

Mandailing Customary Marriage Law in Terms of Law 16 of 2019 Concerning Amendments to Law No.1 of 1974

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Abstract

The aims of this study is to find out Mandailing Customary Marriage Law in terms of Law 16 of 2019. This study used qualitative research. The result of this study shows that That the dowry is part of the marriage custom of the Mandailing tribe, but in practice it has experienced a shift in value. Both from the substantive meaning and in its application. This is indicated by the practice that distinguishes between the marriage dowry to fulfill the provisions of the marriage and the tuor to fulfill the customary provisions. 2. Dowry is a gift from a prospective husband to a prospective wife based on simplicity and convenience. Although the delivery is carried out in cash, there is still an opportunity for the prospective husband to postpone part of the agreed dowry amount. 3. In the marriage agreement, it is very possible that the dowry is included in the category of gifts that can be paid not only in cash. Thus, disputes regarding dowry can become the authority of the Religious Courts.

Keywords

Mandailing; customary marriage; Law



I. Introduction

Basically no one human being in the world can live alone. Humans as creatures who always want to get along, interact and gather with other human beings, in the sense of creatures who like to live in society, in the smallest life together it starts with a family. Living together that is bound by marriage has very important consequences in a society. civilized society. In connection with the very important consequences of marriage, the community needs a norm or rule that regulates the conditions for its inauguration, implementation, continuation and ending of the marriage.

Marriage in Indonesia is basically regulated in Law 16 of 2019 concerning amendments to Law Number 1 of 1974 which is contained in the State Gazette Number 309 and its implementation is regulated in Government Regulation Number 9 of 1975. This law is universal. After this Law was enacted, there was a legal unification regarding marriage in Indonesia. So that it applies to all people in Indonesia as a guide in the implementation of marriage.

With the enactment of the marriage law, the bond between a man and a woman can be seen as legal husband and wife, if their bond is carried out based on the rules and regulations that have been set. This law accommodates the principles and provides the legal basis for marriage which has been the guideline and has been applied to various groups of Indonesian citizens.

Marriage is considered valid if it has met the requirements specified in the law both internally and externally. That is, if men and women who intend to carry out marriage are ready physically and mentally, and are also ready from a material perspective to support the necessities of life after the marriage is carried out, and carried out in accordance with the legal requirements of the religion adopted and the applicable law. The purpose of marriage according to Law number 1 of 1974 has been formulated ideally because it is not only seen from the outward aspect but at the same time there is an inner connection between husband and wife which is intended to build a family or household that is eternal and happy for both of them and which is in accordance with the will of God Almighty.

In customary law, marriage is a singularity. It is proven, among others, because:

- a. According to customs that have not been completely lost at the time of marriage, the bride and groom give up the name that they had been using until then (first name) and then got a new name (old name) which they then used together.
- b. The term used to describe the husband and wife relationship, namely "garwa" (Javanese). This term comes from the words "sigaraning lives" (meaning soulmate). So it is clear from the mention above, it is clear that the Javanese view that husband and wife are one unit.

Batak is one of the ethnic groups in Indonesia. This name is a collective term to identify several ethnic groups who live and come from Tapanuli and East Sumatra in North Sumatra. The ethnic groups categorized as Batak are: Toba Batak, Karo Batak, Pak-Pak Batak, Simalungun Batak, Angkola Batak and Mandailing.

The Mandailing tribe itself knows the notion of patrilineal kinship. In the patrilineal system, Mandailing people recognize and use clans. In Mandailing there are dozens of clans, in contrast to the Batak who know about 500 clans. The clans in Mandailing include: Lubis, Nasution, Pulungan, Batubara, Parinduri, Lintang, Harahap, Hasibuan, Rambe, Dalimunthe, Rangkuti, Tanjung, Mardia, Daulay, Matondang, Hutasuhut.

Marriage in indigenous peoples generally goes through a variety of processes that can be considered complicated and not easy. In principle, the most commonly done by indigenous peoples is through applications or proposals. However, despite the many differences and ethnicities in Indonesia, because our family of origin is the Ancient Malays, we can still find the main similarities in traditional marriages. Every indigenous people always place the family and community in carrying out the traditional marriage processes themselves.

