

The Tradition of Paulak Tuhor Dohot Fines Due to the Cancellation of Khitbah in Sayur Maincat Village Reviewed from the Compilation of Islamic Law

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Received: 19-11-2025

| Revised:

| Accepted: 04-12-2025

Abstract

This research is motivated by the lack of regulation regarding the sanction of cancellation of khitbah in the Compilation of Islamic Law (KHI), while the Mandailing community applies the *Paulak Tuhor* customary fine as a mechanism to restore family honor. The purpose of this study is to analyze the practice of *Paulak Tuhor* in Sayur Maincat Village, assessing its conformity with the principles of justice in customary law, Islamic law, and its implications for gender equality. This study uses qualitative methods through observation, semi-structured interviews with 8–10 indigenous and community leaders, and documentation, then analyzed using the Miles & Huberman model. The results of the study show that the cancellation of khitbah is seen as a violation of collective honor, giving rise to the obligation to return the tuhor along with a fine. Field findings show that sanctions are more often burdensome for women, including the obligation to return all grants and additional fines, resulting in disproportionate proportionality of sanctions. From KHI's point of view, *Paulak Tuhor* has no normative basis because KHI only regulates the return of existing prizes, without additional sanctions. However, in terms of *living law*, the community considers the customary sanctions as an instrument to maintain social harmony. This research contributes to the enrichment of the study of the integration of customary and Islamic law, showing the need for the reinterpretation of *Paulak Tuhor* to be in harmony with the principles of distributive justice and the human rights perspective. This study opens up opportunities for further research on the psychological impact of customary sanctions as well as a comparison of khitbah cancellation regulations in other indigenous communities in Indonesia and other Muslim countries.

Keywords: Customary Law, *Paulak Tuhor*, *Khitbah*, Compilation of Islamic Law, Mandailing.



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INTRODUCTION

The Paulak Tuhor tradition in the Mandailing community is one of the traditional institutions that is inherent in the series of marriages and is inherited from generation to generation as a form of moral and social mechanism in maintaining family honor. In Mandailing society, marriage is not understood simply as the union of two individuals, but as the formation of kinship relationships between two social groups that must be maintained through strict cultural rules. Islamic teachings view marriage as a sacred contract and with worship value, while socially it is treated as an institution that organizes social interaction, family status, and communal honor (Khotimah et al., 2025). Before arriving at the marriage contract, the people of Mandailing know the tradition of khitbah or proposal, which is an official request for marriage that can be submitted directly or through family intermediaries. In traditional practice, khitbah is manifested by surrender *tuor* from the groom-to-be to the bride as a symbol of seriousness and commitment. Tuor is not a dowry, but a customary gift that follows local provisions and has strict customary law consequences if the khitbah is not continued to the wedding. It is at this point that khitbah becomes not only a pre-marriage ritual, but a cultural instrument to show seriousness and maintain the dignity of the family (Dora et al., 2024).

Problems begin to arise when the khitbah is canceled by one of the parties, because the cancellation is not only seen as a failure of personal relationships, but as a violation of honor against the family bound by social promises. In Sayur Maincat Village, the cancellation of khitbah is customarily regulated through a fine known as Paulak Tuhor, which is a social recovery mechanism and a symbol of customary justice for the loss of honor or disappointment of the family affected by the cancellation (Hayati, 2023). If the male party cancels, he must pay a fine of one time the value of the tuor that has been given. However, if the woman cancels, then she is obliged to return all the tuor along with an additional fine according to the customary agreement. In the perspective of the Mandailing community, the cancellation of khitbah by women is often considered an act that tarnishes the dignity of men and their families, so customary sanctions are imposed to restore self-esteem and social balance between families. Paulak Tuhor in this context not only means fines, but also a tool to restore honor, maintain social stability, and prevent greater social conflicts in society (Ruslan, 2023).

