



Negotiating Conflicts between Islamic Law and Customary Law in Muslim Marriage Traditions in Papua, Indonesia

**Amri,^{1*} Lukman Ansar,² Shofwan Al Jauhari,³ Mochammad Arifin,⁴
Ma'adul Yaqien Makkarateng⁵**

^{1,2} Faculty of Sharia, IAIN Fattahul Muluk Papua, Indonesia

³ Faculty of Sharia, UIN KiaiAgeng Muhammad Besar, Ponorogo, Indonesia

⁴ Faculty of Islamic Studies, Universitas Nahdlatul Ulama Blitar, Indonesia

⁵ Ankara University, Turkiye

*Corresponding Author: amrigede91@gmail.com

DOI: <https://doi.org/10.21154/justicia.v23i1.12404>

Received: Dec 8, 2025

Revised: Feb 5, 2026

Accepted: June 2, 2026

Abstract: This research aims to describe the forms of conflict and negotiation that can arise between Islamic religious law and customary law in the practice of dowry (*mahr*) provision within Muslim Papuan marriages, to achieve a balanced coexistence. The primary focus of this study is to examine the forms of conflict and the conflict negotiation mechanisms that can be applied within the tradition of marriage dowry practices. This research employs a qualitative approach with a case study design focusing on Muslim communities of the Marind tribe in Merauke and the Dani tribe in Wamena, Papua, Indonesia. Data were collected through in-depth interviews, direct observation, and systematic documentation. After the research data were fully collected, they were processed and analysed using a descriptive contextual approach. The findings reveal that customary law is prioritised over religious law in determining marriage traditions. The continued existence and application of customary law have implications for tensions and conflicts with Islamic law. Therefore, marriage traditions, particularly the practice of dowry provision among Papuan Muslims, need to be reconstructed through negotiation in order to reconcile religious and customary law so that both may remain harmonious and coexist. Through restorative and normative-theological approaches, this study proposes a new model of negotiation that enables the continued practice of dowry provision based on customary rules without violating Islamic legal principles.

Keywords: negotiation; marriage traditions; Papuan Muslims.

Abstrak: Penelitian mendeskripsikan bentuk konflik dan negosiasi yang dapat dilakukan antara aturan hukum agama Islam dan hukum adat pemberian mahar (*mahr*) pada perkawinan muslim Papua berjalan berkeseimbangan. Fokus utama penelitian ini adalah bentuk konflik dan negosiasi konflik yang dapat dilakukan

dalam tradisi mahar perkawinan tersebut. Dengan pendekatan kualitatif dan studi kasus pada komunitas masyarakat Muslim suku Marind di Merauke dan suku Dani Di Wamena Papua, Indonesia Data dikumpulkan melalui wawancara mendalam, observasi langsung, dan dokumentasi sistematis. Setelah data penelitian terkumpul secara lengkap, tahap selanjutnya adalah pengolahan dan analisis data secara deskriptif-kontekstual. Penelitian ini menemukan bahwa hukum adat menjadi aturan yang lebih diutamakan dalam penentuan tradisi perkawinan. Eksistensi hukum adat yang tetap dijalankan ini berimplikasi pada pertentangan atau konflik dengan hukum agama Islam. Dengan demikian, praktik tradisi perkawinan khususnya pemberian mahar bagi Muslim Papua perlu direkonstruksi melalui negosiasi dalam upaya mendamaikan agar hukum agama dan adat tetap harmonis dan berjalan berdampingan. Melalui pendekatan teologi restoratif dan normatif, penelitian ini menawarkan bentuk negosiasi model baru untuk tetap melaksanakan pemberian mahar berdasarkan aturan adat tanpa bertentangan dengan ketentuan agama.

Kata kunci: negosiasi; tradisi perkawinan; Muslim Papua.



Copyright: © 2026 by author (s). This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/).

Introduction

Indigenous Papuan Muslims (*Orang Asli Papua/OAP*) who are scattered in Papua have various customary rules long before knowing Islam.¹ Even though they already know Islam, the customs that become local identity continue to be carried out. Tradition is a symbol of Papuan identity, which must be maintained and preserved.² The growing influence of modernisation does not challenge Papuans to continue to exist while preserving their culture.³ The challenge of Islamization that leads to religious rules is not an obstacle for Muslims (OAP) in Papua to continue to carry out their traditions.⁴ The phenomenon of Muslim communities (OAP) in Papua who continue to carry

¹ Rahmawansyah Sahib and Tegar Aulia, "Translanguaging as Social Practice: Interethnic Communication in the Tobati Community of Papua," *International Journal of Multilingualism*, 2026, 1–22, <https://doi.org/10.1080/14790718.2025.2611335>.

² Ade Yamin et al., "The Tradition of Pilgrimage to the Grave of Muslim Missionaries in Misool Island, Papua," *International Journal of Islamic Thought* 22, no. December (2022): 1–11, <https://doi.org/10.24035/ijit.22.2022.234>.

³ Ade Yamin et al., "Together In Lesema: Living Islamic Law among Customary Dani Muslims Polygamy Practice in Papua," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 467–95, <https://doi.org/10.19105/al-lhkam.v18i2.9957>.

⁴ Akbar Zuhair, Rafsanjani Pagesa, and M. Sari, "Strategi Lembaga Masyarakat Adat Menjaga Stabilitas Sosial Budaya Di Kabupaten Fakfak Provinsi Papua Barat," *Jurnal Terapan Pemerintahan Minangkabau* 3, no. 2 (2023): 197–210, <https://doi.org/10.33701/jtpm.v3i2.3658>.

out traditions in the era of modernisation and the influence of religious teachings does not make any changes to their traditions.⁵ As a result, this proves how strong the role of custom is in their social life.

Tradition has become a common phenomenon that we encounter in various parts of Indonesia.⁶ Ritual traditions are often found in ceremonies or processions, for example, in marriage ceremonies, death ceremonies, and religious ceremonies.⁷ Traditions at the marriage ceremony in the Muslim Community (OAP) in Papua have a variety and uniqueness of the rituals used. For example, in Amri's research on the tradition of Marind tribal Muslim marriages in the procession of dowry offerings, the prospective bridegroom is required to provide a type of plant called the *wati* plant by the Marind tribe in Merauke Regency.⁸ Abet Nego Tabuni's research discusses the tradition of stone-burning rituals before the implementation of marriage in tribal Muslim communities in the Central Mountains of Papua.⁹ The research was also written by Syarif Makatita, who described the Burning Stone ritual in Jayawijaya as a symbol of local cultural traditions in the Dani tribe.¹⁰ Umar Yelepele's investigation also revealed an unusual tradition in the Dani Muslim community of offering pig dowry as a prerequisite for marriage.¹¹ The diverse

⁵ Moh. Wahib, "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community/Implementasi Konsep Fikih Minoritas Bagi Komunitas Muslim Papua," *De Jure: Jurnal Hukum dan Syar'iah* 13, no. 1 (2021): 97-112, <https://doi.org/10.18860/j-fsh.v13i1.11930>.

⁶ Moh Wahib et al., "Harmony In Diversity: The Role of Minority Jurisprudence In Realizing Religious Harmony In Jayapura, Papua," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 21, no. 2 (2024): 313-34, <https://doi.org/10.21154/justicia.v21i2.7394>.

⁷ Charles Onomudo Aluede and Solomon Ijeweimen Ikhidero, "Syncretism and Cultural Resilience: The Coexistence and Evolution of Traditional Itolimin and Christian Burial Practices in Esanland, Nigeria," *Journal of Contemporary Rituals and Traditions* 2, no. 2 (2024): 95-108, <https://doi.org/10.15575/jcrt.448>.

⁸ Faisal et al., "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe," *International Journal of Islamic Thought* 26, no. 25 (2024): 55-65, <https://doi.org/10.24035/ijit.26.2024.301>.

⁹ Abed Nego Tabuni, "Nilai Dan Fungsi Budaya Bakar Batu Dalam Relasi Lintas Suku Di Pegunungan Tengah Papua," *Ganaya: Jurnal Ilmu Sosial dan Humaniora* 6, no. 1 (2023): 171-85, <https://doi.org/10.37329/ganaya.v6i1.2210>.

¹⁰ Ahmad Syarif Makatita and Athoillah Islamy, "Paradigma Dakwah Islam Terhadap Budaya Lokal Masyarakat Papua: Integrasi Syariat Islam Dan Budaya Dalam Tradisi Bakar Batu Pada Komunitas Muslim Dani," *Jurnal At-Taghyir: Jurnal Dakwah Dan Pengembangan Masyarakat Desa* 4, no. 2 (2022): 241-62, <https://doi.org/10.24952/taghyir.v4i2.5264>.

¹¹ Chaula Luthfia, "Perspektif Hukum Islam Dalam Menanggapi Fenomena Mahar Unik Di Indonesia," *Interdisciplinary Journal on Law, Social Sciences and Humanities* 5, no. 1 (2024): 35-48, <https://doi.org/10.19184/idj.v5i1.38714>; Bidayatul Mutammimah and Suwandi Suwandi, "Tradisi Meuleum Harupat Dalam Pernikahan Adat Sunda Perspektif Urf," *Al-Syakhsyiyah: Journal of Law and Family Studies* 5, no. 2 (November 2023), <https://doi.org/10.21154/syakhsyiyah.v5i2.7199>.

cultures of marriage traditions in Muslim communities (OAP) in Papua prove how they continue to carry out and maintain their traditions despite the influence of outside cultures.

Some of the traditional marriage ceremonies performed by Papuan Muslims above are often not totally in accordance with religious teachings; Islam, for example, is presented as a new culture that needs to be obeyed as a means of becoming closer to God. However, the above-mentioned Muslim (OAP) customs in Papua are clearly incompatible with Islam. For example, *Wati* plants contain addictive substances, similar to alcoholic beverages, which hurt those who consume them.¹² Furthermore, the dowry of pigs as a manifestation of Dani Muslim custom is a clear violation of Islamic law. All the texts agree that alcohol, snakes, pigs, and dogs are products that we need to avoid consuming.¹³ The tradition of offerings or dowries practised by Marind Muslims in Merauke Regency and Dani Muslims in Jayawijaya illustrates how religion is not an obstacle to preserving local culture as a customary obligation that must be fulfilled.

