

The Social Completion of Muslim Marriage: Interlegality in Aceh and Muslim Mindanao

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ABSTRACT

A valid marriage contract does not necessarily conclude the social process through which marriage acquires legitimacy and acceptance. This study examines how Islamic norms, state law, custom, and family authority interact in defining marital validity and relational meaning in Aceh, Indonesia, and Muslim Mindanao, the Philippines. Employing a qualitative socio-legal approach based on documentary analysis, the study comparatively investigates *mahr/dowry*, consent, family authority, marriage rituals, and social recognition. The findings demonstrate that similar marital categories acquire different meanings, functions, and degrees of authority across distinct normative configurations. In Aceh, customary practices remain closely embedded in local and *gampōng* structures, where communal expectations and familial involvement influence marital recognition alongside Islamic and state legal frameworks. In Muslim Mindanao, Muslim personal law is more formally institutionalized through sharia institutions, although kinship networks, customary arrangements, and community expectations continue to shape marital negotiations and social acceptance. These differences reveal that religious validity, legal recognition, familial approval, and communal acceptance do not necessarily coincide. Rather than treating legal pluralism merely as the coexistence of separate normative systems, this study conceptualizes interlegality through layered validity, emphasizing how marital legitimacy emerges from overlapping and sometimes competing forms of recognition. The study contributes to socio-legal scholarship by demonstrating that contractual validity and formal registration alone cannot fully explain how marital relationships become socially established and sustained. Understanding Muslim marriage therefore requires attention to the continuing authority of families, communities, and customary institutions in shaping marital legitimacy in everyday social life.

KEYWORDS: Interlegality; Muslim Marriage; Layered Validity; Aceh; Muslim Mindanao.

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Introduction

Marriage is not uniformly understood across competing authorities. Religious validity does not necessarily guarantee familial acceptance, customary appropriateness, or state recognition.¹ These tensions make Aceh and Muslim Mindanao compelling comparative cases. In late nineteenth-century Aceh, Snouck Hurgronje documented how marriage proposals, contracts, household relations, spousal economic arrangements, and divorce interested within “domestic life and law”.² Similarly, Saleeby observed how early twentieth-century Mangindanao marriage and dowry practices navigated Islamic law and local customs.³ Subsequent studies by Mednick, Saber and Madale further demonstrated that Maranao marriage remained deeply embedded in kinship, household structures, and family alliances.⁴ Although Snouck and Saleeby’s colonial perspectives require critical scrutiny, their accounts reveal how colonial states intervened in marital relations already governed by multiple authorities. Aceh and Mindanao also share historical connections beyond institutional similarities. Fathurahman traces the *Shaṭṭārīyah* network linking Aceh and Lanao between the seventeenth and nineteenth centuries, while Gedacht examines how colonial projects subsequently transformed both regions during the nineteenth and early twentieth centuries.⁵ Therefore, the remaining issue is not merely how marriage is regulated, but who ultimately gets to determine what is considered valid, appropriate, and good when Islam, custom, family, and the state all have a say regarding the same relationship.

Aceh and Mindanao have long been compared through Islamic separatism, ethnicity, political identity, and self-determination.⁶ Salims specifically examined sharia mobilization in Aceh through comparisons with the *Moro Islamic Liberation Front*.⁷ Subsequent studies addressed peace processes, mediation,

¹ Arskal Salim, “Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in Contemporary Aceh,” *The Journal of Legal Pluralism and Unofficial Law* 42, no. 61 (2010): 1–29; Michael O. Mastura, “Legal Pluralism in the Philippines,” *Law & Society Review* 28, no. 3 (1994): 461–75.

² C. Snouck Hurgronje, *The Achehnese*, vol. 1 (Leiden; London: Late E. J. Brill; Luzac & Co., 1906), 329–67.

³ Najeeb M. Saleeby, *Studies in Moro History, Law, and Religion*, Ethnological Survey Publications, Vol. IV, Part I (Manila: Bureau of Public Printing, 1905), 11–100.

⁴ Melvin Mednick, *Encampment of the Lake: The Social Organization of a Moslem-Philippine (Moro) People*, Research Series, No. 5 (Chicago: Philippine Studies Program, Department of Anthropology, University of Chicago, 1965); Mamitua Saber and Abdullah T. Madale, eds., *The Maranao* (Manila: Solidaridad Publishing House, 1975).

⁵ Oman Fathurahman, *Shaṭṭārīyah Silsilah in Aceh, Java, and the Lanao Area of Mindanao*, Javanese Studies: Contributions to the Study of Javanese Literature, Culture and History, 4 (Tokyo: Research Institute for Languages and Cultures of Asia and Africa (ILCAA), Tokyo University of Foreign Studies, 2016); Oman Fathurahman, “A New Light on the Sufi Network of Mindanao (Philippines): The Sheikh Muhammad Said Manuscript Collection,” *Indonesia and the Malay World* 47, no. 137 (2019): 108–24; Joshua Gedacht, “Holy War, Progress, and ‘Modern Mohammedans’ in Colonial Southeast Asia,” *The Muslim World* 105, no. 4 (2015): 446–71.

⁶ Peter Chalk, “Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao, and Aceh,” *Studies in Conflict & Terrorism* 24, no. 4 (2001): 241–69; Rizal G. Buendia, “A Re-Examination of Ethnicity and Secessionist Movements in the Philippines and Indonesia: The Moros and Achehnese,” *Philippine Political Science Journal* 23, no. 46 (2002): 3–48; Arskal Salim, “‘Sharia from Below’ in Aceh (1930s–1960s): Islamic Identity and the Right to Self-Determination with Comparative Reference to the Moro Islamic Liberation Front (MILF),” *Indonesia and the Malay World* 32, no. 92 (2004): 80–99.

⁷ Salim, “‘Sharia from Below’ in Aceh (1930s–1960s): Islamic Identity and the Right to Self-Determination with Comparative Reference to the Moro Islamic Liberation Front (MILF).”

external actors, and conflict governance,⁸ followed by territorial autonomy, political Islam, and institutional trajectories.⁹ Gedacht and Fathurahman expand the comparison to colonial identities and Islamic intellectual networks,¹⁰ while Miswar examined postcolonial institutions, legal structures, and religious identities,¹¹ Miswar and Baginda further explored Islamic legal authority and Muslim women experiences.¹² Nevertheless, marriage scholarship has largely developed separately. Studies on Aceh emphasize *mahar/jeunamee*, marriage economies, adat-Islam relations, *walimah*, gender, women's dignity, ulama-state authority, *Seumapa*, *kafā'ah*, ethnicity, lineage, and social status.¹³ Meanwhile, research on Muslim Mindanao examines dowry, consent, family negotiations, *wali*, *ijab-qabul*, *kawing*, rituals, changes in custom, polygyny, consent, Muslim personal law, and child marriage.¹⁴ Variations across Pidie, Aceh Singkil, Banda Aceh, and

⁸ Rizal G. Buendia, "The Secessionist Movement and the Peace Process in the Philippines and Indonesia: The Case of Mindanao and Aceh," *Asia-Pacific Social Science Review* 5, no. 1 (2005): 51-67; Takeshi Odaira, "The Effectiveness of Third-Party Mediation in Internal Armed Conflicts: Cases of Mindanao and Aceh," *The Journal of Social Science*, no. 68 (2009): 31-52; Suttilluck Sangsuwan, "Ethnic Conflict and Peace Process: A Comparative Study in Aceh and Mindanao," *Political Science and Public Administration Journal* 5, no. 1 (2014): 54-65; Nellis Mardhiah, "Actor Role of Comparative Foreign Presence in Regional Autonomy: The Case of Aceh, Mindanao and Southern Thailand," *Aceh International Journal of Social Sciences* 4, no. 1 (2015): 33-40; John Lee Candelaria, "Mediating Civil Conflicts in Southeast Asia: Lessons from Aceh and Mindanao," *Journal of ASEAN Studies* 8, no. 2 (2020): 111-27; Sidik Jatmika et al., "Why Aceh-Indonesia Conflict Resolution Can't Be Copy-Paste in Bangsamoro-Philippines Issue?," *Jurnal Hubungan Internasional* 11, no. 1 (2022): 72-89; Muhammad Nasir Badu, Syafhendry, and Christine B. Tenorio, "Successes and Failures of Conflict Governance: Lessons from Aceh, Indonesia and Moro, Philippines," *Otoritas: Jurnal Ilmu Pemerintahan* 13, no. 3 (2023): 500-510.