The urgency of this research is further strengthened because the practice of Paulak Tuhor is not specifically described in the Compilation of Islamic Law (KHI). KHI does regulate that gifts during the marriage period can be returned, but it does not regulate customary sanctions or fines due to the cancellation of khitbah. This legal vacuum raises questions about the legitimacy and position of the Paulak Tuhor tradition in the perspective of Islamic law. On the other hand, fiqh scholars view that customary ('urf) can be used as a legal basis as long as it does not conflict with the principles of sharia, especially in upholding justice and the welfare of the family and community (Salam & Jamal, 2024). Thus, there is ample room for discussion to assess whether the mechanism of Paulak Tuhor is in line with the values of Islamic law or actually causes potential injustice to one of the parties. In addition, this issue has become increasingly important in the midst of contemporary social realities when some people begin to question the relevance of the application of customary fines in situations of marriage failure that may occur due to objective reasons such as personal incompatibility or economic problems (Rasyid et al., 2024).

Previous studies have shown that the cancellation of khitbah is more often discussed in the context of normative Islamic law that highlights the status of giving during the marriage, rather than in the perspective of customary law that sets fines with social consequences. Family law literature also focuses more on the annulment of marriage contracts in the context of modern state law without considering the local customary framework that is still in force. While anthropological research on the Mandailing community has indeed discussed marriage customs, there has not been much that has studied in depth the relationship between Paulak Tuhor and KHI in the context of the social dynamics of contemporary society (Zulkifli et al., 2023). These conditions show the presence of *Research gap* fundamental related to the integration between customary and Islamic law, especially in the issue of customary sanctions due to the cancellation of khitbah. In addition, the development of the mindset of modern society that is increasingly rational and open has also given rise to a new discourse on whether Paulak Tuhor is still relevant to be maintained as a social mechanism or needs to be reinterpreted to be more in line with the values of justice embraced by the current generation (Hayati & Febiana, 2023).

Based on these dynamics, this study aims to comprehensively describe the implementation of the Paulak Tuhor tradition in the case of cancellation of khitbah in Sayur Maincat Village and assess its relevance to the provisions of the Compilation of Islamic Law. This research not only empirically describes the mechanism of canceling khitbah and the consequences of customary fines, but also analyzes the social meaning behind its

implementation, including how the Mandailing community interprets honor, dignity, and justice in resolving marital conflicts. Furthermore, this study examines the position of Paulak Tuhor in the perspective of *urf* and assess whether its application meets the principles of justice, benefit, and equality as emphasized in Islamic law. By understanding the relationship between customary and sharia in this case, the research is expected to make a scientific contribution to the discourse of Islamic family law in Indonesia as well as help answer how harmonization between customary law and Islamic law can be realized proportionately in the Mandailing society in the modern era (Alfarisi et al., 2025).

RESEARCH METHODS

This research is a field research conducted in Sayur Maincat Village, Huta Bargot District, Mandailing Natal. Primary data were obtained through observation, semi-structured interviews, and documentation. Informants are selected by *Purposive* Includes traditional leaders, village leaders, related spouses or families, and communities (a total of 8–10 people) based on their knowledge and involvement in traditional practices. Data analysis uses the Miles & Huberman model which consists of the process of data reduction, data presentation, and conclusion drawn, as emphasized again in the recent methodological study on qualitative analysis (Son, 2022). The validity of the data is strengthened through triangulation of sources and documents, following a qualitative research validity approach relevant to modern social research standards. Thus, this research is qualitative descriptive to describe the phenomenon systematically and in-depth according to the needs of contemporary field research.

RESULTS AND DISCUSSION

Implementation of Khitbah in Mandailing Customs

Khitbah in the Mandailing tradition is not just the conveyance of the intention to marry, but part of the social system regulated by Dalihan Na Tolu. The results of the interview with Hatobangon Rifa'i show that the initial stages such as *Patomu Boru* and *Manyurati Mangalap Ari* function as a process of initial exploration and negotiation between families. This stage is in line with Eugen Ehrlich's *concept of living law* that the law of life is formed from the daily practice of society, not solely from formal legal texts. Thus, khithbah in Mandailing is a social norm that works autonomously in society, even though it does not have positive legal force.

