmentalization	Strict separation between the sacred realm of Sharia (marriage contract, dowry, wali) which is kept privately, and the realm of public customary (sinamot, ulos, horja); the order of customary precedes the marriage contract.	Consideration is given to the integration/assimilation/syncretism model and the literature of interlegality/forum shopping.
Obligations of	Customary dowry (tens to	Tested in the

Pattern	Empirical Description	Analytical Significance (developed in Discussion)
sinamot	hundreds of millions of rupiah) related to access to clan networks, land rights, and social protection; non-fulfillment is reported to be at risk of exclusion.	Discussion of *the condition ʿurf ṣaḥīḥ* and, as a proposal, against the *threshold of ḍarūrah/maslahah.*
Post-divorce tensions	Post-divorce inheritance disputes; customary deliberations are reported to be generally prioritized over religious or civil courts.	Regarding the category *of maqāṣid* social cohesion, it was discussed together with the application *of farāʾid*.

2. Discussion

Dual Compartmentalization as Strategic Adaptation: Enriching the Theory of Acculturation

The pattern of double compartmentalization is analytically interesting when it is associated with existing acculturation models and is a conceptual proposal contributed by this research. The theory of standard acculturation applied to Sharia–customary interactions in Indonesia generally assumes one of three trajectories: integration, in which the two systems are progressively harmonized; assimilation, in which one system absorbs the other; or syncretism, in which the elements of the two merge into a hybrid form (Djawas et al., 2023; Siregar, et al., 2023). The case of Desa Setia, as observed, does not fit neatly into the three trajectories: instead, the community appears to apply a parallel coexistence strategy, in which each normative realm is maintained in its own predetermined realm, neither merged nor assimilated (Pedersen, 2016). Reading against Research Question 1, this shows that the adaptation mechanisms observed here are not syncretic but rather compartmentalistic claims offered by this one-location study as hypotheses to be further tested, rather than as established generalizations.

It is important to affirm that the "double compartmentalization" and associated label "*implicit maqāṣid* reasoning " used further in this discussion are the ethical analytical categories that researchers produce, not the terms that the informants themselves use to describe their practices; the informant's own eminent vocabulary is Batak Muslims na maradat, and descriptions such as those cited above are the empirical basis from which these categories are abstracted.

These findings differ from studies conducted in Batak Muslim-majority communities, where acculturation reportedly moved toward the progressive subordination of customary practices to Islamic legal standards of what in the literature is called "customary Islamization" (Nst & Lubis, 2024; Siregar, Siregar, & Rangkuti, 2023). In Setia Village, the informant's story shows the opposite pattern: Sharia compliance is organized in such a way that it coexists with, rather than displaces, the dominant Toba Batak customary system. Purba (2020) argues that, in a similar context, following customary practices can serve not as a compromise to Sharia, but rather as a form of protection for it, since it is the customary position that secures access to clan rights, customary lands, and social protection networks in environments where non-Muslims, according to the district-level figures cited above, constitute the dominant majority. It is offered as a plausible explanatory mechanism, consistent with

what the informant reported, rather than as a proven causal claim; the ethnographic design used here can document that such patterns exist and how the informant explains them, but cannot by itself prove that demographic pressures determine those outcomes to the exclusion of other factors.

The implications for the theory of legal pluralism are worth elaborating. Pedersen (2016) argues that the authority of a normative order is determined by social power, not a formal hierarchy; the case of Desa Setia illustrates one of the ways in which minority communities can manage competing normative authority through deliberate separation of domains, rather than through open conflict or constant negotiation. Considering the literature on interlegality and forum shopping (von Benda-Beckmann, 1981; Griffiths, 1986; Lund, 2021), double compartmentalization can be distinguished from forum shopping in a certain way: forum shopping describes the disputing parties choosing among the forum on a case-by-case basis to obtain a favorable outcome, while the pattern reported here describes a fixed and pre-arranged allocation of the entire ritual realm to the entire normative system, negotiated once at the practice level, rather than iterously at the level of each dispute. This pattern can also be distinguished from legal hybridity, in which elements of different systems blend in a single practice, and from sociological boundary-work, in which actors draw and maintain conceptual lines between domains of authority or expertise (Lamont & Molnár, 2002) double compartmentalization as observed here closer to boundary-work than hybridity, because the boundaries between domains are maintained, not merged, but differ from typical cases in the boundary-work literature in that they are maintained cooperatively by both parties, rather than contested. Whether this is a genuine new category or a context-specific variant of boundary-work is, according to this study, an open-ended question that is best answered through comparative field research, rather than being claimed from a single village. On that basis, the study offers the label of the Tarutung proposition, rather than the Tarutung Model, for what, at this stage, is a temporary analytical proposal that requires validation in the context of other Muslim minorities such as Bali, Papua, and East Nusa Tenggara before it can be treated as a model (Mohiuddin, 2015; Muhammad et al., 2021).