⁹ Kent Eaton and Sarah Shair-Rosenfield, "Autonomy in the Pursuit of Peace: Demarcation and Territorial Accommodation in Indonesia and the Philippines," *Peacebuilding* 12, no. 3 (September 2024): 317-33; Patrick Ziegenhain, "Subnational Autonomy and Political Islam: A Comparative Analysis of Aceh, Bangsamoro, and Patani," *Jurnal Indo-Islamika* 15, no. 1 (2025): 65-76; Miyoko Taniguchi, "Territorial Autonomy as Territorial Reordering: Sequencing Post-Conflict Governance in Aceh and Mindanao," *Territory, Politics, Governance*, ahead of print, September 11, 2026.

¹⁰ Gedacht, "Holy War, Progress, and 'Modern Mohammedans' in Colonial Southeast Asia"; Fathurahman, *Shatṭāriyah Silsilah in Aceh, Java, and the Lanao Area of Mindanao*.

¹¹ Syarifah Huswatun Miswar, "Aceh and Mindanao: A Comparative Study of Postcolonial Muslim Experiences in Democratic States," *Islamic Studies Review* 4, no. 1 (2025): 72-105.

¹² Syarifah Huswatun Miswar and Isnira Arap Baginda, "Beyond State-Centered Sharia: Muslim Women, Decolonial Feminism, and Islamic Legal Authority in Aceh and Mindanao," *Journal of Religion and Decolonality* 1, no. 2 (2025): 114-29.

¹³ See: Roswita Sitompul, Alesyanti, and Nurul Hakim, "Marriage Mahar to Minimize the Low Rate of Marriage in Aceh Pidie, Indonesia," *Italian Sociological Review* 8, no. 3 (2018): 487-99; Sri Astuti A. Samad and Munawwarah, "Adat Pernikahan Dan Nilai-Nilai Islami Dalam Masyarakat Aceh Menurut Hukum Islam," *El-Usrah: Jurnal Hukum Keluarga* 3, no. 2 (August 2020): 289-302; Inayatillah et al., "Social History of Islamic Law from Gender Perspective in Aceh: A Study of Marriage Traditions in South Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 573-93; Muhammad Nasir et al., "The Contestation of Authority in Islamic Marriage Law in Aceh, Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023): 369-88; Kismullah Abdul Muthalib, Dohra Fitrisia, and Nia Zahara, "Ceremonial Language and Social Cohesion: An Analysis of Seumapa in Acehnese Wedding Traditions," *Studies in English Language and Education* 11, no. 2 (2024): 1231-47; Fatimah Zuhrah et al., "Tradition Beyond Formal Fiqh: Ethnic Perspectives on Negotiating Kafā'ah in Marriage within the Aceh Singkil Community," *Journal of Islamic Law* 6, no. 2 (2025): 155-76; Muhammad Ikhsan, Husnaini Hasbi, and Abdullah Ishak, "Gold Dowry in Acehnese Traditional Marriage: Das Sein and Das Sollen in Pidie Community Practices," *Al-Hiwalah: Journal of Sharia Economic Law* 4, no. 1 (2025): 39-52; Siti Dian Natasya Solin et al., "Kafaah as a Tool of Social Legitimacy in Marriage: An Empirical Analysis of Maslahah and Discrimination in Banda Aceh City," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 10, no. 2 (2026): 1405-23.

¹⁴ See: Omar S. Butuan et al., "A Comparative Study on Maguindanaon Traditional Marriage and Islamic Marriage System," *Advances in Social Sciences Research Journal* 8, no. 7 (2021): 218-39; Abdulmaula U. Mantawil, "The Marriage Innovation Practices of the Bangsamoro: The Maguindanao Cases," *Randwick*

South Aceh, alongside differences between Maguindanaon and Maranao communities, demonstrate considerable internal diversity. Neither region constitutes a homogeneous marriage culture. Thus, while existing scholarship establishes their historical and institutional comparability, it also cautions against overlooking local differences. This tension provides a basis for examining how overlapping normative authorities shape marital legitimacy across both regions.

At this point, the question is no longer whether Aceh and Muslim Mindanao can be compared, but what becomes visible when the comparison shifts from conflict, autonomy, and institutions to the domain of marriage. This article begins with the assumption that *mahr*/dowry, consent, family authority, rituals, and social recognition are not merely fixed cultural features, but arenas in which claims about religious validity, customary propriety, family acceptance, and state recognition encounter one another and acquire different weight. Therefore, the main question is not which norm is most dominant, but how similar practices acquire different authority and meaning within different normative configurations. Interlegality is used to examine this process, particularly when Islamic norms, custom, kinship, and state law intersect, negotiate boundaries, and shape understandings of what constitutes a valid, proper, and good marriage.¹⁵ Because this study relies on secondary sources, affection is not treated as the couple's inner state, but as a relational meaning that can be traced through the language of care, respect, responsibility, togetherness, and commitment in documented marriage practices.¹⁶ On this basis, the article asks: how do the relationships among Islamic norms, custom, family authority, and state law shape the documented validity and relational meanings of Muslim marriage practices in Aceh and Muslim Mindanao? This article aims to explain how these different normative configurations produce different ways of understanding marriages as valid, proper, and meaningful.

This article is organized into four sections following the introduction. The first section explains the research design, the source corpus, and the “structured,

International of Social Science Journal 3, no. 2 (2022): 440–46; Norhabib Bin Suod S. Barodi, “An Analysis of the Legal Implications of *Malaki v. People of the Philippines* on Polygyny under the Code of Muslim Personal Laws of the Philippines,” *IIUM Law Journal* 31, no. 2 (2023): 373–92; Kanykey Bayalieva Jailobaeva et al., “The Role of Faith in Child Marriage: Empirical Evidence from Mozambique, Nepal, and the Philippines,” *The Review of Faith & International Affairs* 22, no. 3 (2024): 39–54; Fahmiya D. Kirab et al., “Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations,” *International Journal of Research and Innovation in Social Science*, January 28, 2025, 41–48; Asuna Yoshizawa, “Love Conquers All?: Women's Narratives on Polygyny as an Internal Critique of Intersecting Patriarchies,” *Feminist Anthropology* 6, no. 2 (2025): e70016; Jerald S. Karim and Erwin A. Mallo, “Exploring the Dynamics of Maguindanaon Kawing (Marriage): A Keystone to Understanding Culture and Traditions,” *Journal of Interdisciplinary Perspectives* 4, no. 1 (2026): 354–62.

¹⁵ See: Boaventura De Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law,” *Journal of Law and Society* 14, no. 3 (1987): 279; Sally Engle Merry, “Legal Pluralism,” *Law & Society Review* 22, no. 5 (1988): 869–96; André J. Hoekema, “European Legal Encounters between Minority and Majority Cultures: Cases of Interlegality,” *The Journal of Legal Pluralism and Unofficial Law* 37, no. 51 (2005): 1–28.

¹⁶ Jensen points out that love need not be understood solely in terms of romance, desire, or attraction, but can be rooted in familial togetherness, attachment, support, moral and religious ideals, as well as social and material dependence. See: Sif Lehman Jensen, “Learning to Love at the Violent Periphery of Philippine Society,” *Feminist Anthropology* 4, no. 1 (2023): 8–22.

focused comparison” strategy used to compare Aceh and Muslim Mindanao. The second section, “*Mahr*, Consent, and Family Authority: Negotiating the Terms of Marriage,” discusses how the *mahr*, consent, and family authority serve as arenas of negotiation between Islamic norms, customary law, kinship, and state law. The third section, “Ritual and Social Recognition: Making Marriage Socially Proper,” examines how rituals and social recognition shape the propriety and acceptance of marriage beyond formal validity. Part Four, “Comparative Interlegality: Layered Validity and Relational Meaning,” synthesizes the differences in the normative configurations of the two regions by tracing how layered validity relates to the meanings of responsibility, respect, care, and commitment. The article concludes with a summary of the main findings and the limitations of the analysis. Through this structure, the article aims to contribute to the study of interlegality and Muslim family law by demonstrating.