Phase *Martonggo King* which contains a large family deliberation showing the strong principle of collectivity in the Mandailing community. At this stage, the decision is not determined by the bride-to-be, but by the customary structure that has moral authority. This phenomenon strengthens the theory of legal pluralism that in Indonesian society, state law, religious law, and customary law coexist and complement each other in regulating social relations (Mulyadi, 2021). Therefore, khithbah is positioned as a collective customary agreement, not an individual civil contract.

The peak of the traditional procession, namely *Horja*, becoming a symbol of social validation of the relationship between the two brides. Ceremonies such as *Mangalehen Indalu*, *Manortorand Mangupa* not only rituals, but also a means of social legitimacy in the Mandailing traditional structure. This is in contrast to the perspective of formal Islamic law which views khithbah as a non-binding and irrevocable promise. Thus, customary practices create *Moral Binding* that is stronger than *Legal Binding*. (Ritonga & Ritonga, 2024)

Mechanism for Cancellation of Khitbah and Its Sanctions

The cancellation of the marriage after khitbah in the Mandailing custom has serious social and customary consequences. Based on interviews with Panusunan traditional leaders, cancellations rarely occur because they are considered to hurt the family's honor. The existence of a customary deliberation mechanism before the cancellation decision reflects a restorative approach that prioritizes harmonious settlement. This process shows that customs work as *social control* to maintain social stability.

Customary sanctions in the form of *A Tale of Tuhor* (return of tuhor) or customary fines serve as compensation for moral and material losses of the aggrieved party. If the cancellation is done by a man, the gift given cannot be taken back; On the other hand, if the woman cancels, all items must be returned. This mechanism is in accordance with Durkheim's theory of social sanctions, which is that society sanctions those who violate norms to maintain social cohesion and solidarity (Ritonga & Ritonga, 2024). Thus, customary sanctions are not aimed at punishing, but restoring social balance.

In addition, the sanction system in the Mandailing custom shows the concept of *a deterrent effect*, which is to prevent other parties from canceling carelessly. This practice is different from Islamic law which allows the cancellation of khitbah without material sanctions. This difference shows the supremacy of customary norms that emphasize social responsibility more than individual freedom.

Customary Law Analysis on Post-Cancellation Rights and Obligations

From the perspective of Mandailing customary law, the cancellation of khitbah is not only understood as the severance of personal relationships, but also as the severance of the kinship relationship that has been established between two extended families. Therefore, post-cancellation rights and obligations are determined by the customary structure, not by the will of the individual. The right of the aggrieved party to obtain compensation through *A Tale of Tuhor* function to maintain family honor and restore their social position among indigenous peoples, a characteristic that is in line with restorative principles in the archipelago's customary law order (Sembiring, 2023). This mechanism shows that Mandailing customs place the moral dimension and social balance as a top priority, beyond the legal-formal logic used in state law.

The customary obligation to return goods or impose fines also illustrates the communal nature of Mandailing customary law, where conflict resolution is more geared towards the restoration of relations than the determination of fault. This approach is in line with the view that customary law functions to maintain social harmony through deliberation and collective agreement (Tanjung, 2022). Thus, Mandailing customary law became an instrument for conflict resolution oriented towards balance and harmony, not individualistic punishment (Rangkuti, 2021).

This practice is consistent with the characteristics of Indonesian customary law which is flexible, unwritten, and lives in the community (Rahmawati, 2024). Its binding power arises from collective acceptance, not from formal regulation.

Analysis of the Compilation of Islamic Law (KHI) on the Cancellation of Khitbah

KHI views khitbah as an initial promise towards marriage that does not have binding legal force. Article 11 of the KHI states that khitbah can be canceled without legal consequences, as long as it does not cause harm to one of the (Hasibuan, 2021). Thus, KHI gives the bride-to-be a wider space of freedom to cancel the engagement.