Conflicts and tensions between religions and cultures can arise when practices, values, and beliefs in carrying out traditions clash with religion. There is a tendency to assume that cultural practices that threaten Islamic identity or damage faith will certainly be rejected by the culture.¹⁴ On the contrary, strong indigenous community actors can override religion.¹⁵ The issue of religious sentiment can also affect conflicts and tensions, which lead to resistance between religions and cultures.¹⁶ The study of religious mixing

¹² Muhammad Adib Alfarisi et al., "Negotiating Customary Law and Fiqh Norms: The Transformation of the Mepahukh Tradition in the Indigenous Marriage Practices of the Alas People in Southeast Aceh," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 2025): 72–93, <https://doi.org/10.24260/ijssls.11.9>.

¹³ Robingun Suyud El Syam and Asyhar Kholil, "Kausalitas Historiografi Islam Tentang Anjing, Ular, Dan Babi Dalam Perspektif Ta'auquli," *Jispendiora: Jurnal Ilmu Sosial, Pendidikan dan Humaniora* 2, no. 1 (2023): 79–92.

¹⁴ Iskandar Dzulkarnain et al., "Nyadar: Religious and Cultural Resistance of Madurese Salt Farming Community," *Sodality: Jurnal Sosiologi Pedesaan* 8, no. 2 (2020): 53–68, <https://doi.org/10.22500/8202031832>.

¹⁵ Muh Aditya Ibrahim et al., "Horizontal Conflict Resolution Related to Belief in Religious Tolerance in Multi-Cultural Society in Indonesia," *International Journal of Humanities Education and Social Sciences (IJHESS)* 2, no. 6 (2023): 1925–29, <https://doi.org/10.55227/ijhess.v2i6.525>.

¹⁶ Muhammad Syarifudin, "Resistensi Adat Sasak dan Agama (Studi Tawaran Resolusi Konflik Dalam Perilaku Keagamaan Muslim Lombok)," *Komunitas* 12, no. 2 (2021): 120–31, <https://doi.org/10.20414/komunitas.v12i2.4410>; Mohamad Abdun Nasir, "Negotiating Muslim

within local culture is a strategic issue for Muslim communities (OAP) in Papua. Indigenous Papuans believe that their ancestors influence their daily lives, hence they will perform rituals and make offerings to honour their ancestors. Furthermore, Papuans are always adapting to nature; their traditional ceremonies, dances, and traditional clothes are all forms of ritual used to communicate with nature.¹⁷ Thus, it can be concluded that religion can be an impediment to indigenous Papuans' efforts to erase or replace their culture, or that religion and culture coexist in the practice of cultural traditions.

Searches of various studies and research related to the integration of religion and culture in the customs and traditions of the community show that religion and culture coexist and show harmony. For example, according to Angga Marzuki's research, the *Besaman* tradition in the Lingga population of Riau Islands demonstrates that religious and cultural values combine.¹⁸ Imamul Arifin's research on the *Mamanca* tradition in Madura promotes religious and cultural values that are still practised today.¹⁹ According to Taslim Batubara's research, the integration of religion and culture in the tradition of bargaining flourished in Malay society long before they entered Islam. However, as Islam arrived, they were able to combine their tradition with the religious values they hold today.²⁰ These studies prove that practising a traditional religion and culture are interconnected. Nevertheless, no specific research on culture exerting a greater role than religion has been specifically identified. The traditions carried out by Muslims (OAP) in Papua in this study lead to their marriage traditions that cannot be interfered with by religion. Therefore, rituals in the process of the marriage tradition are still practised even though

Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law," *Mazahib* 21, no. 2 (December 2022): 155–86, <https://doi.org/10.21093/mj.v21i2.5436>.

¹⁷ Abdurrohman Kasdi et al., "Fiqh Minority for Papuan Muslims in the Perspective of Maqasid Al-Shari'ah," *International Journal of Islamic Thought* 20, no. 2 (2021): 1–12, <https://doi.org/10.24035/ijit.20.2021.205>.

¹⁸ Angga Marzuki, "Nilai Agama Dan Budaya Dalam Tradisi Besaman," *Jurnal Ilmu Ushuluddin* 6, no. 1 (2020): 19–32, <https://doi.org/10.15408/ushuluna.v6i2.15758>; Miftahul Huda et al., "Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 1, <https://doi.org/10.29240/jhi.v9i1.9887>.

¹⁹ Usman Al Farisi et al., "Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 2023): 268–85, <https://doi.org/10.18860/j-fsh.v15i2.21241>.

²⁰ Taslim Batubara, Badrun Badrun, and Ahmad Muhajir, "Tradisi Tepung Tawar: Integrasi Agama Dan Kebudayaan Pada Masyarakat Melayu Di Sumatera Utara," *Local History & Heritage* 2, no. 1 (2022): 10–16, <https://doi.org/10.57251/lhh.v2i1.288>.

the cultural traditions carried out are classified as violations of religious teachings.

Through the process of negotiating a balance between customary values and Islamic religious principles, this study demonstrates a novelty compared to previous research. For example, Hasse Jubba's study attempts to describe the symbolic identity of pigs as a marriage dowry and explains why pigs are still considered important items in the dowry process among Muslim members of the Dani tribe.²¹ Similarly, the research conducted by Faisal and Amri describes how religion intervenes in the cultural practice of engagement gift-giving among Muslim Marind communities in Merauke Regency.²² Building on these two studies, the novelty of the present research lies in integrating empirical data from both Muslim Dani and Muslim Marind communities, which possess distinct cultural traditions. Furthermore, previous studies have not significantly highlighted concrete forms of negotiated solutions achieved through balancing religion and custom. Therefore, this study seeks to describe forms of negotiation within Muslim Dani and Muslim Marind communities to ensure that the practice of marriage dowry provision does not violate either Islamic law (*sharia*) or their respective customary norms.

This research aims to explore how Muslim Indigenous Papuans (OAP) negotiate and balance their religious identity with local cultural practices, such as bridewealth/dowry (*mahr*) provision, which may contradict religious norms. Through this objective, the study seeks to analyse cultural dynamics in Papua, particularly within Muslim communities that balance the demands of religious teachings alongside indigenous traditions. Furthermore, this research examines whether the marriage practices that have been traditionally implemented cause tensions or incompatibilities between religion and culture. Ultimately, this study is projected to offer a form of balance that allows traditions, rituals, and customary practices within Muslim Indigenous Papuan

²¹ Hasse Jubba and Ade Yamin, "Between Islam and Custom: The Role of Pigs in Dani Muslim Weddings," *International Journal of Islamic Thought* 28, no. 1 (2025): 37–51, <https://doi.org/10.24035/ijit.28.2025.333>.

²² Faisal et al., "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe"; Hasse Jubba et al., "Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqāṣid Syarī'ah," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 2 (December 2024): 305–30, <https://doi.org/10.18326/ijtihad.v24i2.305-330>.

(OAP) communities that continue to strongly uphold local cultural values to coexist harmoniously with modern Islamic religious principles.

This research is a field study that uses qualitative methods through a Socio-Legal approach.²³ The approach combines legal and social analysis to understand how customary law and religious law interact with each other in the tradition of giving dowries in Papuan Muslim marriages (OAP). Reconciliation is used in analysing a role model or solution in maintaining a balance between tradition as a customary rule and religious rules. Conflicts can be resolved peacefully and respectfully through reconciliation. The data for this study were collected through interviews and observations.²⁴ Interviews were conducted openly and structurally with several customary actors, namely Muslim communities (OAP), who continue to practice the tradition of offering dowry in marriage, which is contrary to Islamic law. Informants interviewed as Papuan Muslims (OAP) here come from the Marind Muslim Tribe in Merauke, South Papua and the Dani Muslim Tribe in Wamena. In addition to the traditional perpetrators of the tradition of giving dowry, interviews were also conducted with one religious leader and one traditional leader from each tribe. The next method of collecting data is through direct observation of the traditional rituals and objects used as dowry offerings for the Papuan Muslim Community (OAP).

Looking at the reality of the practice of marriage traditions carried out by the Muslim community (OAP) in Papua leads to a society that stands in the *Internum* area (inner region). The community in this *internum* area has a narrow perspective and is closed to the influence of outsiders.²⁵ It is in contrast to the community in the external area, where this community group is inhabited by people who are open to outsiders.²⁶ Outsiders argue that religious

²³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2014); Steven Barkan, Barbara Bintliff, and Mary Whisner, *Fundamentals of Legal Research*, 10th (St. Paul, MN: Foundation Press, 2015).

²⁴ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Rosda Karya, 2017); Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (SAGE Publications, 2013).

²⁵ Dinda Difia Madina, Zezen Zainul Ali, and Mega Puspita, "Aligning Islamic Law and Customary Law: Legal Dialectics in the Tradition of Forced Marriage in Jambi," *Justicia Islamica* 20, no. 1 (June 2023): 1–16, <https://doi.org/10.21154/justicia.v20i1.4720>.

²⁶ Yossa A. P. Nainggolan, "Hak Atas Kebebasan Beragama Dan/Atau Berkeyakinan: Forum Internum Dan Forum Eksternum," *Jurnal Hak Asasi Manusia* 6, no. 6 (2021): 68–83, <https://doi.org/10.58823/jham.v6i6.56>.

norms influence their local cultural identity. As a result, religion is rarely utilised to justify the continuation of long-standing rituals or marriage traditions. Strengthening Muslim communities (OAP) in Papua is an internal region because they continue to practice local cultural traditions, even though these traditions violate religious norms. Muslim communities (OAP) in Papua are communities that preserve and are subject to their customary laws; therefore, religious law becomes a new thing in practising their traditions and customs. As a result, a special approach is needed to the traditional leaders of each tribe so that religion and culture can coexist in practising marriage traditions or rituals without any indication of violating religious and customary rules for Muslim communities in Papua.