Methodology

This study employs a qualitative-comparative design with a socio-legal approach based on document analysis.¹⁷ Aceh and Muslim Mindanao are compared through a structured, focused comparison across five common domains: *mahr*/dowry, consent, family authority, marriage rituals, and social recognition.¹⁸ The research corpus consists of legal and institutional documents (see Table 1), as well as socio-legal and ethnographic literature documenting marriage practices in both regions. Historical sources are used sparingly to provide a genealogical context regarding marriage, customary law, and normative authority, rather than to construct a diachronic colonial–postcolonial comparison. Within this framework, the comparison does not treat Aceh and Muslim Mindanao as two homogeneous cultures, but rather situates comparable practices within their respective legal and social contexts.¹⁹

Table 1. Legal and Institutional Corpus

Corpus	Aceh	Muslim Mindanao
National marriage law	Law No. 1/1974 on Marriage; Law No. 16/2019	Presidential Decree No. 1083 (Code of Muslim Personal Laws)
Islamic legal framework	Presidential Instruction No. 1/1991 on the Compilation of Islamic Law	Republic Act No. 11054 (Bangsamoro Organic Law)
Regional legal framework	Law No. 11/2006 on the Government of Aceh; Qanun Aceh No. 8/2014 on the Principles of Islamic Sharia	Republic Act No. 11054 (Bangsamoro Organic Law)

¹⁷ Glenn A. Bowen, “Document Analysis as a Qualitative Research Method,” *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

¹⁸ A structured, focused comparison was used because Aceh and Muslim Mindanao were compared using the same questions and domains, rather than as two distinct cultures. This approach allowed for a systematic comparison despite differences in the sources and institutional structures of the two regions, focusing on five domains: *mahr*/dowry, consent, family authority, rituals, and social recognition. See: Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, Belfer Center Studies in International Security (Cambridge, MA: The MIT Press, 2005), 67–72.

¹⁹ Naomi Creutzfeldt, Agnieszka Kubal, and Fernanda Pirie, “Introduction: Exploring the Comparative in Socio-Legal Studies,” *International Journal of Law in Context* 12, no. 4 (2016): 377–89.

Adat / customary institutions	Qanun Aceh No. 9/2008 on Adat Life and Customs; Qanun Aceh No. 10/2008 on Adat Institutions; Majelis Adat Aceh publications	Relevant Bangsamoro customary and institutional materials
Marriage registration and recognition	Minister of Religious Affairs Regulation No. 30/2024 on Marriage Registration	Presidential Decree No. 1083 and relevant Bangsamoro institutional provisions
Consent and child marriage	Law No. 16/2019 and related marriage provisions	Republic Act No. 11596 (Prohibition of Child Marriage Act)
Religious authority	Relevant official Islamic institutional documents	Bangsamoro <i>Darul Ifta</i> materials

Source: author's compilation (2026).

The analysis was conducted by organizing the sources into these five domains, then identifying how state law, Islamic norms, customary law, and family or kinship authority manifest and interact within each domain. These relationships were examined through patterns of reinforcement, restriction, tension, and normative interpretation, and then compared between Aceh and Muslim Mindanao. Interlegality is used as an interpretive lens to examine how multiple normative orders intersect and gain power within the same practice.²⁰ Since this study does not rely on interviews or direct observation, the analysis is limited to the practices and relational meanings documented in the available sources. Thus, this study is not intended to reconstruct the couples' inner experiences, but rather to compare the normative configurations documented in marriage practices in both regions.

***Mahr*, Consent, and Family Authority: Negotiating the Terms of Marriage**

The debate on Muslim marriage has increasingly shifted from the question of what Islamic law normatively requires to how those requirements acquire meaning when they encounter family, social customs, and state law. Akhtar, Al-Sharmani, and Moors emphasize that Muslim marriage has never been a homogeneous institution; rather, it develops amid tensions among *fiqh*, state regulation, and social practice.²¹ This tension is particularly evident in *mahr*. Normatively, *mahr* is a woman's right and part of the marriage contract, but Showkat shows a considerable gap between this principle and social practices that may alter its economic and symbolic functions.²² Similar issues arise in relation to consent and family authority. Wurm shows that marriage formation cannot be adequately understood through a simple opposition between arranged marriage and individual choice, because marital decisions take shape through personal,

²⁰ See: De Sousa Santos, "Law"; Hoekema, "European Legal Encounters between Minority and Majority Cultures."

²¹ Rajnaara C. Akhtar, Mulki Al-Sharmani, and Annelies Moors, "Introduction," *Hawwa* 20, nos. 1–2 (2022): 1–9.

²² Arshi Showkat, "The Principle and Practice of Mahr in Muslim Marriages," *Feminist Theology* 31, no. 2 (2023): 197–209.

interpersonal, and institutional negotiations.²³ In the Indonesian context, Rinaldo likewise demonstrates that authority within the household is shaped through the interaction of religious scripts, institutionalized family law, and changing gender expectations.²⁴

Thus, *mahr*, consent, and family authority are better understood as three interconnected arenas in which individual rights, kinship interests, and religious legitimacy are negotiated. This issue becomes increasingly important in Aceh and Muslim Mindanao because marital authority in both regions does not rest on a single normative source. In Aceh, Schenk shows that Islamic family law is shaped through the interaction of religious reasoning, custom, and state administration.²⁵ In Muslim Mindanao, Mastura and Holbrook demonstrate a plural configuration involving Philippine state law, Muslim personal law, and customary orders,²⁶ while Butuan et al. and Mantawil show how this configuration operates more concretely through dowry, partner choice, consent, and family negotiation.²⁷ Therefore, *mahr*/dowry, consent, and family authority can be read as points at which different normative claims acquire different forms of legitimacy and social weight.

Aceh: Jeunamee, Kafā'ah, and Family Authority in Marital Legitimacy

Muslim marriage in Aceh operates within a layered, hierarchically structured normative framework rather than a single legal authority. Nationally, Law No. 1 of 1974 distinguishes religious validity from marriage registration and requires spousal consent, while Law No. 16 of 2019 revised the minimum marriage age. The Compilation of Islamic Law (KHI) further regulates consent, guardianship, and *mahr*, while restricting *kafā'ah* (*sekufu*) as grounds for preventing marriage solely to religious differences.²⁸ Aceh's special autonomy introduces additional normative authority. Article 125 of Law No. 11 of 2006 incorporates *ahwal al-syakshiyah* into sharia implementation, while Aceh Qanun No. 8 of 2014 governs marriage, lineage, and kinship. The Qanun emphasizes honor, descendants, tranquility, happiness, and mutual affection, alongside official registration and protection of spouses' and children's rights. It also situates marriage within

²³ Greg Wurm, "Theorizing Arranged Marriage: The Case of South Asian Muslim Immigrants in Love Marriage Societies," *Journal of Family Theory & Review* 14, no. 4 (2022): 644–59.

²⁴ Rachel Rinaldo, "Obedience and Authority among Muslim Couples: Negotiating Gendered Religious Scripts in Contemporary Indonesia," *Sociology of Religion* 80, no. 3 (2019): 323–49.

²⁵ Christine G. Schenk, "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia," *The Geographical Journal* 184, no. 1 (2018): 8–18.

²⁶ Mastura, "Legal Pluralism in the Philippines"; Justin Holbrook, "Legal Hybridity in the Philippines: Lessons in Legal Pluralism from Mindanao and the Sulu Archipelago," *Tulane Journal of International and Comparative Law* 18, no. 2 (2010): 403–48.

²⁷ Butuan et al., "A Comparative Study on Maguindanaon Traditional Marriage and Islamic Marriage System"; Mantawil, "The Marriage Innovation Practices of the Bangsamoro: The Maguindanao Cases."

²⁸ See: Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Pub. L. No. UU No. 1 Tahun 1974, Lembaran Negara Republik Indonesia Tahun 1974 Nomor 1 (1974), arts. 2 and 6; Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Pub. L. No. UU No. 16 Tahun 2019, Lembaran Negara Republik Indonesia Tahun 2019 Nomor 186 (2019), art. 7; Instruksi Presiden Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam, Pub. L. No. Inpres No. 1 Tahun 1991 (1991); Kompilasi Hukum Islam, Pub. L. No. KHI 1991 (1991), arts. 14–19, 30–38, and 61. Article 61 of the KHI expressly provides that incompatibility (*tidak sekufu*) cannot constitute a ground for preventing marriage except where the difference concerns religion.

institutional governance involving the Aceh Government, MPU Aceh, Shari‘ah Court, and related authorities.²⁹ Minister of Religious Affairs Regulation No. 30 of 2024 reinforces administrative oversight through procedures covering marriage intention registration, examination, solemnization, and official recording.³⁰ Together, these provisions demonstrate how religious validity, regional sharia governance, and national administrative requirements intersect in regulating Muslim marriage in Aceh.