In the context of Mandailing, the position of khitbah is morally stronger than in the perspective of KHI. Material sanctions in the form of return or cancellation of the tuhor are not

regulated in Islamic law or KHI. This means that local customs provide additional rules that do not contradict sharia principles, namely justice and benefit. This shows that adat can function as a *local wisdom* that strengthens Islamic values.

The difference in the approach of KHI and the Mandailing customs shows the dynamics of legal pluralism in Indonesia. KHI provides a normative framework, while customary provides a more concrete social framework in resolving khitbah disputes.

Harmony and Contradiction between Mandailing and KHI Customs

Mandailing and KHI customs both place the principles of deliberation and peaceful settlement as the foundation of family relations, a pattern that is also illustrated in contemporary Indonesian family law studies (Setiawan, 2021). In the practice of khitbah, the two systems agree that the engagement has not yet become a legally binding contract, so that its cancellation normatively does not cause legal consequences for marriage. However, the Mandailing custom gives a stronger social weight by attributing khitbah to the honor of the extended family, not just the individual, so that its cancellation is understood as a violation of social commitment (Son, 2022).

A striking difference can be seen in the sanction mechanism. KHI does not provide provisions for material compensation in the case of cancellation of khitbah, while the Mandailing customary views the return of tuhor as a means of restoring family dignity, in line with the character of customary law that prioritizes balance and social restoration (Harahap, 2023). From the perspective of living law, this tradition can be understood as a local interpretation of the values of welfare that live in society, as long as the purpose is to maintain honor and prevent losses between parties (Fauzi, 2024).

From the perspective of legal pluralism, the combination of the two creates a regulatory system that is more responsive to the needs of local communities. This is in accordance with recent research that emphasizes the importance of harmonization between Islamic law and customary law in Indonesia (R. Siregar, 2023).

Comparison of Khitbah Traditions in Various Societies

The khitbah tradition in the Mandailing tradition has similarities with Javanese and Minangkabau cultures, especially in the emphasis on the role of the extended family and considerations of social honor. In Javanese society, the procession *Squirting* It is understood as a form of moral binding involving the extended family, and its annulment is considered to injure the dignity of the family even though it has no formal legal consequences (Khotimah et al., 2025). This is in line with Mandailing which knows the return *squirrel* as a mechanism to restore family honor when khitbah is canceled. A similar pattern is also seen in the Minangkabau community through tradition *São Paulo*, where the decision to accept or reject a proposal is determined through the deliberations of the extended family, so that the social aspect is more dominant than personal considerations (Ahmed & Rahman, 2023). This similarity suggests that the three communities still maintain a collectivistic cultural pattern that places the family as the main actor in the pre-marital stage.

When compared to the traditions of Bugis, Malaysia, Morocco, and Turkey, khitbah in the Mandailing society tends to have stronger customary consequences. In the Bugis community, the procession *Mappettuada* only functions as an initial agreement without incurring material obligations in the event of cancellation, so that it is more flexible than Mandailing (Heryanto, 2024). In Malaysia, the stages *Squirt* and *Invitation* is more symbolic without formal customary sanctions, in contrast to Mandailing which emphasizes responsibility through return *squirrel* (Iriansyah et al., 2024). Meanwhile, Moroccan and Turkish societies

view khitbah as a moral contract that can be canceled at the risk of social tension, but not accompanied by customary demands that are material as in the Mandailing tradition. This difference shows that the Mandailing customary mechanism is stricter in maintaining family dignity through a system of social and material sanctions that have been rooted in the local cultural structure.

Paulak tuhor as a sanction

Based on interviews with Alim Kampung, Hatobangon, and the Traditional Chairman, *Paulak Tuhor* is understood as a customary sanction in the form of a return of dowry along with additional compensation when the cancellation of the engagement occurs after khitbah. The goal is to restore the dignity of the male family and cover moral and material losses. However, from a modern legal perspective, this system of sanctions does not fully reflect the principle of distributive justice because more responsibility is imposed on women, while men are rarely subject to equal sanctions.