The Concept of Marriage Dowry in the Islamic Perspective

Islam regulates the rights and pays attention to women, one of which is by providing a marriage dowry by the prospective husband who will marry her.²⁷ Dowry is a gift from the prospective bridegroom in the form of goods, services, or money to the woman as his future wife. Giving dowry has a meaning as a form of seriousness and seriousness of the prospective husband to his future wife.²⁸ However, the provision of dowry for a prospective woman must, of course, be based on the ability and willingness of her prospective husband or on the agreement of both parties.²⁹ The provision of dowry to women demonstrates how Islam greatly ennobles and protects women by granting them the rights they want from prospective husbands when they marry. Therefore, the dowry reflects the husband's willingness to be responsible and provide for his wife, making it a religious and socially significant part of marriage.

The Quran mentions the concept of dowry as *mahr* or "*mas kawin*" in Indonesian. In the Quran Surah an-Nisa, verses 4 and 25 explain that the

²⁷ Demet Lüküslü, "Becoming a Young Woman through a Feminist Lens: Young Feminist Women in Turkey," *Journal Of Gender Studies* 33, no. 5 (2024): 1, <https://doi.org/10.1080/09589236.2023.2172556>.

²⁸ Arif Sugitanata and Muhammad Lutfi Hakim, "The Domination Of Customary Law In Muslim Matrimonial Procedures: Prohibiting *Khitbah* in the Sade Muslim Community," *Al-Ahwal* 16, no. 2 (2023): 302-19, <https://doi.org/10.14421/ahwal.2023.16206>.

²⁹ Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda, "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 2 (2024): 27-52, <https://doi.org/10.19105/al-lhkam.v19i1.10522>.

prospective husband should offer *mas kawin* to his future wife willingly and appropriately.³⁰ In the Compilation of Islamic Law (KHI), Articles 30-32 regulate and explain that the prospective groom is obliged to pay a dowry to his prospective bride, whose form, amount, and type are agreed upon by both parties. The dowry or *mas kawin* is based on the principle of simplicity and convenience and is given directly to the prospective woman he will marry.³¹ According to Indonesia's Law Number 1 of 1974 concerning Marriage, it does not explicitly regulate dowry (*mahr*). The law emphasises that the implementation and provisions of marriage are subject to the laws of each respective religion and belief.³² Thus, by referring to the Compilation of Islamic Law (KHI) as a religious rule for the Islamic community in Indonesia, of course, the provision of marriage dowry is an obligation for prospective husbands to prospective wives by agreement.

Dowry (*mahr*) is an essential element that must be present in every marriage, even if its amount and value are very modest. In Islamic law, the provisions regarding *mahr* emphasise ease in marriage by adjusting it according to the prospective husband's ability. In Islam, dowry (*mahr*) is the exclusive right of the wife and must be given by the husband as a form of respect and sincerity in the marital bond.³³ The dowry (*mahr*) must consist of something that has value, is halal, and is clearly defined in type and amount, whether in the form of property, money, or assessable benefits. The delivery of the dowry (*mahr*) may be made immediately or deferred according to the agreement of both parties, as long as it does not involve deception or coercion. These provisions affirm that dowry (*mahr*) is not the price of a woman, but rather a symbol of responsibility and justice in marriage according to Islamic teachings. Therefore, dowry (*mahr*) should not be made a burdensome

³⁰ Muhammad Shuhufi, "Mahar dan Problematikanya (Sebuah Telaah Menurut Syari'at Islam)," *Jurnal Hukum Diktum* 13, no. 2 (2015): 121-28, <https://doi.org/10.35905/diktum.v13i2.365>.

³¹ Muhamad Subhi Apriantoro et al., "Comparing KHI and KHES in Marital Property Grant Disputes: An Analysis of Judges' Views," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 37-52, <http://dx.doi.org/10.29240/jhi.v8i1.6464>.

³² Ahmad Alfin Afadi, Abdul Halim, and Amar Muhammad, "Islamic Family Law Review of Contemporary Dowry: Case Study of Mosque Dowry in Indonesian Artist Marriages," *Fiat Justisia: Jurnal Ilmu Hukum* 19, no. 2 (July 2025): 185-202, <https://doi.org/10.25041/fiatjustisia.v19no2.3779>.

³³ Vicente Manuel Luis Guterres et al., "The Tradition of Dowry and Gender Equality Issues: A Literature Review," *Journal of World Science* 3, no. 9 (September 2024): 1185-97, <https://doi.org/10.58344/jws.v3i9.721>.

obligation or imposed by force, as Islam does not set a specific limit on its amount.

Although the provision of dowry is the obligation of the prospective husband to his prospective wife, the Quran does not mention the provisions on the amount, objects, or types of goods that must be given or paid. First, although the Quran does not mention the type of goods or objects, the dowry must be something valuable, pure, and halal.³⁴ The form of goods or services as a dowry is an object that we can own and trade. Then another condition is that the type of object or service as a dowry does not have an element of deception.³⁵ Secondly, regarding the amount of dowry, it is also not mentioned what the nominal price of goods or objects is as dowry. However, Shāfi'ī and Ḥanbalī agree that there is no agreement regarding the nominal amount, Shāfi'ī and Ḥanbalī only mention everything that can be used as a benefit such as teaching the Koran even though it can be a dowry, even though Shāfi'ī and Ḥanbalī still recommend giving dowries in the form of material even at a price of only 1 qirsy (350 Rupiah exchange rate in February 2026). According to the Ḥanafī, the minimum amount of dowry is 10 dirhams, while the Mālikī is 3 dirhams.³⁶ Third, regarding the type of dowry, Islam provides two types of dowry, namely *mahr misil* and *mahr musamma*. *Mahr misil* is a dowry whose type, amount, and material have been determined by a region, while *mahr musamma* is a dowry that has been agreed upon by the prospective groom and bride. This proves that Islamic Sharia gives its followers flexibility in terms of the amount and type of dowry. The following Table 1 summarises the legal foundation for the provision of dowry:

Table 1. Legal Basis for the Obligation to Give Dowry in Marriage

³⁴ Rooza Meilia Anggraini, Anis Hidayatul Imtihanah, and Yudhi Ahmad Bashori, "The Legal Protection of The Spiritual Rights of Muslim Consumers in The Halal Industry Development Through Self-Declare," *Justicia Islamica* 20, no. 2 (November 2023): 281–300, <https://doi.org/10.21154/justicia.v20i2.5003>.

³⁵ Musyaffa Amin and Ash Shabah, "Systematic Literature Review (SLR): The Tradition of Dowry in Marriage in Southeast Asia," *Krtha Bhayangkara* 18, no. 3 (2024): 622–48, <https://doi.org/10.31599/krtha.v18i3.3057>; Busyro Busyro et al., "The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 2023): 555–78, <https://doi.org/10.22373/sjhk.v7i1.15872>.

³⁶ Busyro Busyro et al., "The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society," *Samarah* 7, no. 1 (2023): 555–78, <https://doi.org/10.22373/sjhk.v7i1.15872>.

No	Source of Law	Evidence and Opinions
1.	Quran	Q.S. an-Nisa' Verses 4, 24, 25 Q.S. al-Baqarah Verse 236 Q.S. al-Mumtahanah Verse 10
2.	Hadith	H.R. Bukhari, H.R. Abu Daud, H.R. Ahmad
3.	Shāfi'ī	Dowry is obligatory, but there is no minimum, and it is permissible to memorise the Quran, but in the form of teaching it. ³⁷
4.	Ḥanbalī	Dowry is obligatory, but there is no minimum, and memorisation of the Quran and useful knowledge is permissible. ³⁸
5.	Mālikī	The minimum dowry limit is 3 dirhams, and does not allow memorisation of the Quran because it has no economic value. ³⁹
6.	Ḥanafī	The minimum dowry limit is 10 dirhams, and it is not permissible to pay dowry by memorising the Quran. ⁴⁰
7.	Compilation of Islamic Law (KHI) ⁴¹	Articles 30 – 38

Although **Table 1** above explains that a dowry is an obligation, it is not the sole requirement for a valid marriage. Other requirements include the presence of the prospective bride and groom, two witnesses, a guardian, and a marriage contract. Even if the marriage contract specifies a dowry, but the type, object, or amount of the dowry is not physically present or paid in debt, the marriage remains valid. However, the dowry must be given by the groom after the marriage contract or during married life. In this case, the wife in the future can ask for her dowry back from the husband, who was promised during the implementation of the previous marriage contract. If a husband does not give the dowry according to Islamic law, it is only a sin, but according to state

³⁷ Nurhadi, "Mahar Services (Dowry Non Material) According To Mazhab Imam Ḥanafī and Mazhab Imam Syafi'ī," *Indonesian Journal of Islamic Law* 1, no. 1 (2018): 82–101, <https://doi.org/10.35719/ijil.v1i1.237>.

³⁸ Darulhuda, Allaidin Koto, and Jumni Nelli, "Legal Comparison on Dowry In Islamic Countries," *Journal of Asian Studies: Culture, Language, Art and Communications* 4, no. 1 (2023): 1–11, <https://doi.org/10.51817/jas.v4i1.216>.

³⁹ Mohd Winario and Ahmad Rofi'i Harahap, "Dowry in Imam Malik's Fiqh: Implications and Relevance in the Context of Contemporary Society," *Journal of Legal Sustainability* 1, no. 1 (June 2024): 1–11, <https://doi.org/10.69693/jols.v1i1.16>.

⁴⁰ Nurhadi, "Mahar Services (Dowry Non Material) According to Mazhab Imam Ḥanafī and Mazhab Imam Syafi'ī."

⁴¹ Presidential Instruction No. 1 of 1991 on the Dissemination of the Compilation of Islamic Law.

law, the wife can file a lawsuit with the Religious Court.⁴² Thus, it also has the potential for domestic life in the form of a wife's lack of trust in her husband, which results in conflict in the family.