Nevertheless, as explained above, the state does not eliminate customary authority. Qanun No. 9 of 2008 instead places marriage customs within the sphere to be fostered and preserved and provides space for the customary settlement of household disputes; Qanun No. 10 of 2008 further institutionalizes the *Majelis Adat Aceh*, *imeum mukim*, *imeum chik*, *keuchik*, *tuha peut*, *tuha lapan*, and *imeum meunasah* as part of the local authority structure.³¹ However, this recognition does not grant customary institutions jurisdiction equal to that of sharia, because Qanun No. 9 of 2008 itself places recognized custom within the limits of its conformity with Islamic values.³² Thus, this legal corpus reveals a division of functions: the state strengthens administrative recognition and formal legal consequences; sharia provides the language of validity and normative obligations; while custom is given space primarily in matters of social propriety, ritual, mediation, and the settlement of communal relations.³³

This arrangement becomes clearer when read alongside historical and ethnographic sources, because contemporary institutionalization did not emerge

²⁹ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh, Pub. L. No. UU No. 11 Tahun 2006, Lembaran Negara Republik Indonesia Tahun 2006 Nomor 62 (2006), art. 125; Qanun Aceh Nomor 8 Tahun 2014 tentang Pokok-Pokok Syariat Islam, Pub. L. No. Qanun Aceh No. 8 Tahun 2014 (2014), arts. 15–17. Article 15 requires Muslim marriages in Aceh to conform to Islamic law, identifies honor, descendants, happiness, tranquility, and mutual affection among their purposes, and requires registration by an official government institution; Article 17 further requires premarital training and protection of the rights of husbands, wives, and children.

³⁰ The regulation governs, among other matters, marriage registration, *isbat nikah*, marriage certificates, marriage agreements, mixed marriages, and related administrative documentation. See: Peraturan Menteri Agama Nomor 30 Tahun 2024 tentang Pencatatan Pernikahan, Pub. L. No. Peraturan Menteri Agama No. 30 Tahun 2024, Berita Negara Republik Indonesia Tahun 2024 Nomor 1031 (2024).

³¹ In this Qanun, *imeum mukim* is defined as the head of the *mukim* administration; *imeum chik* as the *imam* of the *mukim*-level mosque who leads religious activities and the implementation of Islamic law; *keuchik* as the head of the customary community association as well as the administrator of the *gampông* government; *tuha peut* as a deliberative body or advisory institution; *tuha lapan* as a customary institution that assists the *imeum mukim* and *keuchik*; and *imeum meunasah* as the leader of religious activities at the *gampông* level. See: Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat, Pub. L. No. Qanun Aceh No. 9 Tahun 2008, Lembaran Aceh Tahun 2008 Nomor 9 (2008), arts. 2, 12–14; Qanun Aceh Nomor 10 Tahun 2008 tentang Lembaga Adat, Pub. L. No. Qanun Aceh No. 10 Tahun 2008, Lembaran Aceh Tahun 2008 Nomor 10 (2008), arts. 2–4.

³² Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat. art. 1(12), art. 2(2), and art. 3(a). Article 1(12) defines *adat-istiadat* as inherited conduct “sesuai dengan Syariat Islam,” while Article 2(2) requires the development, preservation, and protection of adat to be guided by Islamic values, and Article 3 places *keislaman* among its governing principles. The explanatory section to Article 8 further clarifies that conformity with Islamic teaching means ensuring that adat does not conflict with the values of Islamic law.

³³ Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat, arts. 12–14; 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): 529–551.

in an empty social space. In Snouck Hurgronje's account, long before the language of modern administration took shape, the path toward marriage already involved the *seulangke* (spokesperson), the determination of *jeunamee* (bridewealth), the *keuchik* (village head), and the interests of the *gampōng* (administrative territory); the fulfillment of *hukōm* (sharia) in the marriage contract therefore did not exhaust the question of whether a marriage was considered proper and acceptable. Siegel later showed that the family remained one of the important nodes in the transformation of Aceh's social order, while Bowen—in Gayo society, which is not identical to coastal Aceh—demonstrated that Islamic categories gained force through debate and their translation into local practice.³⁴ Among the Aneuk Jamee, Manan brings this picture closer to the marriage process: from *risiak* (the initial inquiry about a prospective bride) and *bisiak* (initial negotiation with the prospective bride's parents), *dohai* (family deliberation that begins to involve relatives), to *tando dohai* (an engagement sign for a marriage with a large ceremony) and *tando suruk* (an engagement sign for a simpler marriage), the process toward marriage is carried out through *niniak mamak* (male relatives from the maternal line), *wali hukum* (relatives from the paternal line who perform guardianship functions), *keuchik*, *teungku imām* (imam or religious leader), *khatib* (preacher), and *tuwo ampék* (village elders). Even when the *wali hukum* holds a position in the marriage contract, Manan shows that much of the negotiation, exchange, and family representation is in fact led by the *niniak mamak*, so that genealogical, religious, and village authority do not converge in the same person.³⁵

Moreover, Schenk's findings show that this differentiation continues to operate in modern forms. Reforms in marriage registration have brought together Islamic leaders who do not speak with a single voice and who employ different forms of legal reasoning, while her later study demonstrates the concrete consequences of the gap between local legitimacy and state recognition: marriages accepted through village oral custom may still fail to provide access to state benefits and post-divorce rights if they are not registered.³⁶ At the community level, Inayatillah et al. found in Samadua that violations of the customary sequence may eliminate the possibility of holding *walimah al-`ursy* (wedding procession), *intat linto* (the procession of bringing the groom to the bride's family), and *tueng dara baroe* (the procession of bringing the bride to the groom's family), so that a marriage contract that has fulfilled one form of validity does not necessarily receive the same degree of social acceptance.³⁷ Among the Gayo, Auni, Manan, and

³⁴ Hurgronje, *The Achehnese*, vol. 1, 329–67; James T. Siegel, *The Rope of God* (Berkeley, CA: University of California Press, 1969); John R. Bowen, *Muslims through Discourse: Religion and Ritual in Gayo Society* (Princeton, NJ: Princeton University Press, 1993).

³⁵ Abdul Manan, "The Ritual of Marriage: An Ethnographic Study in West Labuhan Haji-South Aceh," *Jurnal Ilmiah Peuradeun* 2, no. 2 (2014): 17–44.

³⁶ Schenk, "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia"; Christine G. Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies into Law," *Environment and Planning A: Economy and Space* 51, no. 5 (2019): 1128–44.

³⁷ Inayatillah et al., "Social History of Islamic Law from Gender Perspective in Aceh: A Study of Marriage Traditions in South Aceh, Indonesia."

Abubakar show another side of the same process, in which customary authority and marriage processions are themselves not static but change under the influence of religious institutions, government, education, mobility, intermarriage, media, and shifting generational orientations.³⁸ Salim therefore offers a more appropriate key than the idea of harmonious coexistence: adat and sharia in Aceh exist in a condition of unequal coexistence and asymmetrical contestation.³⁹ The continuity of terms such as *seulangke*, *jeunamee*, *keuchik*, *gampōng*, *niniak mamak*, *wali hukum*, and *tuwo ampék* therefore does not mean that older structures have survived unchanged. What appears instead is a reordering of marital authority: some older forms of authority have been institutionalized, some have been constrained, and some continue to derive their force primarily from family and community acceptance. Marital validity in Aceh is therefore not organized around a single normative center, but through layers of authority that differ in determining who may consent, solemnize, register, assess propriety, and ultimately recognize a marriage as legally valid and socially acceptable.