Revisiting *ʿUrf*: Synagogues and the Limits of Classical Fiqh in the Context of Extreme Minorities

The synamoth pattern is related to Research Question 2 and the analytical sufficiency of the classical *ʿurf* framework in the context of extreme minorities. In *uṣūl al-fiqh*, *ʿurf ṣaḥīḥ* is legally recognized as valid based on two standard conditions: (a) morally good and not contrary to a strict text, and (b) conducted freely and consistently, not imposed through coercion (al-Zuhaylī, 1986; al-Suyūṭī, 1983). It is important to separate the two different claims here, since mixing the two was marked as a weakness in the initial draft of this study: the social pressure for obedience that is more or less inherent in almost all customary practices everywhere is not in itself the same as the coercion that negates the conditions of free will in ʿurf ṣaḥīḥ. What needs to be shown, based on the informant's own confession, is that non-compliance with sinamot carries the cost of exclusion from land access, clan protection, and economic reciprocity that is quite severe, and is imposed with a sufficiently high structural necessity, that compliance can no longer be characterized as the free implementation of customary in a doctrinal sense. Based on the evidence reported by the informants in this study, the value reaches hundreds of millions of rupiah, and the reported risk of exclusion from resources that the informant describes as essential for communal survival, this study argues that the conditions of free will are under serious pressure (Fanani, 2014; Hassan & Ramli, 2020; Gegana & Zaelani, 2022; Situmorang, 2018),

although to conclusively establish this would be preferable with a broader evidence base, including cross-sectional comparisons of the more than three ceremonies observed here and attention to cases where sinamot is reduced, abolished, or disputed.

On that basis, this study proposes as an analytical reframing, rather than an established doctrinal verdict, that sinamot, as practiced in the Setia Village, be evaluated against *ḍarūrah sūriyyah* (social emergency) or maslahah mursalah at the *ḍarūriyyāt* level, especially with regard to the maintenance of the social existence of the community (*ḥifẓ al-nafs*, the care of the soul, and *ḥifẓ al-ʿirḍ*, the preservation of social dignity and honor, understood simultaneously) under conditions of social pressure (Aziz & Ahmad, 2018; Mun'in, 2021; Kamali, 2025; al-Raysuni, 2005). Applying the classical *ḍarūrah* threshold outlined above: reported harm (exclusion from land, kinship, and economic network) is severe; the absence of a viable alternative is reasonable given the reported control of the clan network over the resource, although the study does not systematically document whether any family has found an alternative; proportionality and transient nature are more difficult to establish based on the available evidence, since synamot is a recurring obligation, not a one-time emergency response; and nothing in this practice, as described, appears to contradict the unequivocal text. This last point is the one that most strongly supports the proposed reframing; The criteria of proportionality and transient nature are the weakest, and this study marks them as the aspects that most require further field research including the negative or deviant cases mentioned above before this reframing can be considered established, rather than simply proposed. Suherman and Zuhdi (2025), examining the tradition of sorong serah aji krama in different Indonesian contexts, arrive at a comparable conclusion: that *maqāṣid*-based reasoningis often needed to evaluate customary practices whose social functions go beyond the scope of classical doctrinal explanation alone.

Local religious leaders in Setia Village appear, based on the evidence of this study, to have arrived at broadly similar accommodations through practice, rather than through explicit doctrinal articulation enforcing what they consider to be essential requirements of Sharia while giving flexibility to customary practices in the social realm *muʿāmalah*. The study calls the pattern "implicit *maqāṣ id* reasoning," an ethical category (see above) and not a term used by the informants themselves. Whether this pattern, as claimed by the initial draft of this study, is more contextually flexible than formal fatwas of the MUI or religious organizations is a comparison that this study cannot make without a systematic review of the fatwas along with the field data, and that comparison is left for further research, not claimed here.