Cultural differences in marriage also occur a lot, both regarding marriage procedures which can be understood as the cultural diversity of the Indonesian nation. Batak is one of the ethnic groups in Indonesia. This name is a collective theme to identify several ethnic groups who live and come from Tapanuli and East Sumatra in North Sumatra. The ethnic groups categorized as Batak are: Toba Batak, Karo Batak, Pak-Pak Batak, Simalungun Batak, Angkola Batak, and Mandailing.

The principles of marriage in customary law are a matter of relatives, family, alliance, dignity, it can be a private matter, depending on the structure of the community concerned. For groups that declare themselves as units, as legal alliances (clan members, relatives), the marriage of men and women is a means to carry out their group life in an orderly and orderly manner. However, within the circle of kin associations, marriage is also always a way of continuing a certain family line which is included in the alliance, so it is a family matter, the business of the father or mother as the nucleus of the family concerned.

Marriage in the sense of "customary engagement", is a marriage that has legal consequences on customary law, which applies in the community concerned. The consequences of this law have existed since the marriage took place, for example, with the application relationship which is "rasah sanak" (children relationship, single girl) and "rasah

tuha" (relationship between the families of the prospective husband and wife)⁹. According to local customary law, marriage is not only a social, cultural, magical-religious act but also a legal act. It is also called a social act because marriage is a social product. Social action means that sociologically marriage binds all elements in social life, both individuals and society, even society itself. Called magical-religious act because in marriage involves ancestral spirits and religion. There are ceremonies and rituals that must be carried out in order to be safe both in the marriage procession and in the household journey of the couple who hold the marriage.

In connection with the marriage principles adopted by Law No.1 of 1974 concerning Marriage, the principles of marriage according to customary law are as follows:

Marriage aims to form a family, household and kinship relationships that are harmonious and peaceful, happy and eternal.

- a. Marriage must not only be legally carried out according to religious law and or belief, but also must receive recognition from family members.
- b. Marriage can be carried out by a man with several women as wives whose respective positions are determined according to local customary law.
- c. Marriage must be based on the consent of parents and family members. Indigenous peoples can refuse the position of husband or wife that is not recognized by the indigenous peoples.
- d. Marriage may be carried out by men and women who are not old enough or are still children. Likewise, even though you are old enough to marry, it must be based on the permission of parents/family and relatives.
- e. Some divorces are allowed and some are not. Divorce between husband and wife can result in the breakdown of the relationship between the two parties.
- f. The balance of position between husband and wife is based on the provisions of applicable customary law, there are wives who are housewives and there are wives who are not housewives.

Due to the different kinship systems adopted by indigenous peoples in Indonesia, there are different forms of marriage. Among indigenous peoples whose structure is patrilineal, the form of "marriage" is generally adopted honest" ("magoli", Batak; "tunak", Pasemah; "beleket", Rejang; "nuku", Palembang; "naughty, hibal", Lampung). Among indigenous peoples who are patrilineal alternierend and matrilineal, in general the form of "cement marriage" is adopted, while in the parental community the form of "mentas marriage" is adopted.

Mandailing is an area located in Mandailing Natal Regency in the middle of Sumatra Island. The Mandailing people are almost 100% adherents of the devout Muslim religion, therefore Islam has a very large influence in the implementation of traditional ceremonies.¹² The Mandailing community as one of the ethnic groups in North Sumatra, which in Van Volenhoven's concept is famous for 19 neighborhoods the custom includes the Mandailing tribe in the Batak (Tapanuli) land environment with the Gayo, Alas and Batak areas.¹³

In the development of life that continues into the 21st century, a reality is seen from the old to the new, namely national and modern even post modern and global that the law is always changing.¹⁴ For humans who always live in society, marriage has a very high value. Marriage is the axis of human survival. Marriage has multiple meanings. There are religious meanings, economic meanings, social meanings and juridical meanings. Therefore, every person, family, relative, or community tries to make it happen with various forms of ceremonies and rituals. In this regard, marriage has the potential for benefit, welfare, and prosperity as well as the potential for conflict, conflict, lawsuits in court, fights, murders and even wars.

With the above background, the author is interested in writing this in the form of a paper with the title: "The Mandailing Customary Marriage Law in terms of Law 16 of 2019 concerning amendments to Law No. 1 of 1974".