If *jeunamee* shows how material capacity and family honor are negotiated before marriage, consent and *kafā'ah* (compatibility [*sekufu*]) reveal another side of the same process: partner choice does not take place outside social judgments about who is considered suitable to enter a family. The legal framework discussed above gives individual consent a clear position and limits *kafā'ah* as a legal barrier to marriage. Yet these legal limits do not eliminate the social life of *sekufu*. In Aceh Singkil, Zuhrah et al. found that discussions of *kafā'ah* extend beyond religious compatibility to considerations of ethnicity, occupation, economic capacity, and kinship rules, including prohibitions against marriage within certain clans. What operates here is not merely the application of a fiqh doctrine, but the translation of *kafā'ah* into a language of family continuity and marital suitability.⁴⁰ In the urban setting of Banda Aceh, Solin et al. found a different configuration but a similar logic: lineage, education, economic standing, and social status may still serve as measures through which a couple gains or loses social legitimacy.⁴¹ The difference between Singkil and Banda Aceh is important because it shows that *kafā'ah* does not have a fixed social content; rather, a category that is legally restricted acquires new life when translated through community history, kinship structures, and local stratification. Therefore, *sekufu* is better understood not as an additional legal requirement, but as a social grammar of marital suitability that can influence how individual choice is received within its social environment.

³⁸ Luthfi Auni, Abdul Manan, and Al Yasa' Abubakar, "Factors Changing the Gayo Ethnic's Traditional Marriage Procession in Lut Tawar Sub-District of Takengon, Central Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 703–33.

³⁹ Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia."

⁴⁰ Zuhrah et al., "Tradition Beyond Formal Fiqh: Ethnic Perspectives on Negotiating Kafā'ah in Marriage within the Aceh Singkil Community."

⁴¹ Solin et al., "Kafaah as a Tool of Social Legitimacy in Marriage: An Empirical Analysis of Maslahah and Discrimination in Banda Aceh City."

Marriage ethnography also makes the relationship between consent and family authority appear more complex than a simple opposition between “individual choice” and “family coercion.” Among the Aneuk Jamee studied by Manan, women do have room to accept or reject a prospective spouse, but that choice takes place within a process already inhabited by *niniak mamak*, *wali hukum*, parents, and family intermediaries.⁴² Family authority, therefore, does not always operate through explicit prohibition. It also works more subtly through discussions of reputation, background, economic capacity, kinship relations, and the social consequences of a particular choice. At this point, consent has two lives at once: as the will that must be present for a marriage to take place, and as a relational decision that must be negotiated within the family network that will receive the marriage. Nasir et al.’s findings on the contestation of authority in Acehese marriage law reinforce the view that determining what constitutes a “proper” marriage is never fully monopolized by a single actor, but instead emerges through intersecting authoritative claims.⁴³ It is within this configuration that *jeunamee*, *kafā’ah*, and consent come together: the first may signify capacity and seriousness, the second assesses compatibility, while the last affirms the couple’s will. The three do not always lead to the same decision, but together they show how marital legitimacy is built through negotiation between personal choice and relational acceptability.

Read together, the findings on *jeunamee*, *kafā’ah*, consent, and family authority show that marital legitimacy in Aceh is not acquired all at once through a single normative act. A relationship may fulfill the requirements of the marriage contract, yet still face questions concerning partner compatibility, family acceptance, the appropriateness of exchanges, and acceptability within its social environment. Conversely, family and customary acceptance cannot substitute for the couple’s consent or the legal recognition required to obtain administrative consequences. Layered marital legitimacy in this context does not mean that several legal orders simply coexist, but rather that each normative order determines a different aspect of what makes a marriage considered valid, proper, and sustainable. Interlegality becomes visible precisely in the movement across these layers: categories such as *mahr* become *jeunamee*, *kafā’ah* acquires social measures of *sekufu*, and consent is exercised within kinship relations that carry their own expectations. Thus, marital legitimacy in Aceh is not the final product of a single norm, but a relational achievement shaped through the intersection of religious validity, the couple’s will, family propriety, and social recognition.

Muslim Mindanao: Negotiating Marital Legitimacy

In Muslim Mindanao, law does not enter the sphere of marriage by displacing the family; from the outset, it instead formulates marriage through the relationship among the will of the prospective spouses, guardianship, material obligations, and

⁴² Manan, “The Ritual of Marriage: An Ethnographic Study in West Labuhan Haji-South Aceh.”

⁴³ Nasir et al., “The Contestation of Authority in Islamic Marriage Law in Aceh, Indonesia.”

the authority that validates the marriage. Presidential Decree No. 1083 makes this arrangement fairly clear. Article 13(3) places marriage, divorce, customary dower (*mahr*), betrothal, solemnization and registration, parental authority, and property relations within the scope of Muslim personal law, while Article 14 defines marriage not merely as a civil contract but also as a social institution. This formulation takes a more concrete form in Article 15, where legal capacity and the mutual consent of the parties freely given are placed alongside *ijab-qabul*, the consent of the wali, and *mahr*.⁴⁴ However, the position of the wali is not absolute: Article 18(c) allows a sharia judge to assume the authority to solemnize the marriage when the wali refuses consent without justifiable reason, while Article 20 allows *mahr* to be determined by agreement between the parties and, in the absence of such agreement, through *mahr-mithl*, which may take their social standing into account.⁴⁵ Republic Act No. 11054 subsequently retains these categories within the Bangsamoro institutional architecture; Article X, Sections 2, 4, and 5 place the Shari'ah Courts within the Philippine judicial system, grant the Bangsamoro Parliament authority over personal and family law, and include marriage, divorce, betrothal, and customary dower or *mahr* within the jurisdiction of the Shari'ah Circuit Courts.⁴⁶ The limits on this arrangement become more explicit under Republic Act No. 11596: Sections 1 and 3 establish the free and full consent of capacitated parties as the basis of marriage and define any person under eighteen years of age as a child, while Sections 4 and 6 criminalize the facilitation of child marriage and declare such marriages *void ab initio* (void from the outset); Section 13 further provides that prior inconsistent provisions are deemed amended or repealed.⁴⁷ Thus, what emerges is not merely an accumulation of rules, but a shift in the boundaries of authority: family, the wali, and *mahr* remain part of the formation of Muslim marriage, but their authority now operates within a space increasingly constrained by legal capacity, the consent of the parties, and state oversight.

What is formulated in law actually operates upon social relations that are much older than contemporary Bangsamoro institutions. In Saleeby's early twentieth-century account—which must, of course, be read with caution because of its colonial perspective—Magindanao marriage already reflected an intersection among Islamic provisions, marriage prestations, family standing, and local customs.⁴⁸ Among the Maranao, Mednick, as well as Saber and Madale, later showed that marriage does not end with the relationship between two individuals,

⁴⁴ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines, Pub. L. No. Presidential Decree No. 1083 (1977), arts. 13(3), 14–15.

⁴⁵ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines, arts. 18(c), 20–21.

⁴⁶ Republic Act No. 11596: An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof, Pub. L. No. Republic Act No. 11596 (2021), art. X, secs. 2, 4, 5(b)(1)–(4).

⁴⁷ An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof, Pub. L. No. Republic Act No. 11596 (2021), https://lawphil.net/statutes/repacts/ra2021/ra_11596_2021.html. secs. 1, 3–4, 6, 13.

⁴⁸ Saleeby, *Studies in Moro History, Law, and Religion*.

but also connects households, kin, and broader family interests.⁴⁹ This pattern remains recognizable, although not in the same form, in more recent studies of the Maguindanaon. Butuan et al. note the role of families and intermediaries in bringing a relationship toward marriage,⁵⁰ while Mantawil shows that dowry, *ijab-qabul*, solemnization, and marriage negotiations take place as parts of an interconnected process that continues to undergo adjustment.⁵¹ Kirab et al. bring us closer to the arena in which these negotiations take place. Through *pangëngërung/pangëngëdung* (the initial stage of inquiry or informal proposal), the intention of the man's family is first conveyed to the woman's family; if the discussion proceeds, *salangguni* becomes the setting in which the two families discuss the dowry, marriage requirements, timing, and the expectations accompanying the union of the two families.⁵² In such discussions, ancestry, proximity to the sultanate lineage, the prospective husband's economic capacity, the woman's education, and family reputation may all shape what is considered appropriate to give and receive. Thus, *mahr* does not remain a legal category that is complete once its amount has been determined. PD No. 1083 itself recognizes *mahr-musamma* and *mahr-mithl* and allows the parties' social standing to be considered when the amount is not agreed upon; in *salangguni*, these categories acquire a richer social language through honor, capacity, lineage, and family position.⁵³ What is transferred through dowry, therefore, is not merely material value. Within family negotiations, the prestation may also express a man's seriousness, respect for the woman's family, and the position that the marriage is expected to bring into a new kinship relationship.