In the context of national law, KHI Articles 11–13 affirm that the cancellation of khitbah does not give rise to obligations other than the return of the existing gift (RI, 2020). Thus, the additional fine in Paulak Tuhor has no formal legal basis. From a gender perspective, this mechanism has the potential to cause bias because women are more vulnerable to social and economic pressures. Principle *Non-discrimination* as affirmed by (Women, 2021) Encourage customary sanctions not to limit women's autonomy in making decisions related to marriage.

Judging from the proportionality of sanctions, Paulak Tuhor still needs to be reinterpreted to be in line with the principles of justice, contemporary Islamic law, and human rights. Sanctions should consider the contribution and level of error of both sides, rather than just focusing on women. This approach is in line with the view of modern fiqh that khitbah is a moral promise, not a binding contract, so its cancellation should not cause an excessive burden (Aulia & Hidayat, 2023).

Cancellation of Marriage According to the Compilation of Islamic Law

Based on the considerations in the Joint Decree of the Chief Justice of the Supreme Court and the Minister of Religion dated March 21, 1985 Number 07/KMA/1985 and Number 25 of 1985 concerning the Appointment of the Implementation of the Islamic Law Development Project through jurisprudence (known as the Islamic Law compilation project), there are two main reasons for this project to be implemented. First, the Supreme Court of the Republic of Indonesia, which functions to regulate the course of justice throughout Indonesia (especially the Religious Court), needs to compile a compilation of Islamic Law which has been a positive law in the Religious Court. Second, in order to achieve this goal and improve the smoothness, synchronization, and administrative order in the project of Islamic Law development through *jurisprudence*, it is considered necessary to form a project team consisting of officials of the Supreme Court and the Ministry of Religion of the Republic of Indonesia.

In article 12 it is explained that the marriage can be addressed to a virgin girl or widow who has completed her iddah period. However, it is strictly forbidden to propose to a woman who is still in the period of iddah raj'iah from her previous husband. In addition, it is unlawful to propose to a woman who is in the process of being proposed by another man, unless the proposal has been canceled or rejected by the woman. The cancellation of the marriage by the man can occur verbally or implicitly, for example when the man who proposes stays away from and leaves the woman. Meanwhile, regarding the cancellation of the marriage, it is explained

in Article 13 paragraphs 1 and 2 which states that the marriage does not have legal consequences, so that the parties are free to end the marriage relationship. However, this freedom must be carried out in a good way, following the guidance of local religions and customs. The goal is to maintain harmony and mutual respect between them.

The sanction of cancellation of khithbah is not specifically regulated in the compilation of Islamic law. However, in the Compilation of Islamic Law, article 13 paragraph 1 stipulates:

- a. Pinangan has not caused legal consequences and the parties are free to break the relationship.
- b. The freedom to decide on marriage is carried out in a good manner in accordance with local guidelines and customs, so that harmony and mutual respect are still fostered.

If you look at article 13 paragraph 1, the cancellation of khithbah itself does not or has not caused any legal consequences and sanctions. However, it is emphasized in paragraph 2 that freedom in deciding on marriage must be in accordance with the religious guidance and customs that exist around the community properly and do not cause harm. Therefore, the cancellation carried out in Sayur Maincat Village does not violate Islamic law and does not contradict the Compilation of Islamic Law (KHI). The purpose of the regulation is to ensure a peaceful, harmonious life and a socially respectful society and more specifically for both parties. Based on the practice that occurred in Sayur Maincat Village, the researcher considers that the practice still maintains the values regulated in the Compilation of Islamic Law (KHI), namely in article 13 paragraph 2.

Therefore, the author considers that the cancellation of khithbah is legal or permissible, because the relationship established between various parties is still in the engagement stage, or it can be said that the relationship between the two is still foreign. Basically, fiancé is the first step towards a marriage that according to religion is still not valid in terms of marital bond. However, the cancellation of the khithbah carried out must be in accordance with valid reasons and can be justified by the sharia, as well as the agreement of both parties.