The Concept of Marriage Dowry from the Perspective of Papuan Muslim Communities

As a pluralistic country consisting of various tribes, cultures, and customs, of course, Indonesian people have various differences in carrying out marriage traditions. In the indigenous Papuan community, local culture must be upheld and must be carried out in order to respect their customs.⁴³ The marriage ceremony in indigenous Papuans has a variety of unusual and unique traditional rituals as a condition for the validity of marriage. As with the tradition of giving a dowry (*mahr*), they argue that giving a dowry to a prospective bride is something that must be done.⁴⁴ The provision of the dowry is, of course, based on customary rules that have been passed down from generation to generation until now. This customary rule's dowry provision is intended to honour and revere the ancestors. As Yosep Maria Mahuze said, when interviewed: "In our Marind tribe, customary rules must be prioritised in traditional marriage rituals, including the giving of goods or objects, to respect our customs and respect our ancestors."⁴⁵

According to the interview, among indigenous Papuans, particularly those of the Marind Tribe, offering this dowry is necessary for prospective men to prospective women who would marry by contributing an item, type, and amount that has been determined by customary rules. As a result, every community from the origin of the tribe in the area must follow their respective customary rules, including traditional customs in giving marriage dowries.

The Papuan Muslim community (OAP) is a minority community within the overall structure of the indigenous Papuan community in Merauke Regency. Indigenous Papuans are claimed to be the minority here, with very few Muslims in comparison to nearby areas that are predominantly Christian. Although Papuan Muslims are a minority, this community also upholds customary rules

⁴² Amri et al., *Hukum Perdata* (Bandung: Widina Bhakti Persada, 2016).

⁴³ Fadli Marthen et al., "Nature Resources Contestation Between Native Papuans: Establishing a Collaborative Management of the Cyclops Mountain Nature Reserve Area in Papua, Indonesia," *Jurnal Manajemen Hutan Tropika* 30, no. 3 (2024): 359–75, <https://doi.org/10.7226/jtjm.30.3.359>.

⁴⁴ Faisal et al., "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe."

⁴⁵ Yosep Maria Mahuze, Cultural Service of Merauke Regency/Cultural Expert, *Interview*, June 23, 2023

as a symbol of indigenous Papuan identity and upholds the regional values in which they grew up. This was also conveyed by Badrika Yelipele when interviewed: "I am from the Muslim Dani tribe in Papua, Indonesia, and in implementing the ritual or tradition of marriage dowry, it must include customary elements that are mandatory to be performed."⁴⁶

Furthermore, the same thing was also conveyed by another Papuan Muslim shop when interviewed:

"Even though I am a native Papuan who is a Muslim, in carrying out Traditional Traditions, I still uphold our regional values and our tribe, for example, in an engagement as a man is obliged to provide garden products, trinkets from Papua, and the provision of objects or mandatory items from our tribe as a marriage dowry."⁴⁷

The two data points from the informants above demonstrate that the provision of marriage dowry must be made by the male party to the prospective woman he will marry. When examined through the model of giving a marriage dowry from the perspective of the Papuan Muslim community, it is categorised as a *Mahr misil*, in which the type, item, and amount are determined by a region. However, in the Papuan Muslim community, *mahr misil* is a customary stipulation that must be followed. Thus, based on these customary rules, it appears that the giving of dowries by Papuan Muslims violates the principles of the religion they believe in. For example, a pig is a traditional symbol of the Dani tribe, while providing the dowry, a Papuan Muslim man is obliged to give the pig to the woman. Likewise, the wati plant is a symbol of the identity of the Marind tribe; therefore, the Papuan Muslim community, especially from the Marind tribe, is required to present the plant as an object for their marriage dowry. To clarify the research findings on the forms of dowry in Muslim marriages in Papua, with customary law serving as a reference in their implementation, the following Table 2 lists the dowry practices used.

Table 2. Forms of Dowry in Muslim Papuan Customary Law

⁴⁶ Badrika Yelipele, Jayapura, *Interview*, April 30, 2025.

⁴⁷ Yosep Maria Mahuze, Cultural Service of Merauke Regency/Cultural Expert, *Interview Interview*, June 23, 2023

Forms of marriage dowry	Determination mechanism	Relevant Actors	Dynamics between Customary Law and Islamic Law
Cash dowry	Family deliberation of both parties	The immediate families of the prospective husband and wife	The dowry amount is adjusted to the economic capacity of the prospective groom's family
Customary items (noken, beads, or similar objects)	Customary law	Customary leaders and the immediate families of both prospective spouses	Adjusted to each group's customary symbols
Garden produce (bananas, sago, cassava, coconuts, and others)	Customary law	Customary leaders and the immediate families of both prospective spouses	Adjusted to the garden produce of the prospective groom's family
Wati plant (a customary symbol of the Marind tribe) ⁴⁸	Customary agreement and family deliberation	Customary leaders and the immediate families of both prospective spouses	It is still considered a dowry, but it is not consumed
Pig (a customary symbol of the Dani tribe)	Customary agreement and family deliberation	Customary leaders and the immediate families of both prospective spouses	It is obligatorily distributed for consumption among the non-Muslim community or family members; for Muslims, it may be converted into other animals

⁴⁸ This plant is similar to common plants such as vegetables and even green fruit trees. It can grow in farmland areas as well as in rice fields. The *wati* plant contains addictive substances that have psychoactive effects, but it does not fall under the categories of psychotropic substances or narcotics; for example, addictive substances in this context are comparable to those found in alcoholic beverages. This plant can also prevent damage to human cells and contains vitamin E. See Faisal Faisal, "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe," *International Journal of Islamic Thought* 26 (2024): 55–65.

Based on **Table 2**, the forms of dowry in Muslim marriages in Papua are highly diverse, ranging from cash and customary items to garden produce, as well as customary symbols such as the *wati* plant and pigs. The determination of dowry is generally carried out through family deliberation and customary agreements involving customary leaders and the immediate families of both prospective spouses. The value and form of the dowry are adjusted to the economic capacity of the prospective groom's family, prevailing customary symbols, and available resources. In practice, adjustments occur between customary law and Islamic law, particularly regarding symbolically valued dowries such as the *wati* plant and pigs, which are accommodated as part of customary practices while their management is adapted to ensure compliance with Islamic principles.

Forms of Conflict Between Customary Law and Religious Law in Muslim Papuan Marriage Traditions

The existence of customary law enforcement in the tradition of giving marriage dowries in the lives of Papuan Muslim communities (OAP) cannot be separated from the influence of their cultural and social life.⁴⁹ The existence of this customary law leads to the *Receptio* theory, in which customary law becomes a priority in carrying out traditions, after which other legal rules follow. The *receptio* theory proposed by Snouck-Hurgronje excludes religious law as the main basis for decision-making.⁵⁰ In fact, the theory is that the application of law in the community is customary law, not Islamic law.⁵¹ In contrast to the *Receptio in Contrario* theory put forward by Sayuti Talib, which states that religious law (Islam) is accepted as a whole by Islamic society. *Receptio in complexu* theory holds that customary law must follow Islamic law.⁵² In

⁴⁹ Kasdi et al., "Fiqh Minority for Papuan Muslims in the Perspective of Maqasid Al-Shari'ah."

⁵⁰ Akbarudin Noor, Andika Firnanda, and M. Arya Saputra, "The Influence Of Receptie C. Snouck Horgronje Theory On The Development Of Religious Courts In Indonesia," *International Conference on State, Law, Politics & Democracy (ICON SLPD)* 1, no. 1 (2022): 147–68.

⁵¹ Andi Muhammad Galib and Ro'fah Setyowati, "The Future of Halal Products Warranties Following the Passage of Law Number 11 of 2020 about Job Creation Based on Wael B. Hallaq," *International Journal of Social Science Research and Review* 7, no. 5 (2024): 83–95, <http://dx.doi.org/10.47814/ijssrr.v6i4.1188>.

⁵² Hazar Kusmayanti, Dede Mulyanto, and Deviana Yuanitasari, "Contradiction Implications Of The Receptie A Contrario Theory In Minangkabau Inheritance," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 21, no. 2 (2024): 347–66, <https://doi.org/10.21154/justicia.v21i2.8859>.

Indonesia, this theory is being implemented so that religion and customary law can coexist.⁵³ Thus, by looking at the tradition of giving marriage dowries with goods that religion prohibits in the Papuan Muslim Community, customary law serves as the main rule in its implementation.

According to the provisions of Indonesian legislation, it is lawful provided it is performed in accordance with their respective religions, as stated in Article 2. Similarly, Article 3 of the KHI states that marriage is legitimate if it is carried out in conformity with Islamic law and Article 2 of the marriage laws mentioned above.⁵⁴ Marriage, in Islamic law, is one means to grow closer to Allah SWT and is considered a preferred form of worship. This marriage has been regulated in the al-Quran and Hadith as guidance for carrying out all aspects of Islamic legal marriage.⁵⁵ Thus, it is suggested for Muslim communities that marriages be carried out in accordance with Islamic law. If the marriage does not comply with Islamic law, it can be concluded that the marriage is illegitimate and the person who performs it is sinful. The following explanations demonstrate the existence of customary law within Muslim Papuan society.

a. The existence of sanctions under customary law

The existence of customary law in the cultural and social life of the Papuan Muslim community (OAP) is due to the sanctions obtained. Customary law holds crucial, strategic, and dynamic norms and roles in the lives of indigenous communities. Therefore, any violation of the law will inevitably result in sanctions. For the Dani Muslim community in Diwalesi Wamena who are domiciled or married in their original village, they are obliged to follow adat. It is different if Dani lives or marries in an overseas place; they are not obliged to follow the custom.⁵⁶ The same thing also happens in Papuan Muslims in Merauke Regency, who believe that the

⁵³ Dianto Dianto, "The Effect of Receptie Theory on Legal Concept of "Adat Barenti Lako Syara', Syara Barenti Lako Kitabullah"," *Journal of Transcendental Law* 2, no. 2 (2020): 75-82, <https://doi.org/10.23917/jtl.v2i2.11246>.