Consent occupies the center of this relationship in a way that is more complex than a simple opposition between "individual choice" and "family choice." Presidential Decree No. 1083 identifies the mutual consent of the parties freely given as one of the essential requisites of marriage, yet under Article 15(c), *ijab-qabul* still takes place after the wali has given consent.⁵⁴ These two elements, therefore, are not formulated as mutually exclusive forms of authority. Indeed, limits on the authority of the wali are already contained within the Code itself: Article 18(c) allows a sharia judge, or a person designated by the judge, to solemnize the marriage when the wali refuses consent without justifiable reason.⁵⁵ These limits became more explicit after Republic Act No. 11596. Section 1 states that marriage may be entered into only through the free and full consent of

⁴⁹ Mednick, *Encampment of the Lake: The Social Organization of a Moslem-Philippine (Moro) People*; Saber and Madale, *The Maranao*.

⁵⁰ Butuan et al., "A Comparative Study on Maguindanaon Traditional Marriage and Islamic Marriage System."

⁵¹ Mantawil, "The Marriage Innovation Practices of the Bangsamoro: The Maguindanao Cases."

⁵² Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations."

⁵³ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines; Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations."

⁵⁴ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines.

⁵⁵ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines.

capacitated parties, while Sections 3, 4, and 6 extend this protection by defining any person under eighteen as a child, prohibiting the facilitation of child marriage—including by parents or guardians—and declaring such marriages *void ab initio*.⁵⁶ In the realm of contemporary religious interpretation, the Bangsamoro Darul-Ifta' takes a similar position in a more specific context. Fatwa No. 5, Series of 2026, which addresses the coercion of rape victims into marrying their perpetrators, affirms that consent is a requirement for the validity of marriage and cannot be presumed to exist or be replaced when a woman is under coercion.⁵⁷ However, the legal and religious strengthening of consent does not make partner choice an entirely private matter. Among the Maguindanaon, Butuan et al. continue to note the importance of third-party negotiation in the formation of marriage, while Kirab et al. show that through *salangguni*, the two families discuss the dowry, marriage requirements, timing, and even lineage and family standing. Family authority, therefore, does not always appear as an explicit veto. It may operate through intermediaries, advice, expectations concerning reputation and lineage, and judgments about who is considered suitable to enter a family network.⁵⁸ Consent, in this context, remains a will that normatively must come from the prospective spouses, but that will is expressed and acquires social meaning within kinship relations that already carry their own expectations.

From this perspective, dowry, consent, and family authority do not appear as three elements that merely happen to meet in marriage, but as parts of the social terms of marriage that are continuously worked out. A marriage contract may fulfill *ijab-qabul*, the consent of the *wali*, *mahr*, and mutual consent as stipulated in Article 15 of PD No. 1083, but these requirements do not exhaust the social work that precedes marriage: who conveys the proposal, which families sit together to negotiate, what amount of prestation is considered appropriate, and how the new relationship is situated within the kinship network. Conversely, the successful completion of *pangëngërung/pangëngëdung* or *salangguni* (a traditional engagement ceremony in Muslim cultures of the southern Philippines) does not grant the family unlimited authority over the prospective spouses. Article 18(c) of PD No. 1083 itself limits a *wali*'s refusal when it lacks justifiable reason, while RA No. 11596 makes those limits more explicit with respect to age and legal capacity by requiring the free and full consent of capacitated parties and denying legal effect to child marriage.⁵⁹ At the same time, the social arena in which consent and dowry

⁵⁶ An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof.

⁵⁷ Bangsamoro Darul-Ifta', *Fatwa No. 5, Series of 2026* (Bangsamoro Autonomous Region in Muslim Mindanao: Bangsamoro Darul-Ifta', 2026); Bangsamoro Information Office, "Bangsamoro Fatwa Rejects Forced Marriage in Rape Cases," BARMM Official Website, Bangsamoro Information Office, March 31, 2026, <https://bangsamoro.gov.ph/news/latest-news/bangsamoro-fatwa-rejects-forced-marriage-in-rape-cases/>.

⁵⁸ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines; Butuan et al., "A Comparative Study on Maguindanaon Traditional Marriage and Islamic Marriage System"; Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations."

⁵⁹ Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations"; Presidential Decree No. 1083: Code of Muslim Personal Laws of the

are negotiated continues to change. Mantawil notes the introduction of various new practices into Maguindanaon marriage in Datu Piang, including forms associated with social media and outside influences; Kirab et al. further show that urbanization, economic change, technology, women's education and employment, and the aspirations of younger generations have also altered standards of suitable partners, the amount of dowry, and the ways marriages are celebrated.⁶⁰ Interlegality in Muslim Mindanao is therefore most visible not when Islam, state law, and custom can be neatly separated, but when the same categories acquire different weight as they move among the three: mahr established by law is renegotiated through family capacity and status, consent that must come from the prospective spouses is expressed amid kinship expectations, while the wali retains a place without holding the final decision over the couple's will. Marriage, in this sense, is not only something validated through the marriage contract, but a relationship that must be made acceptable across several normative orders that do not always demand the same thing.

Ritual and Social Recognition: Making Marriage Socially Proper

What appeared in the previous section as relational acceptability does not end once the marriage contract is concluded. In Aceh, a relationship that has already been negotiated must still acquire a recognizable place before the family and community. The legal corpus itself leaves room for this process. Aceh Qanun No. 8 of 2014 gives marriage a religious and administrative form through the marriage contract, registration, and the protection of rights, while Qanun No. 9 of 2008 simultaneously places marriage customs and customary ceremonies within the sphere of social life to be fostered and preserved and gives *gampōng* institutions a role in the settlement of communal relations.⁶¹ What matters here is not that custom adds a new requirement to the validity of marriage. Rather, it operates on a different register: bringing a status already established through the marriage contract into the network of relationships in which the couple will live. Nasir and Juliandi show that *walimat al-ʿurs* itself becomes one of the arenas in which the demands of sharia and tradition do not always coincide; the differences between them produce configurations that must be renegotiated in practice.⁶² Therefore, after the law answers whether a marriage can be recognized, a social question remains as to how it should be presented and accepted.

This question takes a more concrete form in ritual processions. In Samadua, Inayatillah et al. found that a couple whose marriage is already valid under religion

Philippines; Republic Act No. 11596: An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof.

⁶⁰ Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations."

⁶¹ Qanun Aceh Nomor 8 Tahun 2014 tentang Pokok-Pokok Syariat Islam, arts. 15–17; Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat, arts. 12–14; Qanun Aceh Nomor 10 Tahun 2008 tentang Lembaga Adat, arts. 2–4.

⁶² Muhammad Nasir and Budi Juliandi, "The Practice of Walimat Al-ʿUrs: : Competing Sharia and Tradition in Aceh," *Journal of Contemporary Islam and Muslim Societies* 5, no. 2 (January 2022): 290.

and recognized by the state is not automatically treated as though the entire marriage process has been completed: violating the customary sequence may eliminate the possibility of holding *walimah al-‘ursy*, *intat linto*, and *tueng dara baroe*.⁶³ Such sanctions do not operate on the validity of the marriage contract, but on the way a marriage acquires honor and recognition in communal space. *Seumapa* reveals another side of the same social process. Muthalib, Fitrisia, and Zahara show that the poetic exchange between representatives of the two families conveys etiquette, respect, reciprocal responsibility, religious identity, and customary knowledge before the groom is accepted into the bride’s family space.⁶⁴ Ritual, therefore, is not merely a representation that follows the completion of the legal process. It also changes the couple’s relational position: a person becomes not only a husband or wife through the marriage contract, but is also introduced, accepted, and situated within a new relationship between two families and the community that witnesses it. In this sense, social propriety does not compete with legal validity; it performs work that the law does not fully accomplish.