Cancellation of Marriage According to Islam, Ulema and Custom

Marriage, or khithbah in Islamic tradition, is an initial process that shows a man's serious intention to propose to a woman for the purpose of marriage. Although it is an important step towards marriage, a marriage is not a marriage bond in itself and therefore, can be annulled (Ramadan, 2025). Marriage cancellation can occur for various reasons, both from the male and female sides, or even by mutual agreement.

One of the common reasons for cancellation is a mismatch or disagreement that arises after the marriage process. During the engagement period, both parties are given the opportunity to get to know each other more deeply, understand each other's characters, principles, and expectations. If during this process it is found that fundamental differences are felt to be uncompromisable, such as significant differences in outlook on life, values, or future goals, then annulment of the marriage may be the best option to avoid bigger problems later on. This can also include disagreements over practical matters such as where to live after marriage, career, or even how to raise children.

In Islam, marriage or khithbah is the initial stage towards marriage, where a man conveys his intention to marry a woman to the wali or himself. Although it is not a legally binding bond like marriage, marriage has an important position in Islamic law and is accompanied by certain ethics and rules (Suratno & Afida, 2024). One aspect that needs to be understood is the

possibility of marriage cancellation, both from the male and female sides. This annulment, although not ideal, is permissible in Islam with several provisions and considerations based on the benefits and shari'a.

Based on the Word of Allah in Verse 34 of surah Al-Isra':

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ تَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا

"Do not approach the property of an orphan, except in the best way (by developing it) until he grows up and fulfills the promise (because) verily the promise will be held accountable."

Based on the above verse, it is explained that every promise will be held accountable by Allah. In line with this, the Prophet also emphasized that deny Promises are one of the characteristics of hypocrites. Therefore, based on the postulates from the Qur'an and hadith, it can be concluded that everyone who has made a promise with another party is obliged to fulfill it. Although in the context of the marriage the legal status is not binding, unilateral cancellation without rational reasons is not justified (Siregar, Hafsa, Siregar, 2022).

Meanwhile, according to scholars, the Shafi'i school is of the opinion that the cancellation of the marriage requires the return of the gift if it is still in intact condition. If the item is damaged, it must be replaced according to the equivalent price. Islam does allow the cancellation of marriage, but it must be accompanied by a rational and clear reason. This aims to minimize the emotional impact on one of the parties involved in khitbah (engagement). Cancellation without a clear reason is not justified in Islamic law, because Islam always teaches good manners and morals in every action of a Muslim (Npanusunanni, 2022).

The Shafi'iyah school has two views regarding the problem of returning gifts after the cancellation of the proposal. The first opinion states that a person has the right to take back the gifts he has given, whether in the form of food, drinks, sweets, or jewelry. This right applies regardless of who cancels the marriage (male or female), or if one of them dies. The reason behind this view is that the gift is given for the purpose of marriage, not for any other purpose. Therefore, the gift can be taken back if it is still intact. If the prize has run out or is damaged, the recipient is obliged to replace it according to the price of the item. The second opinion of the Shafi'iyah School differs in terms of the party who cancels the marriage. According to this view, if the cancellation comes from the woman's side, then the male side has the right to ask for the gift that has been given. This is because men give the gift with the intention of marrying the woman they are looking for. However, if the cancellation is made by the male side, then he does not have the right to ask for the prize back. This second opinion is in line with the views of the Malikiyyah School (K. N. Siregar et al., 2022).