⁵⁴ Amri et al., "Representation of Family Law in the Digital Space: A Study of Discourse Analysis on Instagram Accounts," *Al Istimbath: Jurnal Hukum Islam* 8, no. 2 (2023): 507-34, <http://dx.doi.org/10.29240/jhi.v8i2.6578>.

⁵⁵ Elvina Jahwa et al., "Konsep Perkawinan Dalam Hukum Islam Dan Hukum Nasional Di Indonesia," *Journal of Social Science Research* 4, no. 1 (2024): 1692-705, <https://j-innovative.org/index.php/Innovative>.

⁵⁶ Badrika Yelipele, Jayapura, *Interview*, April 30, 2025

provision of *wati* plants must still be given in the handover tradition, even if the plants are only realised and not consumed. This is because if we do not do it, we may be sanctioned by the customary leader, who typically compensates for 2 pigs or is replaced with a sum of money equal to 2 pigs.⁵⁷ When it comes to mandatory practices, the Dani and Marind Muslim communities must adhere to certain traditions or customs; otherwise, they will face difficulties. Of course, these two statements lead us to the conclusion that the occurrence of gifting goods or objects that Islam does not advocate is due to one of them being terrified of the punishments they will face.

b. Belief in Indigenous Leadership

Customary leadership, also known as a tribal chief, is someone who is an elder and respected; even the people in each tribe must obey him. This tribe chief or customary leadership is typically the person with the authority to solve problems or affairs related to traditional customs.⁵⁸ Evidence of customary leadership in Merauke Regency is the establishment of an Indigenous Peoples Organisation (LMA).⁵⁹ The Indigenous Peoples Institution has a role in resolving issues of customary land disposals and issues that conflict with culture. Even in the Marind tribal Muslim community of Papua, it was observed that a Papuan Muslim leader always provided motivation and welcome when the Marind tribal Muslim community carried out routines in Islamic guidance. Likewise, the Dani Muslim community in Walesi-Wamena also has a residence called *honai*,⁶⁰ and each *honai* has customary leadership representing each clan, namely the yelipele clan, asso clan, yaleget clan, and elopere clan.⁶¹ The evidence of someone being made a leader or chief in their daily life routines demonstrates a strong conviction in customary leadership.

⁵⁷ Marsiah Gebze, Muslim of the Marind tribe, Merauke Regency, *Interview*, June 26, 2023

⁵⁸ Marno Wance et al., "Existence and Role of Indigenous Leadership in Local Governance : A Systematic Review of Indonesian Case Studies," *Journal of Government Science Studies* 4, no. 1 (2025): 1-14, <https://doi.org/10.53730>.

⁵⁹ Observation at the Office of the Customary Law Community Institute (LMA), Marind Mbuti, Merauke, on June 22, 2023.

⁶⁰ Honai is a traditional house typical of the Papuan mountain communities, especially those belonging to the Dani tribe who live around Wamena, Papua Pegunungan Province.

⁶¹ Badrika Yelipele, Jayapura, *Interview*, April 30, 2025

c. The Influence of Local Beliefs as a Form of Appreciation or Respect For Customs

For indigenous communities, historical heritage is extremely important in carrying out customary rituals. This is to ensure the continuity of their existence. David Lambert states in his theory of *The Living Monument* that a historical relic is typically used as a means of worship or as a symbol to be revered and respected.⁶² Then Christopher Bates Doob revealed a historical legacy as a symbol that is justified and trusted. According to him, this belief arises from a process of observation, reflection, and faith. Faisal and Amri stated in their research that there are two conditions for the existence of trust among indigenous communities, namely a person as a believer in the faith, and, of course, an object, symbol, or art as its subject.⁶³ According to the findings of this research, the *wati* plant, which is used as a dowry by the Muslim community in Papua, is an object that must be preserved and respected even now. Likewise, for the Marind people, this *wati* plant has been present since their ancestors and is utilised as a remedy for fatigue during work.⁶⁴ As a result of the beliefs in ancestors and forebears, the *wati* plant is still preserved and respected in the traditional rituals of the Marind tribe.

d. Lack of Understanding of Religious Law

In essence, the Muslim community in Papua acknowledges and accepts Islam as their religious belief; nevertheless, the Islamic law addressing the concept of dowry is not well understood. A lack of understanding about marriage law, particularly in the context of religious and state law, often leads to customary legal practices being prioritised, sidelining the rules of religion and state. Although dowry must be halal and beneficial to both parties according to religious teachings (Islam), a lack of socialisation and education regarding these provisions leads some community members to continue practising local traditions without considering their compliance with the applicable law. This highlights the importance of increasing legal and religious literacy to connect traditional values with legitimate religious

⁶² David Lambert, "A Living Monument: Memorial Parks of the First and Second World Wars," *Garden History* 42 (2014): 34–57.

⁶³ Faisal et al., "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe."

⁶⁴ Yosep Maria Mahuze, Head of the Cultural Department of Merauke Regency), *Interview*, June 26, 2023

and legal principles. A remote area in Wamena inhabited by the Dani tribe's Muslim community is a secluded region that is rarely visited by people. This makes it difficult for Islamic leaders to preach and educate about the rules of Islam.

By observing the continued existence of customary law that is still practised today and its confrontation with religious regulations, this situation inevitably gives rise to a conflict between customary norms and Islam, as the religion embraced by the community. The conflict between customary law and religious law in the implementation of Muslim Papuan marriage traditions mainly arises in relation to compliance with the pillars and conditions of Islamic marriage, which stand in contrast to customary obligations that have been deeply rooted for generations. In practice, certain customary traditions, such as the determination of dowry that does not conform to Islamic legal provisions, symbolic rituals containing elements of local belief, or the obligation to fulfil customary sanctions before the marriage contract, are often regarded as the primary prerequisites for the validity of marriage according to customary society. This situation creates a normative dilemma for Muslim couples because, on the one hand, they are required to adhere to religious law as a guide for faith and worship, but on the other hand, they face social and cultural pressures to comply with customary norms to maintain harmony within the family and the wider community.

The conflict becomes increasingly complex when customary authorities and religious leaders possess equally strong legitimacy within the social structure of Papuan society. Adherence to customary law is often understood as a form of respect for collective identity and communal solidarity, whereas compliance with Islamic law is viewed as an individual obligation of a transcendental nature. This tension encourages negotiation and compromise, either through the adaptation of customary symbols to align with the values of Islamic law or through the mediating roles played by both religious and customary leaders. Thus, the conflict between customary law and religious law in Muslim Papuan marriages does not always result in the rejection of one legal system over the other, but rather opens a space for dialogue aimed at constructing marital practices that remain religiously valid while also being socially and customarily acceptable.

Negotiation of Conflicts Between Customary Law and Religious Law in Muslim Papuan Marriage Traditions

Observing the tradition of giving marriage dowries in the Muslim community of Papua, which includes the use of a pig and the offering of *wati* plants, this act may disregard Islamic law, but it is, in fact, a form of implementing customary law. The compliance of Papuan Muslims (OAP) with customary law within their social or community groups is highly prioritised. The 1945 Constitution concerning indigenous peoples is regulated and recognised within the legal system in Indonesia. Article 18B, paragraph 2 of the 1945 Constitution stipulates that the State recognises and respects the unity of indigenous legal communities along with their traditional rights.⁶⁵ This article explains how the state is present in preserving cultural diversity, respecting local wisdom, and maintaining a balance between tradition and modernisation.⁶⁶ Thus, among the Muslim Papuan community (OAP), the custom of sending a bridal dowry by the prospective husband to the prospective wife has been practised from generation to generation.

The current issue is that, as Muslims, the indigenous Papuans have rules that they adhere to in practising their customs. Religious rules must be prioritised alongside customary rules. For example, religious laws indicate that alcohol, snakes, pigs, and dogs are products that must be avoided, abandoned, or not consumed.⁶⁷ Many previous studies have assessed that the tradition of eating pork should not be practised because pigs are animals that Muslims should not consume. However, if they continue to eat or drink, the sanctions and rewards will be held accountable to Allah SWT.⁶⁸ Observing the reality of customs in the tradition of giving dowries in Papuan Muslim marriages reveals a phenomenon in which they prioritise customary law over religious law. This phenomenon certainly impacts violations of religious law.

⁶⁵ Retno Kus Setyowati, "Pengakuan Negara Terhadap Masyarakat Hukum Adat," *Binamulia Hukum* 12, no. 1 (2023): 131–42, <https://doi.org/10.37893/jbh.v12i1.601>.

⁶⁶ Nicholas Ardy Wibisana, Bernadeth Gisela Lema Udjan, and Solfian, "Perlindungan Masyarakat Hukum Adat Dalam Bentuk Pengakuan Masyarakat Adat," *Sapientia et Virtus* 9, no. 1 (2024): 385–97.

⁶⁷ Syam and Kholil, "Kausalitas Historiografi Islam Tentang Anjing, Ular, Dan Babi Dalam Perspektif Ta'qquli."

⁶⁸ Muchtar Ali, "Konsep Makanan Halal Dalam Tinjauan Syariah Dan Tanggung Jawab Produk Atas Produsen Industri Halal," *Ahkam: Jurnal Ilmu Syariah* 16, no. 2 (2016): 291–306, <https://doi.org/10.15408/ajis.v16i2.4459>.

Based on these issues, this study seeks to offer a reconstruction of negotiation so that customary law and religious law can coexist in a balanced and mutually supportive manner. Accordingly, this research proposes a role model through negotiation between custom and religion. Negotiation between custom and religion is defined as the process of balancing customary values and practices with religious teachings and norms in societies with strong cultural traditions.⁶⁹ In Islam, the concept of proportional balancing (*Fiqh al-Muwāzanāt*) is used to balance matters when contradictions arise between two normative systems.⁷⁰ By negotiating and understanding *Fiqh al-Muwāzanāt*, Muslim communities in Papua's Dani and Marind tribes can maintain traditional marriage dowry rituals while adhering to both legal systems. Through such negotiations, these Muslim communities can implement their traditions within the framework of customary law while remaining true to the fundamental principles of Islamic law. As a result, forms of negotiation as solutions to the tradition of marriage dowry practices among Muslim communities in Papua may be carried out through various approaches and mechanisms.