In Muslim Mindanao, the distance between solemnization and social recognition is marked even more explicitly by the Code. After PD No. 1083, as discussed in the previous section, brings consent, the wali, and *mahr* together in the formation of marriage, Article 17 states that no particular form of ceremony is required. Yet the absence of a required form does not mean indifference to publicity: *ijab-qabul* must be declared openly before the person performing the solemnization and at least two witnesses, while Articles 18–19 specify who may perform the solemnization and provide that the marriage shall take place publicly in a mosque, the office of a sharia judge, the registrar’s office, the residence of the woman or her wali, or another place agreed upon by the parties.⁶⁵ Republic Act No. 11054 extends this dimension through Bangsamoro authority over marriage registration, while recognizing and protecting Bangsamoro customs, beliefs, traditions, and cultural heritage.⁶⁶ Here, the law appears deliberately to stop at a certain threshold: it ensures that marriage can be formally recognized and witnessed, but it does not prescribe the entire social language through which a family must introduce or celebrate the relationship. The space beyond that threshold remains shaped by community practices.

Among the Maguindanaon, *kawing* shows how this space is inhabited by religious authority, kinship, and forms of celebration that continue to change. Karim and Mallo show that *kawing* is not merely a ceremonial event, but a practice that receives spiritual and procedural guidance from Ustads and Kamals, who also help ensure that the process remains consistent with religious values and the

⁶³ Inayatillah et al., “Social History of Islamic Law from Gender Perspective in Aceh: A Study of Marriage Traditions in South Aceh, Indonesia.”

⁶⁴ Muthalib, Fitrisia, and Zahara, “Ceremonial Language and Social Cohesion: An Analysis of *Seumapa* in Acehese Wedding Traditions.”

⁶⁵ Presidential Decree No. 1083: Code of Muslim Personal Laws of the Philippines, arts. 17–19.

⁶⁶ Republic Act No. 11596: An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof, art. V, sec. 2(ss), art. IX, secs. 24–25.

community's understanding of marriage.⁶⁷ Kirab et al. place marriage rituals within a sequence involving extended families and community figures and show that these forms of celebration are themselves being renegotiated in response to changes in education, the economy, technology, and generational orientations.⁶⁸ Mantawil finds a similar pattern in Datu Piang: changes affect not only marriage preparations, but also the wedding ceremony and entertainment, and are debated in relation to what is considered acceptable within Islam and Maguindanaon culture.⁶⁹ Social recognition here, therefore, cannot be understood as a mechanical continuation of "tradition." Ritual is instead a space in which a family presents a relationship that has already been formed, while the community—including religious actors—continues to assess which forms of presentation may still be considered proper. What is maintained is not always the form of the ceremony itself, but the need for the couple's change in status to be recognizable to the social world around them.

Table 2. Ritual and Social Recognition in Aceh and Muslim Mindanao

Dimension	Aceh	Muslim Mindanao
Normative basis	Islamic law, registration, and customary institutions intersect within the qanun and gampōng structure.	PD No. 1083 requires public solemnization; RA No. 11054 maintains marriage registration and recognition of Bangsamoro cultural traditions.
Forms of social recognition	<i>Walimah al-‘ursy, intat linto, tueng dara baroe, and seumapa.</i>	<i>Kawing</i> and related Maguindanaon communal wedding practices.
Ritual function	Places the couple within family and community relations and marks social propriety.	Makes the couple's changed status publicly visible and communally recognized.
Relation to legal validity	Ritual recognition may shape social acceptance without determining the validity of the akad.	Particular ceremonial forms are not required for legal validity once the requirements of solemnization are fulfilled.
Analytical implication	Legal validity and social recognition overlap but remain distinct.	Formal solemnization and communal recognition are interconnected but perform different social functions.

Source: Authors' compilation based on the legal corpus and relevant socio-legal and ethnographic literature.

As shown in Table 2, while the previous section demonstrates that marriage is formed through negotiation among the couple's wishes, family, Islamic law, and the state, ritual shows what happens once that negotiation must take public form. In both regions, the marriage contract and ritual therefore do not perform the same work. The marriage contract establishes status and normative consequences; ritual makes that change in status visible, recognizable, and situated within social

⁶⁷ Jerald Karim and Erwin Mallo, "Exploring the Dynamics of Maguindanaon Kawing (Marriage): A Keystone to Understanding Culture and Traditions," *Journal of Interdisciplinary Perspectives* 4, no. 1 (2026): 354–62.

⁶⁸ Kirab et al., "Unveiling Cultural Threads: An Exploration of Maguindanaon Marriage Practices in the Face of Contemporary Adaptations."

⁶⁹ Mantawil, "The Marriage Innovation Practices of the Bangsamoro: The Maguindanao Cases."

relations. Yet the relationship between the two differs. In Aceh, marriage custom holds a relatively explicit place within local institutional arrangements, allowing community recognition to intersect with *gampōng* governance structures. In Muslim Mindanao, by contrast, PD No. 1083 limits the legal requirement to public solemnization without prescribing any particular ceremonial form, leaving greater space for *kawing* and community practices to shape social acceptance. In Brighenti's terms, visibility is not merely a condition of being "seen," but a relational process that can generate recognition; marriage rituals operate in this sense by making the couple's status present before a particular social audience.⁷⁰ Interlegality therefore operates not only when norms compete to determine whether a marriage is valid, but also when a status that is already valid is translated into respect, visibility, and social membership. A marriage may be complete as a contract before it is complete as a social relationship.

Comparative Interlegality: Layered Validity and Relation Meaning

The comparative socio-legal approach used in this study shows that Muslim marriage in Aceh and Muslim Mindanao cannot be adequately understood by treating Islamic law, state law, and custom as three systems that simply stand side by side. A structured comparison of *mahr/dowry*, consent, family authority, ritual, and social recognition instead shows that the weight of each normative order changes depending on the issue at hand: state law plays a greater role in registration and formal legal consequences, Islamic norms provide the language of marital validity and obligations, while families and local customs remain influential in assessing partner suitability and social acceptance. This finding begins with Merry's understanding of legal pluralism but is closer to Santos's and Hoekema's notion of interlegality, in which different legalities do not merely coexist but enter into one another, are translated, and are selectively used in practice.⁷¹ The comparison also reinforces Creutzfeldt, Kubal, and Pirie's argument that socio-legal comparison becomes productive when similar categories are not assumed to perform the same social functions.⁷² This is evident in Aceh and Muslim Mindanao: both recognize *mahr*, wali, consent, family, and public recognition, but the institutional position and force of each category differ. Mastura has demonstrated the plurality of legal orders in the Philippines,⁷³ while Schenk shows how, in Aceh, even Islamic leaders themselves employ different forms of legal reasoning in their encounters with state administration.⁷⁴ Thus, the data in this study do not point to two "marriage systems," but to two interlegal

⁷⁰ Andrea Brighenti, "Visibility: A Category for the Social Sciences," *Current Sociology* 55, no. 3 (2007): 323–42.

⁷¹ Engle Merry, "Legal Pluralism"; Boaventura De Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*, 3rd ed. (Cambridge University Press, 2020); Hoekema, "European Legal Encounters between Minority and Majority Cultures."

⁷² Creutzfeldt, Kubal, and Pirie, "Introduction: Exploring the Comparative in Socio-Legal Studies."

⁷³ Mastura, "Legal Pluralism in the Philippines."

⁷⁴ Schenk, "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia"; Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies into Law."

configurations that need to be understood through the relationships and shifts of authority among different norms.

This reading directly addresses the objective of the study, namely to explain how different normative configurations produce different understandings of marriage as valid, proper, and meaningful. At the stage of marriage formation, the findings show that *mahr/dowry*, consent, and family authority do not operate separately. This is consistent with Akhtar, Al-Sharmani, and Moors, who situate Muslim marriage within a plurality of norms and practices,⁷⁵ with Showkat, who demonstrates the gap between the principle of *mahr* and its life in social practice,⁷⁶ and with Wurm, who rejects a simple opposition between arranged marriage and individual choice.⁷⁷ Rinaldo likewise shows that authority in Muslim marriage is shaped through negotiation among religious scripts, family law, and changing gender relations.⁷⁸ Aceh and Muslim Mindanao, however, display more specific configurations. In Aceh, *jeunamee*, *kafā'ah*, consent, *gampōng* structures, and registration produce intersecting layers of legitimacy; in Muslim Mindanao, *mahr/dowry*, the wali, family negotiation, Muslim personal law, and state-imposed limits on age and consent produce a different distribution of authority. At the next stage, ritual shows that the formation of the marriage contract does not always complete the social work of marriage. *Walimah*, *intat linto*, *tueng dara baroe*, and *seumapa* in Aceh, as well as solemnization and *kawing* in the Maguindanaon context, show that a relationship that has already been formed must still be made recognizable to a particular social audience. The main finding of this study, therefore, is not that law and custom simply “mix,” but that each performs different normative work in forming, validating, and situating a relationship.