II. Review of Literature

2.1. The Main Factors of Mandailing Traditional Marriage

Wedding ceremony is the important event in every human life. Basically, a wedding is a rite of passage, an event that marks a person's transition from one life status (single) to another (married). (Purba, N and Mulyadi, 2020)

Indigenous peoples, in this case the Mandailing indigenous people, have the main factor in carrying out marriages in the form of customs. That is to maintain the Mandailing culture and tradition. Often, indigenous peoples want to show their social status through traditional marriages. This means that the bigger the party that is held, the higher their social status in the surrounding environment.

The greatness of the wedding ceremony according to the Mandailing custom can be divided into 3 (three) parts, namely:

a. Horja Godang

Horja Godang is the biggest celebration where in its implementation it is required to cut a buffalo. The difference is when using a buffalo, then at the ceremony, the slaughter of buffalo is added. In this pangupa the head of the buffalo with the liver and various parts of the buffalo called ganan-ganan do not need to be cooked while the ingredients mentioned earlier are still cooked. The buffalo head should not be deformed. And in this pangupa, the chicken is still included. This is called rank.

b. Horja Menengah

Horja menengah is an intermediate celebration where in its implementation it is required to slaughter a goat. In this event, the pangupa uses eggs, goat's head, goat's liver, white rice, sweet potato leaf vegetables, clear water.

c. Horja Kecil

Horja kecil is the smallest celebration in which the implementation is required to cut a chicken. In this event, pangupa is made with eggs, chicken, sweet potato leaves, clear water in a cooked state.

This tradition is still carried out by indigenous people in carrying out marriages. And some people still consider it an obligation. The Mandailing community in the implementation of their customs and customary law uses a customary system structure called Dalihan Natolu (three stoves), which means that the Mandailing community adheres to a social system consisting of Kahanggi (groups of people in the same family), Mora (groups of relatives who give girls) and Anak Boru (groups of relatives who receive children). girl). These three elements are always together in every customary activity, such as Horja (work), namely three types:

- a. Horja Sinaon is a joyous activity that includes a birth ceremony (tubuan anak), entering a new house (Marbongkoy bagas na imbaru), and marrying a child (haroan boru).
- b. Horja Siluluton (death ceremony)
- c. Horja Siulaon (gotong royong)

2.2. The Mandailing People's Rationale on Marriage

Other factors that form the basis of the thinking of indigenous peoples doing Mandailing traditional marriages include:

- a. The existence of adat in a marriage arrangement proves that there is still the identity of the Mandailing indigenous people which is a characteristic that cannot be replaced by modernization.
- b. Adat is a unifier for the community. In the implementation of traditional marriages which generally take time and preparation Automatic length can strengthen the ties of brotherhood among the Mandailing indigenous people.
- c. Preserving the cultural heritage of our ancestors so as not to escape being eaten by the times.

From interviews with the Mandailing Indigenous people as parents who held Mandailing traditional marriages in the Padang Lawas district.

Most Mandailing Indigenous people preserve culture through Mandailing traditional marriages, so that future generations will know the efforts of their ancestors so that they have empathy to preserve so that the culture of this Mandailing custom is not taken by other nations. The desire to preserve the Mandailing custom itself should be created so that a sense of love for the Mandailing custom arises from the younger generation so that the custom is maintained and not killed by the existing modernization developments.

J. Prins in his book *Adat en Islamitische Plichtenleer in Indonesie* states that: The process of adapting to the modern world encounters a problem that greatly slows down the process, namely the process of individualization in village associations.

In fostering and developing these customary law institutions, we must not hesitate to abandon all elements which, if only, are mere obstacles. However, in this modernization process, we don't need to throw away all the Eastern sects that provide or, more accurately, reflect our national dignity and national identity. We must find the best way to reconcile and adapt, even if possible, unite Eastern ideals with modern ideals and needs originating from the West, in order to become a harmony.

In other words, modifications may be made, but the main building of the traditional structure must remain strong, overcoming the challenges of the times. That's why an indigenous people show their existence.