First, employ a restorative approach to issue solving, which focuses on restoring social relationships rather than justifying or punishing someone.⁷¹ The strategy of a restorative approach through negotiation between religion and custom in the tradition of marriage dowry among Muslim communities in Papua is carried out by building a shared knowledge of Islamic values and local wisdom. This approach involves inclusive dialogue among ulema, customary leaders, traditional authorities, and Muslim Papuan communities to identify common ground that does not contradict Islamic law while still respecting local traditions. For example, the role of religious leaders as guides and servants in Islamic guidance should be maximised so that the community clearly understands the principles and regulations of Islamic law. At the same

⁶⁹ Yogi Sopian Haris, Betty Mauli, and Rosa Bustam, "Reconciliation Amongst Islamic-Based Groups as a Solution to the Tolerance Issue and the Accomplishment of Religious Moderation in Indonesia," *Jurnal SMaRT* 10, no. 2 (2024): 141–54, <https://doi.org/DOI:%2520https://doi.org/10.18784/smart.v10i2.2464>.

⁷⁰ Muhammad Shahrul Ifwat Ishak et al., "Fiqh Al-Muwazanah in Dealing with Interfaith Marriage in European Muslim Minority Context," *Journal of Fatwa Management and Research* 30, no. 3 (2025): 116–42, <https://doi.org/10.33102/jfatwa.vol30no3.735>.

⁷¹ Dirk Johannsen, Kirsch Anja, and Jens Kreinath, "Narrative Cultures and the Aesthetics of Religion," *Brill:Study of Religion* 14, no. 1 (2020): 376, <https://doi.org/10.1163/9789004421677>.

time, customary leaders and traditional authorities may make exceptions by allowing substitute objects for the dowry and granting exemptions from customary fines if they do not obey customary rules that violate Islamic principles.

One critical step is to adjust the form and objects of the dowry so that they remain in accordance with Islamic principles while yet allowing for customary symbols, such as the giving of certain goods or the performance of rituals with cultural significance. In addition, a restorative approach based on understanding and socialisation of the concept of *mahr* in Islam, as well as the importance of religious and customary harmony, becomes critical to building awareness throughout Muslim communities in Papua. This restorative approach allows the tradition of dowry giving to continue while maintaining social harmony, avoiding potential conflict, and ensuring that marriage becomes a legal and meaningful relationship from both religious and cultural perspectives.

Fiqh muwāzanāt functions as a normative framework in the negotiation process carried out by religious leaders and customary leaders to balance customary provisions and Islamic law related to the practice of dowry (*mahr*) giving among Muslim communities in Papua. Through this approach, religious and customary actors do not merely position Islamic law and custom as mutually negating systems, but instead undertake a proportional weighing between public interest (*maṣlahah*) and the potential harm (*mafsadah*) arising from customary dowry practices. In its implementation, *fiqh muwāzanāt* is implemented through concrete negotiation practices between religious and customary leaders in determining the form and mechanism of dowry provision for Muslim Papuans. Religious leaders establish the normative boundaries of the Sharīa, such as the requirement that the dowry must originate from objects that are halal and legally permissible under Islamic law, while customary leaders adjust symbolic customary elements to avoid conflicting with these provisions. This implementation is reflected in the transfer of the meaning of customary dowries from objects that are problematic from a Sharīa perspective into alternative symbols or values that continue to represent customary honour while preserving the essence of the marriage ritual. By public interest (*maṣlahah*) and harm (*mafsadah*), proportional balancing (*fiqh*

muwāzanāt) enables the continuation of customary dowry traditions involving *wati* plants and pigs in a different, reconstructed form. This practice remains socially acceptable within customary communities while also being valid according to Islamic law.

Second, a normative theological approach needs to be applied in the Papuan Muslim community's ritual of providing dowries in the form of pigs or *wati* plants. When discussing a normative–theological framework, the issue must first be examined from the perspective of Islamic law. Islamic law here functions as a binding religious norm that must be observed; failure to comply with it constitutes a violation of the *Sharīa*. Seeing the cases of the tradition of giving pigs in the Dani Muslim community and *wati* plants in the Marind Muslim community as dowries is a violation of *sharia*. Because Islam has clearly stated that it is forbidden for you to eat pork and drink *Khamr* (alcohol).⁷² Therefore, a negotiation role model is required for the tradition of dowry giving among Muslim Papuans (OAP) using a normative–theological approach that upholds Islamic law as a religious norm while also respecting and accommodating their customary regulations.

The negotiation role model within the normative–theological approach in this context is the procedure of offering a dowry in the form of pigs or *wati* plants among Muslims in Papua. It is widely acknowledged that the dowry (*mahr*) is not a pillar determining the validity of marriage. Therefore, even if the dowry consists of goods or food that are considered unlawful (*ḥarām*), the marriage itself remains legally valid according to Islamic law.⁷³ However, the mandatory dowry that is the husband's obligation according to Islamic law is an item or object of beneficial value.⁷⁴ If pigs or *wati* plants are used as dowries for Muslims in Papua, such dowries are considered invalid because they do not possess a lawful beneficial value for the bride in the future. Therefore, the negotiation role model for balancing religion and custom among Muslim

⁷² Miftah Farid and Hasan Basri, “The Effects of Haram Food on Human Emotional and Spiritual Intelligence Levels,” *Indonesian Journal of Halal Research* 2, no. 1 (2020): 21–26, <https://doi.org/10.15575/ijhar.v2i1.7711>.

⁷³ Irma Suryani, “Juridical Study of Islamic Law Against Marriage Under the Hand Through Online Applications,” *International Journal of Social Science Research and Review in Indonesia* 6, no. 3 (2023): 357–67, <http://dx.doi.org/10.47814/ijssrr.v6i3.1100>.

⁷⁴ Suryadin, “Seserahan Co'i Nika (Biaya Nikah) Pada Masyarakat Manggelewa Dompu Dan Tinjauan Hukum Islam Terhadapnya,” *Schemata: Jurnal Pasca Sarjana IAIN Mataram* 6, no. 2 (2017): 211–32, <https://doi.org/10.20414/schemata.v6i2.845>.

communities in Papua is to replace the dowry of pigs or *wati* plants with halal items given to the bride. This may also involve adding other forms of property, such as gold, money, or other valuable goods that have practical benefits and can be utilised by the bride in married life. Meanwhile, pigs or *wati* plants, as symbols and expressions of customary belief, may be given to relatives or members of the community who adhere to religions other than Islam.

The application of *fiqh muwāzanāt* in this negotiation model demonstrates that Islamic law possesses methodological flexibility to respond to socio-cultural realities without losing its normative authority. The replacement of non-halal customary dowry objects with dowries that are valid according to Islamic law reflects the prioritisation of Islamic legal validity, while the transfer of the symbolic function of pigs or *wati* plants to the social sphere of customary practice affirms recognition of the identity and cultural structure of Muslim communities in Papua. This model is not merely a pragmatic compromise, but rather the result of legal reasoning that takes into account the hierarchy of values, public interest (*maṣlahah*), and social sustainability. Thus, *fiqh muwāzanāt* functions as a reconciliatory instrument that bridges negotiations between religious norms and customary law, while also offering a conceptual contribution to the development of contextual *fiqh* within the study of Islamic law in multicultural societies.

Conclusion

The main factors driving the continuation of this customary practice include the existence of customary sanctions that are still respected and obeyed, the prominent role of traditional leaders in regulating social life, and the influence of local beliefs that confer sacred meaning on marriage rituals. In addition, respect for custom is perceived as a form of appreciation of collective identity, and the community's limited understanding of religious law further strengthens the position of customary law as the primary reference. The combination of these factors ensures that customary law remains relevant in the daily religious practices of Muslim communities in Papua, particularly in marriage. However, viewing customary law as the principal basis for the practice of dowry (*mahr*) provision in Muslim marriages in Papua clearly contradicts Islamic law.

The subsequent findings also indicate that Muslim communities in Papua, particularly the Marind Muslim community in Merauke Regency and the Dani Muslim community in Wamena, continue to maintain the practice of providing marriage dowries based on local customary traditions as a means of preserving their cultural identity. The research findings reveal that customary law-regulated dowries, such as the provision of livestock (pigs) and *wati* plants, play a crucial role in strengthening social bonds between families and communities while also serving as symbols of respect for ancestral culture. However, when viewed from the perspective of Islamic law, this practice raises concerns, as the dowries provided contain elements that are not acceptable under Islamic law if consumed. Consequently, the continuance of customary dowry practices among Muslim communities generates a distinct conflict between customary law as a form of cultural recognition and Islamic law, which constitutes their religious belief. Therefore, negotiation between customary law and Islamic law is necessary to ensure that both can function harmoniously and in balance without violating either religious or customary legal principles. The proposed negotiation takes the form of a restorative approach through inclusive dialogue among relevant stakeholders, as well as a normative-theological approach to ensure that Islamic legal norms continue to interact, acculturate, and remain balanced with customary law.

Acknowledgement

The authors would like to express their gratitude to IAIN Fattahul Muluk Papua for its support in completing this article. Thanks are also extended to other universities for their collaboration and contributions, enabling their lecturers to participate and provide insights for this research. Artificial intelligence was utilised in this study solely for refining scientific language and enhancing readability.

Disclosure Statement

The first author and corresponding author, Amri, led the research, data collection, and analysis. Lukman Ansar focused on finding relevant references. Shofwan Al Jauhari contributed insights on dowry in Islamic law. Muchamnad Arifin assisted in the analysis. The last author, Ma'adul Yaqien Makkarateng, helped in-depth analysis of the language.