Alternative Readings of Sinamot

The reframing of *ḍarūrah/maslahah* proposed above is not the only plausible reading of sinamot, and this study does not treat it as a substitute for other readings. Sinamot can also be read as an exchange of kinship, where payment confirms alliances between clan groups, rather than merely functions as a coercive emergency; as a performance of status, where the amount of payment marks and reinforces the social position of the family; as a reciprocal obligation in a broader system of giving and reciprocal giving; as a gender burden that falls disproportionately on the bargaining position of women and their biological families, a dimension that cannot be adequately assessed by the data of this study (see Limitations below); or as a mechanism of economic redistribution within the clan network. These readings do not negate each other with the above *ḍarūrah/maslahah* proposal; they describe the different functions that the same practice can perform simultaneously, and a fuller explanation of synoth

needs to separate the doctrinal question (is continued participation forced in the sense relevant to *ʿurf* and *ḍarūrah*?) from this sociological question (what function does such payment perform for the parties involved?).

Pluralistic Religious Identity: Muslims and Maradat Batak

A third pattern, related to Research Question 3, is the emergence of a coherent and resilient pluralistic religious identity, articulated by informants as Batak Muslims na maradat (Muslims who uphold Batak customs). Informants describe this identity as pragmatic and culturally coherent, rather than internally contradictory: community members report not feeling an underlying tension between Muslim piety and full participation in Batak customary obligations, as long as the essential requirements of Sharia are met in what they consider to be the proper realm. This is in contrast to the more puritanical orientation reported elsewhere in Indonesia, where local customary practices are sometimes categorized as shirk or *bidʿah* (Aiza, et al., 2016; Rumahuru, 2012).

From the perspective of religious anthropology, these findings simultaneously confirm and qualify Geertz's thesis that religion is always lived as a "cultural system." In this context, the cultural system of the majority of Toba Batak seems, based on the informant's confession, not to function as an external threat to Islamic identity, but rather as an infrastructure that allows Islamic practices to continue access to sinamot, horja, and the process of giving clans, according to the informant, related to the social, economic, and protection networks on which the family rests (Sitorus, Irwansyah, & Jailani, 2024; Rumahuru, 2012). This mechanism shows that the identity of Batak Muslims functions, for this informant, not as an ideological compromise but as a socially rational construction of identity in the demographic conditions described.

These findings resonate with Dasopang's (2022) observation that religious and cultural integration among Indonesia's Muslim minority communities is often mediated through educational and social institutions, as well as with the documentation of Malau et al. (2021) regarding religious tolerance as a product of sustained engagement in local cultural life in North Tapanuli. These findings are also connected to Tarigan et al.'s (2024) analysis of religious moderation as a practical cultural achievement in a multifaith context, suggesting that the dual compartmentalization strategy observed here can be read as an expression of religious moderation achieved through cultural pragmatism, rather than a formal theological deliberation of a carefully offered reading, as equating adaptation with moderation without further detailing each criterion risks confusing two analytically different concepts.

Implications for Fiqh al-Aqalliyyāt in Indonesia

These three patterns have implications for the development of Fiqh al-Aqalliyyāt as a distinctive Indonesian scientific tradition. The existing discourse, dominated by the foundational works of al-Qaraḍāwī (2001) and al-ʿ Alwānī (2003) on Muslim minorities in Western secular countries, provides an important foothold but requires contextual modification for application in Indonesia (Nurhayati, 2013; Mun'in, 2021; Muhammad et al., 2021). Western minority jurisprudence faces communities that negotiate Islamic practices within secular and liberal normative frameworks; The case of Desa Setia, on the other hand, concerns negotiations within the hegemony of strong local customary traditions, which hold social, economic, and, in practice, a certain amount of political authority.

The Tarutung proposition, as a candidate for contribution to Indonesia's

distinctive Fiqh al-Aqalliyyāt, is temporarily characterized by: (1) an emphasis on pragmatic coexistence, rather than theological integration; (2) a reliance on implicit *maqāṣid* reasoning at the grassroots level; and (3) the conjecture that demographic and social power configurations, in addition to normative textual arguments, shape the direction of acculturation (Mohiuddin, 2015; Kamali, 2025). As a one-village finding, this proposition is offered as a reference point for comparative studies of other minority Muslim communities in Indonesia including in Bali, Papua, and East Nusa Tenggara rather than as a template that is assumed to be general. This proposition also raises a question, rather than an established recommendation, for Indonesian Islamic legal institutions, particularly the MUI and the Religious Courts: whether a more explicit jurisprudential framework sensitive to the normative conditions of minority Muslim communities embedded in the dominant non-Muslim customary system is worth developing, and if so, on what basis of the evidence beyond this study.