2.3. Pre-Wedding Procession

a. Mangaririt Boru

Mangaririt Boru here is when a man already has the intention to get married and already has his own candidate. A man must convey his wishes to his parents, so parents here are obliged to explore who the woman is. If they come later the application will be accepted or if there is already another man who proposed to the woman first. All things need to be investigated first, this is what is meant by Mangaririt boru.

b. Padamos Hata

After the Mangaririt boru event is over, then the groom and his family come and introduce them directly to the boru (women). At the woman's house, the woman's party will ask the purpose of the man's arrival. The conversation that took place was more or less like this:

The Woman: "What is the purpose of your brother's family coming to our house?"

The man: "Considering that our son, Syamsul, who has grown up, has graduated from school, has a job, he aspires to be married, and we really want to ask you, in this father's house there is a daughter named Rahma who is a daughter father and has anyone proposed to him?"

Woman: *"That's right, we have a daughter named Rahma and as far as we know no one has asked for her hand."*

The man: *"Okay, so are we from the party who came here allowed to come back to continue our intention, namely the application?"*

Women's Party: *"Because no one has applied for Rahma before, then there is no reason for us to reject the good intentions of my brother's family."*

After the above event, the man will return home, and then he will come again in the application ceremony.

c. Patobang Hata

After the Mangaririt event runs smoothly, the discussion will reach the Patobang Hata (applying) stage. The man will come back to the woman's family home for the real proposal. In this application, the man must bring Salipi. The salipi are placed in a rectangular bag made of white pandan woven mats and decorated with colorful threads around the perimeter. Inside there are whiting, areca nut, gambier, tobacco, and burangir (betel leaf). Salipi brought during the Patobang Hata process, in which there is whiting, areca nut, gambier, tobacco, and burangir (betel leaf)

d. Manulak Sere

After the application goes smoothly, the next is delivery. The men will come with the group by bringing all the requirements requested by the women at the time of the application. The male and female parties will discuss and talk. Sometimes use rhymes/poems

III. Result and Discussion

3.1. Tuor Concept in Mandailing Marriage Traditions

In the concept of customary marriages of the Mandailing tribe, there is what is known as Tuor which is similar to the dowry which is a requirement in marriage for the Mandailing community.

However, in reality and a phenomenon in society, there has been a real shift in meaning, because many cases have been found that the tutors are often not paid in cash (debt). This is caused by several factors including the economic factor of the prospective husband. Marriage motivation where the prospective bride and groom already have a great sense of love, but socially they must show a commitment to provide an appropriate amount of tutoring.

The next problem that arises is when a divorce occurs there is a dispute about the dowry debt. This is difficult to prove juridically by law enforcers of the Religious Courts, because the marriage certificate has listed the amount of dowry according to Islamic law, as well as the issue of whether the customary agreement can become the absolute competence of the religious court.

Therefore, the author tries to discuss the concept of tuor in various perspectives including the concept of tuor according to custom, the concept of dowry in Islam, customary agreements and settlements in the Religious Courts.

History of Tuor is the gift of a prospective son-in-law given to his prospective in-laws, which is certainly different from the wedding dowry in Mandailing and surrounding Angkola. This tuor is the result of a decision from local traditional advice which determines the amount of the tuor to be given taking into account the education or social status of the bride-to-be woman. In its development, besides being in the form of money, gold, and other materials, the tuor can also be replaced with a plot of plantation land. The current development is that

tuor and dowry are considered to be the same in their mention and the intended purpose is to fulfill the norms and legal provisions contained in the marriage law. What has become a recent controversy in the realm of the Mandailing tribe, the amount of Tuor is an obstacle for every man and teenager who will carry out a traditional marriage.

Thinking back to the ancestors of the Mandailing, the existence of a tuor was originally a wise decision in the view of our ancestors' life which was aimed at managing the welfare and happiness of the prospective bride and groom. The amount of the tour value lately for a few people has become a boomerang as if this is an obstacle or even a failure to propose to a wife (propose), the figure of 10 - 100 million rupiah is the Tuor market is mandailing or according to current developments it can be replaced with a plot of plantation land and others. The dilemma is that if a prospective bride comes from an underprivileged family, or maybe it is normal for a wealthy family, the social gap in this case is clearly visible. However, if we study the origin of the tour, it is actually a wise thing for the Mandailing custom itself because it can lead to motivation for the prospective wife as another word to protect the nature of women so as not to be eroded by this globalization factor. By maintaining the nature of a woman or wife, she can make her a pious wife according to the teachings of Islam.