What is both interesting and important in this study is the shift from the plurality of marriage norms toward layered validity and relational meaning. Previous literature has clearly demonstrated the contestation between adat and sharia in Aceh, variations in the criteria of *kafā'ah*, changes in family authority, and legal pluralism in the Philippines; however, the findings of this study show that the question “is the marriage valid?” is different from “is the couple considered suitable?” and different again from “has the relationship acquired a recognizable place within the family and community?” Salim describes the relationship between adat and sharia in Aceh as unequal coexistence and asymmetrical contestation; Zuhrah et al. show how *kafā'ah* acquires content through ethnicity, occupation, economic conditions, and kinship, while Solin et al. demonstrate that *nasab*, education, economic standing, and status can function as instruments of social

⁷⁵ Akhtar, Al-Sharmani, and Moors, “Introduction.”

⁷⁶ Showkat, “The Principle and Practice of Mahr in Muslim Marriages.”

⁷⁷ Wurm, “Theorizing Arranged Marriage: The Case of South Asian Muslim Immigrants in Love Marriage Societies.”

⁷⁸ Rinaldo, “Obedience and Authority among Muslim Couples: Negotiating Gendered Religious Scripts in Contemporary Indonesia.”

legitimacy.⁷⁹ At the level of ritual, Inayatillah et al. and Muthalib et al. show that marital acceptance is worked out through processions, respect, and communal language.⁸⁰ The findings from Mindanao add another layer: Jensen's ethnography shows that the meaning of marriage does not have to rest on romance, but can be shaped by togetherness, support, dependence, and morality; Yoshizawa further shows that the meaning of relationships can become an arena of critique when religious, gender, and kinship norms intersect.⁸¹ From Brighenti's perspective, this form of social recognition can be understood as a question of visibility: a change in status acquires meaning when it is made visible to a relevant audience.⁸² Layered validity, therefore, is not simply the presence of multiple sources of law, but the non-coincidence of legal validity, familial acceptability, and social recognition.

Theoretically, these findings extend interlegality from a concept of encounters among legal orders into a process of translation, reweighting, and relocation of normative authority. Translation occurs when normative categories acquire a new social language: *mahr* becomes *jeunamee* and at the same time a measure of seriousness or honor; *mahr/dowry* in Maguindanaon practice enters discussions of family capacity and standing. Reweighting occurs when the same norm acquires different force: *kafā'ah* is restricted as a legal ground for preventing marriage but remains strong as a social measure, while the wali continues to have a place in the formation of marriage in Mindanao without holding unlimited authority over consent. Relocation occurs when normative work shifts from one arena to another: the state assumes authority over registration, age, and legal consequences, while families and communities continue to shape propriety and acceptance. This reading extends Santos and Hoekema because interlegality does not mean only that local law adapts to dominant law, but also that legal categories acquire new lives once they enter social relations.⁸³ At the same time, it sharpens Merry's legal pluralism by showing that plurality is not merely a matter of the number of normative orders, but also of the unequal distribution of authority over who has the power to determine particular aspects of a relationship. The practical implication is that family law reform should not assume that administrative recognition automatically produces social legitimacy; conversely, recognition of custom or family authority should not allow either to substitute for consent, legal capacity, registration, and the protection of rights. For Aceh and Bangsamoro, the policy point is not to standardize every stage of marriage, but to clarify the

⁷⁹ See: Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia"; Zuhrah et al., "Tradition Beyond Formal Fiqh: Ethnic Perspectives on Negotiating Kafā'ah in Marriage within the Aceh Singkil Community"; Solin et al., "Kafaah as a Tool of Social Legitimacy in Marriage: An Empirical Analysis of Maslahah and Discrimination in Banda Aceh City."

⁸⁰ Inayatillah et al., "Social History of Islamic Law from Gender Perspective in Aceh: A Study of Marriage Traditions in South Aceh, Indonesia"; Muthalib, Fitrisia, and Zahara, "Ceremonial Language and Social Cohesion: An Analysis of Seumapa in Acehese Wedding Traditions."

⁸¹ Jensen, "Learning to Love at the Violent Periphery of Philippine Society"; Yoshizawa, "'Love Conquers All?': Women's Narratives on Polygyny as an Internal Critique of Intersecting Patriarchies."

⁸² Brighenti, "Visibility."

⁸³ De Sousa Santos, "Law"; Hoekema, "European Legal Encounters between Minority and Majority Cultures."

boundaries of authority while preserving space for forms of communal recognition that do not conflict with individual rights.

This reading has several limitations that need to be stated explicitly. First, the study relies on available legal and institutional documents as well as socio-legal and ethnographic literature; therefore, categories such as care, respect, responsibility, or commitment can only be read as relational meanings documented in the sources, rather than as the inner states of the couples themselves. This limitation is important because the ethnographic studies of Jensen and Yoshizawa show that the narratives of people living through marriage can reveal conflict, affection, dependence, and critique that are not visible in the legal corpus.⁸⁴ Second, the density of sources across the two cases is not entirely balanced. The literature on marriage in Aceh provides relatively detailed access to local variations such as Samadua, Aceh Singkil, Gayo, and Banda Aceh, whereas contemporary sources on Muslim Mindanao are more heavily concentrated on particular Maguindanaon and Maranao communities. Third, the historical sources do not belong to the same temporal horizon as contemporary legal documents; therefore, colonial accounts are not used to claim continuity of practice, but only as genealogical context. Fathurahman and Gedacht show that Aceh and Mindanao do have intellectual and colonial trajectories that make historical comparison possible, but these connections do not erase internal differences or subsequent transformations.⁸⁵ This study reduces these risks by using the same questions and domains for both cases, distinguishing the functions of legal, ethnographic, and historical sources, and limiting its claims to practices that are actually documented. Such a strategy is consistent with Creutzfeldt, Kubal, and Pirie's caution that socio-legal comparison must preserve contextual depth and should not turn analytical comparability into an assumption of homogeneity.⁸⁶

Conclusion

The most important finding of this study is that a marriage can be valid before it is truly "complete" in social terms. In Aceh and Muslim Mindanao, the marriage contract does not automatically bring religious validity, state recognition, family approval, and community acceptance together in a single decision. Each operates at a different stage and through different actors. Aceh brings custom into closer connection with local and *gampōng* structures, whereas Muslim Mindanao more strongly formalizes Muslim personal law through Shari'ah Courts while leaving families and communities to shape social acceptance. This study therefore offers a new way of reading interlegality: not merely as the coexistence of multiple laws, but as a gradual process that determines when a relationship becomes valid, proper, and ultimately recognized as a marriage.

⁸⁴ Jensen, "Learning to Love at the Violent Periphery of Philippine Society"; Yoshizawa, "'Love Conquers All?': Women's Narratives on Polygyny as an Internal Critique of Intersecting Patriarchies."

⁸⁵ Fathurahman, *Shattāriyah Silsilah in Aceh, Java, and the Lanao Area of Mindanao*; Gedacht, "Holy War, Progress, and 'Modern Mohammedans' in Colonial Southeast Asia."

⁸⁶ Creutzfeldt, Kubal, and Pirie, "Introduction: Exploring the Comparative in Socio-Legal Studies."

The main limitation of this study lies in its reliance on document-based sources and the uneven depth of the literature on Aceh and Muslim Mindanao. This condition means that the study cannot yet directly capture how couples, families, wali, ulama, and customary actors respond to situations in which legal validity, the couple's wishes, family interests, and social acceptance do not move in the same direction. The study also cannot yet show who becomes most decisive when multiple sources of authority place different demands on the same marriage. Future research should therefore employ multi-sited ethnography and in-depth interviews with couples and the actors involved from the stages of initial courtship, family negotiation, the marriage contract, registration, and ritual through to post-marital life. Such an approach could test whether layered validity actually operates as a gradual process in everyday life or instead changes when couples encounter concrete conflicts. Accordingly, future research questions should not stop at asking who has the authority to solemnize a marriage, but should move toward asking who must be persuaded, who is able to object, and who ultimately determines whether a marriage can be accepted and sustained.

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