Some of the limitations of this study need to be explicitly stated. First, the scope of the study of one village (Desa Setia) and eighteen informants limits the direct generalization of these findings to other minority Muslim communities; the Tarutung proposition is offered on this basis as temporary. Second, the qualitative-ethnographic design, while appropriate for generating in-depth theoretical insights, does not allow for a quantitative assessment of the extent to which dual compartmentalization practices apply beyond the observed cases, nor does the study systematically look for negative or distorted cases that could qualify the reported patterns; both are priorities for the next stages of the research. Third, the gender perspective on Batak Muslim women's experiences of customary obligations in particular sinamot and the practice of clan assignment is not examined in depth here and is identified above as a separate research gap. Fourth, the statement of reflexivity, informant profile table, translation protocol, and reference for formal ethical permission for this study still needs to be completed by the research team with specific institutional and field details marked in the relevant sections above.

D. Conclusion

This study has examined the contestation between local cultural practices and Islamic law in the marriage ceremonies of the minority Muslim community in Setia Village, Pahae Jae District, North Tapanuli Regency, through ethnographic research based on participant observation and in-depth interviews. From the three research questions asked, three conclusions can be drawn, presented as the findings of a single-location study, rather than as generalized claims.

First, the minority Muslim communities observed here appear to organize the practice of marriage through a strategy that in this study is called "double compartmentalization," maintaining a strict separation between the sacred realm of Sharia (marriage contracts, dowries, guardians) and the realm of public customary (sinamot, horja, clan giving), each maintained within its own established social space. This pattern, as observed in all three ceremonies studied, represents a third-trajectory candidate in addition to integration and assimilation, allowing for simultaneous adherence to both normative systems without the apparent syncretism or direct conflict that the proposition this study offers to test in the context of other Muslim minorities, rather than as an established typology.

Second, the obligation of sinamot and the related customary imperatives, as reported by the informant, seem to go beyond the conditions of free will inherent in the classical concept of jurisprudence *ʿurf ṣaḥīḥ*. This study proposes, as an analytical reframing that requires further evidence support, that these practices may be more

appropriately evaluated as *ḍarūrah sūriyyah* or maslahah mursalah at the *ḍarūriyyāt* level, concerned with the maintenance of communal existence under conditions of demographic minority status. These findings suggest that there is reason to reconsider how the doctrine of classical *ʿurf* takes into account structural social pressures in minority contexts, as well as for further studies that apply *maqāṣid* al-syarīʿah reasoning to customary practices under conditions of demographic subordination. The conclusions framed by this study as an invitation to further doctrinal and comparative study, rather than as a well-established verdict.

Third, these practices appear to be associated with the resilient pluralistic religious identity of Batak Muslims in which adherence to customs functions, according to the informant's confession, as a protective framework for Islamic practice, not a threat to it. This identity is read here as one of the possible expressions of religious moderation achieved through cultural pragmatism, a reading offered side by side with, rather than replaced, a sociologically more direct reading of the synagogue described in the Discussion.

Theoretically, this study aims to contribute to the literature of legal pluralism and Fiqh al-Aqalliyyāt by illustrating, through a single detailed case, how negotiations under conditions of extreme minority status can be shaped by the imperatives of social cohesion, demographic power configurations, and the pragmatic logic of communal survival, in addition to normative textual arguments. Its practical contributions, offered as further considerations, rather than prescriptions, include: (a) for the MUI and the Religious Courts the reasons for examining whether existing fatwas and jurisprudence have adequately reached minority Muslim communities embedded in the hegemony of non-Muslim customs; (b) for Islamic educational institutions a reason to consider a curriculum that involves context-sensitive *maqāṣid* reasoning; and (c) for local governments to examine whether the civil and religious rights of minority Muslim communities are protected substantively, rather than just formally.

Future research should be extended to other locations in Indonesia, ideally using a mixed-methods design that assesses the prevalence of dual compartmentalization practices and tests the generalization of the Tarutung proposition in various Muslim minority contexts. The exploration of gender dimensions, particularly the experiences of Batak Muslim women towards customary and Sharia obligations, remains an important research agenda and, based on the evidence of this study, is still very open.

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F. Author Contributions Statement

Danil designed the research, conducted participant observations and in-depth interviews at the research site, and prepared an initial draft of the manuscript. Fadlan Masykura Setiadi contributed to the literature review and theoretical framework and assisted with the analysis of field data. John Tyson Pelawi was involved in data collection, transcription of interviews, and verification of findings with informants. Zulfikar supervised the research, critically reviewed the intellectual content, and edited the final manuscript. All authors have read and approved this manuscript for publication.

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