References

- Afadi, Ahmad Alfin, Abdul Halim, and Amar Muhammad. "Islamic Family Law Review of Contemporary Dowry: Case Study of Mosque Dowry in Indonesian Artist Marriages." *Fiat Justisia: Jurnal Ilmu Hukum* 19, no. 2 (July 2025): 185–202. <https://doi.org/10.25041/fiatjustisia.v19no2.3779>.
- Alfarisi, Muhammad Adib, Raihan Putri, Dina Fadhila, and Souad Ezzerouali. "Negotiating Customary Law and Fiqh Norms: The Transformation of the Mepahukh Tradition in the Indigenous Marriage Practices of the Alas People in Southeast Aceh." *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 2025): 72–93. <https://doi.org/10.24260/ijssls.1.1.9>.
- Ali, Muchtar. "Konsep Makanan Halal Dalam Tinjauan Syariah dan Tanggung Jawab Produk Atas Produsen Industri Halal." *Ahkam: Jurnal Ilmu Syariah* 16, no. 2 (2016): 291–306. <https://doi.org/10.15408/ajis.v16i2.4459>.
- Aluede, Charles Onomudo, and Solomon Ijeweimen Ikhidero. "Syncretism and Cultural Resilience: The Coexistence and Evolution of Traditional Itolimin and Christian Burial Practices in Esanland, Nigeria." *Journal of Contemporary Rituals and Traditions* 2, no. 2 (2024): 95–108. <https://doi.org/10.15575/jcrt.448>.
- Amin, Musyaffa, and Ash Shabah. "Systematic Literature Review (SLR): The Tradition of Dowry in Marriage in Southeast Asia." *Krtha Bhayangkara* 18, no. 3 (2024): 622–48. <https://doi.org/10.31599/krtha.v18i3.3057>.
- Amri, Siti Aminah, Sidanatul Janah, Yopi Yudha Utama, and Dwi Ratna Cinthya Dewi. "Representation of Family Law in the Digital Space: A Study of Discourse Analysis on Instagram Accounts." *Al Istimbath: Jurnal Hukum Islam* 8, no. 2 (2023): 507–34. <http://dx.doi.org/10.29240/jhi.v8i2.6578>.
- Amri et al., *Hukum Perdata*. Bandung: Widina Bhakti Persada, 2016.
- Anggraini, Rooza Meilia, Anis Hidayatul Imtihanah, and Yudhi Ahmad Bashori. "The Legal Protection of The Spiritual Rights of Muslim Consumers in The Halal Industry Development Through Self-Declaration." *Justicia Islamica* 20, no. 2 (November 2023): 281–300. <https://doi.org/10.21154/justicia.v20i2.5003>.
- Apriantoro, Muhamad Subhi, M. Naufal Ibnu Alis, Sendy Septianozakia, and Dadang Setiana. "Comparing KHI and KHES in Marital Property Grant Disputes: An Analysis of Judges' Views." *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 37–52. <http://dx.doi.org/10.29240/jhi.v8i1.6464>.
- Barkan, Steven, Barbara Bintliff, and Mary Whisner. *Fundamentals of Legal Research*, 10th. St. Paul, MN: Foundation Press, 2015.

- Batubara, Taslim, Badrun Badrun, and Ahmad Muhajir. "Tradisi Tepung Tawar: Integrasi Agama Dan Kebudayaan Pada Masyarakat Melayu Di Sumatera Utara." *Local History & Heritage* 2, no. 1 (2022): 10–16. <https://doi.org/10.57251/lhh.v2i1.288>.
- Busyro, Busyro, Nunu Burhanuddin, Muassomah Muassomah, Putri Ananda Saka, and Moh Ali Wafa. "The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society." *Samarah* 7, no. 1 (2023): 555–78. <https://doi.org/10.22373/sjhk.v7i1.15872>.
- Darulhuda, Allaidin Koto, and Jumni Nelli. "Legal Comparison on Dowry In Islamic Countries." *Journal of Asian Studies: Culture, Language, Art and Communications* 4, no. 1 (2023): 1–11. <https://doi.org/10.51817/jas.v4i1.216>.
- Demet Lüküslü. "Becoming a Young Woman through a Feminist Lens: Young Feminist Women in Turkey." *Journal of Gender Studies* 33, no. 5 (2024): 1. <https://doi.org/10.1080/09589236.2023.2172556>.
- Dianto, Dianto. "The Effect of Receptie Theory on Legal Concept of 'Adat Barenti Lako Syara', Syara Barenti Lako Kitabullah". *Journal of Transcendental Law* 2, no. 2 (2020): 75–82. <https://doi.org/10.23917/jtl.v2i2.11246>.
- Dzulkarnain, Iskandar, Endriatmo Soetarto, Rilus A Kinseng, and Sofyan Sjaf. "Nyadar: Religious and Cultural Resistance of Madurese Salt Farming Community." *Sodality: Jurnal Sosiologi Pedesaan* 8, no. 2 (2020): 53–68. <https://doi.org/10.22500/8202031832>.
- Elvina Jahwa, Desi Pitriani Siregar, M. Riski Harahap, Ihsan Mubarak, and Ali Akbar. "Konsep Perkawinan Dalam Hukum Islam dan Hukum Nasional Di Indonesia." *Journal of Social Science Research* 4, no. 1 (2024): 1692–705. <https://j-innovative.org/index.php/Innovative>.
- Faisal, Amri, Risman, and Aisyah. "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe." *International Journal of Islamic Thought* 26, no. 25 (2024): 55–65. <https://doi.org/10.24035/ijit.26.2024.301>.
- Faisal, Faisal. "Islamic Compromise in the Marriage of the Papuan Muslim Marind Tribe." *International Journal of Islamic Thought* 26 (2024): 55–65.
- Farid, Miftah, and Hasan Basri. "The Effects of Haram Food on Human Emotional and Spiritual Intelligence Levels." *Indonesian Journal of Halal Research* 2, no. 1 (2020): 21–26. <https://doi.org/10.15575/ijhar.v2i1.7711>.
- Farisi, Usman Al, Fakhrurazi Fakhrurazi, Sadari Sadari, Nurhadi Nurhadi, and Risdianto Risdianto. "Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The

- Betawi Muslim Community.” *De Jure: Jurnal Hukum dan Syar’iah* 15, no. 2 (December 2023): 268–85. <https://doi.org/10.18860/j-fsh.v15i2.21241>.
- Galib, Andi Muhammad, and Ro’fah Setyowati. “The Future of Halal Products Warranties Following the Passage of Law Number 11 of 2020 about Job Creation Based on Wael B. Hallaq.” *International Journal of Social Science Research and Review* 7, no. 5 (2024): 83–95. <http://dx.doi.org/10.47814/ijssrr.v6i4.1188>.
- Guterres, Vicente Manuel Luis, Anak Agung Istri Ngurah Marhaeni, Made Heny Urmila Dewi, and Made Dwi Setyadhi Mustika. “The Tradition of Dowry and Gender Equality Issues: A Literature Review.” *Journal of World Science* 3, no. 9 (September 2024): 1185–97. <https://doi.org/10.58344/jws.v3i9.721>.
- Haris, Yogi Sopian, Betty Mauli, and Rosa Bustam. “Reconciliation Amongst Islamic-Based Groups as a Solution to the Tolerance Issue and the Accomplishment of Religious Moderation in Indonesia.” *Jurnal SMArT* 10, no. 2 (2024): 141–54. <https://doi.org/DOI:%2520https://doi.org/10.18784/smart.v10i2.2464>.
- Huda, Miftahul, Agus Purnomo, Abdul Mun’im, Lutfi Hadi Aminuddin, and Lukman Santoso. “Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslims.” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 1. <https://doi.org/10.29240/jhi.v9i1.9887>.
- Ishak, Muhammad Shahrul Ifwat, Nur Syahirah Mohammad Nasir, Abdulmajeed M. R. Aderemi, Huzaifa Aliyu Jangebe, and Halimatun Mohamad. “Fiqh Al-Muwazanah in Dealing with Interfaith Marriage in European Muslim Minority Context.” *Journal of Fatwa Management and Research* 30, no. 3 (2025): 116–42. <https://doi.org/10.33102/jfatwa.vol30no3.735>.
- Isnawan, Fuadi. “Islamic Approach to Violations against the Sanctity of the Deceased: A Case Study on Necrophilia in Islam.” *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya* 9, no. 2 (2024): 367–93. <https://doi.org/10.25217/jf.v9i2.5100>.
- Johannsen, Dirk, Kirsch Anja, and Jens Kreinath. “Narrative Cultures and the Aesthetics of Religion.” *Brill: Study Of Religion* 14, no. 1 (2020): 376. <https://doi.org/10.1163/9789004421677>.
- Jubba, Hasse, Sudirman Sudirman, Suparto Iribaram, Wan Khairul Aiman bin Wan Mokhtar, and Rusdi Rasyid. “Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqāṣid Syarī’ah.” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (December 2024): 305–30. <https://doi.org/10.18326/ijtihad.v24i2.305-330>.