Then according to Ulama Ahmad Bahrudi Salam who said:

يُجِزُّ الْفُقَهَاءُ فسخَ الحِطْبَةِ إِنْ وُجِدَ عُدْرٌ شَرْعِيٌّ، مَعَ اسْتِحْبَابِ التَّرَاضِيِ وَالتَّسَامُحِ بَيْنِ الطَّرْفَيْنِ. وَليْسَ فِي ذَلِكَ حَرَجٌ، فَالْحِطْبَةُ وَعَدٌّ بِالزَّوْجِ لَا عَقْدٌ. وَلَكِنْ يَكْرَهُ الْعُدُولُ عَنْهَا بِغَيْرِ سَبَبٍ مَشْرُوعٍ لَمَّا فِيهِ مِنْ إِيْذَاءٍ لِلطَّرْفِ الْآخَرِ

It means: *"The fuqaha (jurists) allow the cancellation of the marriage if there is a sharia reason, accompanied by an encouragement to please each other and have peace between the two parties. There is no sin in that, because the marriage is a marriage promise, not a contract. However, it is not preferred to cancel without a sharia reason because it can hurt other parties."*

Then according to Imam Maliki said:

الرأي: "للرأفة الحق في طلب فسخ النكاح إذا تضررت من بقاء الزوجية، كأن يكون الزوج غائباً غيبة طويلة لا يمكن الاتصال به، أو كان عقياً، أو مريضاً بمرض معدٍ، أو كان ظالماً أو مسيئاً في المعاملة"

It means: *"A woman has the right to request an annulment of her marriage if she is harmed by the continuation of the marriage, such as if her husband is absent for a long time and cannot be contacted, or is infertile, or sick, or ill or ill in association."*

In Islamic law, the marriage (khitbah) is understood only as *Promises to Contract*, not as a legally binding contract. Therefore, the cancellation does not give rise to an obligation to compensate *Syar'i*, unless there is an actual loss (*ta'widh*) that can be proven (Aulia & Hidayat, 2023). From the perspective of jurisprudence, the majority of scholars affirm that khitbah is only a *muqaddimah* towards marriage and cannot be equated with a sale and purchase contract or a formal agreement (Mansur, 2021).

However, in indigenous peoples such as Mandailing, the cancellation of the marriage has greater consequences. Mandailing customs view marriage as a bond of honor between two families. Therefore, cancellation without reason is considered a customary violation that demands social and material fines (Nasution, 2022). This is in line with the principles of customary law that prioritize social balance, the restoration of dignity, and maintaining harmony between families (Simanjuntak, 2020).

An interview with a Mandailing traditional leader, Mr. Panusunan, emphasized that the marriage was not just a personal agreement, but a statement of family honor in front of traditional witnesses. Therefore, unilateral cancellation is subject to sanctions in the form of customary fines determined through deliberation. The fine is not intended to enrich, but to restore the honor of the aggrieved family. In addition, the cancellation of the marriage also brings social impacts such as gossip and psychological burden for the bride-to-be, which can affect their future.

The tradition of imposing sanctions shows that Mandailing customary law remains relevant as an instrument for resolving conflicts based on local wisdom, as well as functioning to maintain the moral stability of the community (Lubis, 2021).

CONCLUSION

This research shows that the Paulak Tuhor tradition in the Mandailing community functions as a mechanism for restoring honor due to the cancellation of khitbah, which is understood as a strong moral bond even though it does not have the status of a contract. From the perspective of the theory of legal pluralism and living law, these customary sanctions play a role in filling the void of norms outside the KHI, especially because the KHI only regulates khitbah as a non-binding promise without material consequences. These findings show that the Mandailing community prioritizes social balance, the restoration of family dignity, and the stability of kinship relationships through customary mechanisms that are considered fair according to local values.

Practically, the results of this study indicate the need for customary guidelines that are more proportionate and sensitive to the potential for gender bias, considering that sanctions often burden women more when they are the canceling party. Further research is needed to assess more broadly the social and psychological impact of Paulak Tuhor's sanctions, including comparative studies with similar traditions in other regions such as Java, Bugis, as well as in the context of Muslim countries such as Malaysia and Turkey, so that policy recommendations can be formulated that are more comprehensive and in line with the principles of justice in the KHI and the universal value of human rights.

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