- Jubba, Hasse, and Ade Yamin. "Between Islam and Custom : The Role of Pigs in Dani Muslim Weddings." *International Journal of Islamic Thought* 28, no. 1 (2025): 37–51. <https://doi.org/10.24035/ijit.28.2025.333>.
- Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda. "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 2 (2024): 27–52. <https://doi.org/10.19105/al-lhkam.v19i1.10522>.
- Kasdi, Abdurrohman, Mohammad Wahib, Umma Farida, and Khamami Zada. "Fiqh Minority for Papuan Muslims in the Perspective of Maqasid Al-Shari`ah." *International Journal of Islamic Thought* 20, no. 2 (2021): 1–12. <https://doi.org/10.24035/ijit.20.2021.205>.
- Kusmayanti, Hazar, Dede Mulyanto, and Deviana Yuanitasari. "Contradiction Implications of the Receptie A Contrario Theory in Minangkabau Inheritance." *Justicia Islamica: Jurnal Kajian Hukum dan Sosial* 21, no. 2 (2024): 347–66. <https://doi.org/10.21154/justicia.v21i2.8859>.
- Lambert, David. "A Living Monument': Memorial Parks of the First and Second World Wars." *Garden History* 42 (2014): 34–57.
- Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage.
- Luthfia, Chaula. "Perspektif Hukum Islam Dalam Menanggapi Fenomena Mahar Unik Di Indonesia." *Interdisciplinary Journal on Law, Social Sciences and Humanities* 5, no. 1 (2024): 35–48. <https://doi.org/10.19184/idj.v5i1.38714>.
- Madina, Dinda Difia, Zezen Zainul Ali, and Mega Puspita. "Aligning Islamic Law and Customary Law: Legal Dialectics in the Tradition of Forced Marriage in Jambi." *Justicia Islamica* 20, no. 1 (June 2023): 1–16. <https://doi.org/10.21154/justicia.v20i1.4720>.
- Mahuze, Yosep Maria. Interview. Merauke, June 23 2023.
- Makatita, Ahmad Syarif, and Athoillah Islamy. "Paradigma Dakwah Islam Terhadap Budaya Lokal Masyarakat Papua : Integrasi Syariat Islam Dan Budaya Dalam Tradisi Bakar Batu Pada Komunitas Muslim Dani." *Jurnal At-Taghyir: Jurnal Dakwah dan Pengembangan Masyarakat Desa* 4, no. 2 (2022): 241–62. <https://doi.org/10.24952/taghyir.v4i2.5264>.
- Marthen, Fadli, Budhi Gunawan, Rini Soemarwoto, and Miranda Risang Ayu Palar. "Nature Resources Contestation Between Native Papuans: Establishing a Collaborative Management of the Cyclops Mountain Nature Reserve Area in Papua, Indonesia." *Jurnal Manajemen Hutan Tropika* 30, no. 3 (2024): 359–75. <https://doi.org/10.7226/jtfm.30.3.359>.

- Marzuki, Angga. "Nilai Agama dan Budaya Dalam Tradisi Besaman." *Jurnal Ilmu Ushuluddin* 6, no. 1 (2020): 19–32. <https://doi.org/10.15408/ushuluna.v6i2.15758>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2014.
- Miles, Matthew B., A. Michael Huberman, and Johnny Saldana. *Qualitative Data Analysis: A Methods Sourcebook*. SAGE Publications, 2013.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: Rosda Karya, 2017.
- Muh Aditya Ibrahim, Eri R Hidayat, Halomoan FS Alexandra, Pujo Widodo, and Herlina JR Saragih. "Horizontal Conflict Resolution Related to Belief in Religious Tolerance in Multi-Cultural Society in Indonesia." *International Journal of Humanities Education and Social Sciences (IJHESS)* 2, no. 6 (2023): 1925–29. <https://doi.org/10.55227/ijhess.v2i6.525>.
- Mutammimah, Bidayatul, and Suwandi Suwandi. "Tradisi Meuleum Harupat Dalam Pernikahan Adat Sunda Perspektif Urf." *Al-Syakhsyiyah: Journal of Law and Family Studies* 5, no. 2 (November 2023). <https://doi.org/10.21154/syakhsyiyah.v5i2.7199>.
- Nainggolan, Yossa A. P. "Hak Atas Kebebasan Beragama Dan/Atau Berkeyakinan: Forum Internum Dan Forum Eksternum." *Jurnal Hak Asasi Manusia* 6, no. 6 (2021): 68–83. <https://doi.org/10.58823/jham.v6i6.56>.
- Nasir, Mohamad Abdun. "Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law." *Mazahib* 21, no. 2 (December 2022): 155–86. <https://doi.org/10.21093/mj.v21i2.5436>.
- Noor, Akbarudin, Andika Firnanda, and M. Arya Saputra. "The Influence of Receptie C Snouck Horgronje Theory on the Development of Religious Courts in Indonesia." *International Conference on State, Law, Politics & Democracy (ICON SLPD)* 1, no. 1 (2022): 147–68.
- Nurhadi. "Mahar Services (Dowry Non Material) According to Mazhab Imam Hanafi and Mazhab Imam Syafi'i." *Indonesian Journal of Islamic Law* 1, no. 1 (2018): 82–101. <https://doi.org/10.35719/ijil.v1i1.237>.
- Presidential Instruction No. 1 of 1991 on the Dissemination of the Compilation of Islamic Law.
- Petrus Tekege and Roy Marthen Rahanra. "Papua People and Its Culture." *Lakhomi Journal Scientific Journal of Culture* 3, no. 3 (2022): 89–99. <https://doi.org/10.33258/lakhomi.v3i3.742>.
- Retno Kus Setyowati. "Pengakuan Negara Terhadap Masyarakat Hukum Adat." *Binamulia Hukum* 12, no. 1 (2023): 131–42. <https://doi.org/10.37893/jbh.v12i1.601>.

- Sahib, Rahmawansyah, and Tegar Aulia. "Translanguaging as Social Practice: Interethnic Communication in the Tobati Community of Papua." *International Journal of Multilingualism*, 2026, 1–22. <https://doi.org/10.1080/14790718.2025.2611335>.
- Shuhufi, Muhammad. "Mahar dan Problematikanya (Sebuah Telaah Menurut Syari'at Islam)." *Jurnal Hukum Diktum* 13, no. 2 (2015): 121–28. <https://doi.org/10.35905/diktum.v13i2.365>.
- Sugitanata, Arif, and Muhammad Lutfi Hakim. "The Domination of Customary Law in Muslim Matrimonial Procedures: Prohibiting Khitbah in the Sade Muslim Community." *Al-Ahwal* 16, no. 2 (2023): 302–19. <https://doi.org/10.14421/ahwal.2023.16206>.
- Suryadin. "Seserahan Co'i Nika (Biaya Nikah) Pada Masyarakat Manggelewa Dompu dan Tinjauan Hukum Islam Terhadapnya." *Schemata: Jurnal Pasca Sarjana IAIN Mataram* 6, no. 2 (2017): 211–32. <https://doi.org/10.20414/schemata.v6i2.845>.
- Suryani, Irma. "Juridical Study of Islamic Law Against Marriage Under the Hand Through Online Applications." *International Journal of Social Science Research and Review in Indonesia* 6, no. 3 (2023): 357–67. <http://dx.doi.org/10.47814/ijssrr.v6i3.1100>.
- Syam, Robingun Suyud El, and Asyhar Kholil. "Kausalitas Historiografi Islam Tentang Anjing, Ular, dan Babi Dalam Perspektif Ta'aqquli." *Jispendiora: Jurnal Ilmu Sosial, Pendidikan dan Humaniora* 2, no. 1 (2023): 79–92.
- Syarifudin, Muhammad. "Resistensi Adat Sasak dan Agama (Studi Tawaran Resolusi Konflik Dalam Perilaku Keagamaan Muslim Lombok)." *Komunitas* 12, no. 2 (2021): 120–31. <https://doi.org/10.20414/komunitas.v12i2.4410>.
- Tabuni, Abed Nego. "Nilai dan Fungsi Budaya Bakar Batu Dalam Relasi Lintas Suku di Pegunungan Tengah Papua." *Ganaya: Jurnal Ilmu Sosial dan Humaniora* 6, no. 1 (2023): 171–85. <https://doi.org/10.37329/ganaya.v6i1.2210>.
- Wahib, Moh. "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community/Implementasi Konsep Fikih Minoritas Bagi Komunitas Muslim Papua." *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (2021): 97–112. <https://doi.org/10.18860/j-fsh.v13i1.11930>.
- Wahib, Moh, Amri, Ahmad Havid Jakiyudin, and Siti Aminah. "Harmony In Diversity: The Role of Minority Jurisprudence In Realising Religious Harmony In Jayapura, Papua." *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 21, no. 2 (2024): 313–34. <https://doi.org/10.21154/justicia.v21i2.7394>.

- Wance, Marno, Safrudin Bustam Layn, James T. Collins, Ummu Syahidah, Indigenous Leadership, and Leadership Existence. "Existence and Role of Indigenous Leadership in Local Governance: A Systematic Review of Indonesian Case Studies." *Journal of Government Science Studies* 4, no. 1 (2025): 1–14. <https://doi.org/10.53730>.
- Wibisana, Nicholas Ardy, Bernadeth Gisela Lema Udjan, and Solfian. "Perlindungan Masyarakat Hukum Adat Dalam Bentuk Pengakuan Masyarakat Adat." *Sapientia et Virtus* 9, no. 1 (2024): 385–97.
- Winario, Mohd, and Ahmad Rofi'i Harahap. "Dowry in Imam Malik's Fiqh: Implications and Relevance in the Context of Contemporary Society." *Journal of Legal Sustainability* 1, no. 1 (June 2024): 1–11. <https://doi.org/10.69693/jols.v1i1.16>.
- Yamin, Ade, Mufliha Wijayati, Ahmad Syarif Makatita, and Marwan Sileuw. "Together In Lesema: Living Islamic Law among Customary Dani Muslims Polygamy Practice in Papua." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 467–95. <https://doi.org/10.19105/al-lhkam.v18i2.9957>.
- Yamin, Ade, Mufliha Wijayati, Ana Maria Fatimah Parera, and Rahmawansyah Sahib. "The Tradition of Pilgrimage to the Grave of Muslim Missionaries in Misool Island, Papua." *International Journal of Islamic Thought* 22, no. December (2022): 1–11. <https://doi.org/10.24035/ijit.22.2022.234>.
- Zuhair, Akbar, Rafsanjani Pagesa, and M. Sari. "Strategi Lembaga Masyarakat Adat Menjaga Stabilitas Sosial Budaya di Kabupaten Fakfak Provinsi Papua Barat." *Jurnal Terapan Pemerintahan Minangkabau* 3, no. 2 (2023): 197–210. <https://doi.org/10.33701/jtpm.v3i2.3658>.