The tour controversy actually occurs for people who view this negatively, as if it gave birth to buying and selling in marriage. This negative view comes from outside or even from the mandailing itself who doesn't like or agree with this, disagreements may have their own reasons but long before this happened, our customs gave birth to Tours, in fact nothing else for the sake of organizing, welfare, and the happiness of the bride and groom.

Historically, the origin of the tour was purely the policy of the ancient ancestors, and was not a benchmark or even a determinant in the marriage bond. The actual value of Tuor in the eyes of the Mandailing custom can be negotiated with the principle of sincerity, and mutual agreement of the families of the bride and groom. But generally what has happened recently is quite worrying because the amount of this tutor is identified according to the education of the prospective bride, and does not even hesitate to fix the price of the tutor if the woman has a career (working).

The purpose of Tuor is actually aimed at managing the welfare and happiness of the prospective bride after marriage, in other terms, provision for the life of the bride and groom after marriage and the life beyond.

The type of Tuor is shaped by the amount of money or gold, it can also be in the form of other objects such as clothes, animals, plantation land and so on. However, the problem with this kind of Tuor sometimes makes them far from custom or officially inaugurated by custom.

Negotiations in terms of tutors can actually be postponed or in the form of debt in accordance with deliberations and customary decisions. Tuor debt is actually not binding as long as the welfare and happiness of the couple, but sometimes when their lives are separated this tuor debt is mandatory to be paid.

3.2. Mahar (Tuor) and Marriage Agreement

a. Definition of Dowry (Tuor)

Etymologically understanding in Arabic, dowry (سوا) is a form of mufrad, while the plural form is sa which literally (etymologically) means dowry. Meanwhile, according to the term, dowry is "a mandatory gift from a prospective husband to a prospective wife as a sincere love for a prospective husband to create a sense of love for a wife to her prospective husband". Or "a gift that is obligatory for a prospective husband to his future wife, both in the form of goods and services (freeing slaves, teaching)".

According to the term, the scholars have different opinions about the editorial, but the intent and purpose is the same.

In the Compilation of Islamic Law (KHI) dowry is the gift of the prospective groom to the prospective bride in the form of goods, money or services that do not conflict with Islamic law.

From the definitions above, it can also be understood that the dowry is an obligation that must be borne by every prospective husband who will marry his future wife. So, the dowry really becomes the full right of the wife who receives it, not a joint right and not the right of her guardian. The four groups of scholars above agree that the dowry is the right of the prospective wife of the prospective husband that arises because of the marriage contract or dukhul with him.

b. Kinds of Dowry (Tuor)

- a) The musamma dowry is a dowry whose form and amount are determined in the signal marriage contract. This dowry can be paid in cash or deferred with the agreement of both parties.
- b) Mitsil dowry is a dowry whose amount is determined according to the amount received by the wife's family, because at the time of the marriage contract the amount and form of the dowry have not been determined.

c. Legal Basis of Dowry

Islam is very concerned about and respects the position of a woman by giving the right to receive a dowry (dowry). Dowry is only given by the prospective husband to the prospective wife, not to other women or anyone even though they are very close to him. Other people should not touch let alone use it, even by the husband himself, except with the pleasure and willingness of the wife.

d. dowry payment

- a. The prospective groom is obliged to pay a dowry to the prospective bride whose amount, form and type are agreed upon by both parties.
- b. The determination of the dowry is based on the principles of simplicity and convenience recommended by Islamic teachings.
- c. The dowry is given directly to the prospective bride and has since become her personal right
- d. The dowry can be submitted in cash and deferred and if the bride agrees, it becomes the debt of the prospective groom
- e. A husband whose wife's mental qobla al dukhul in a state of dowry is still repeated, then he is obliged to pay half the dowry that has been determined in the marriage contract. Likewise, if the husband dies qobla al dukhul then all the dowry that has been set becomes the full rights of the wife. In the event of a divorce with qobla al dukhul but the amount of the dowry has not been determined, then the husband is obliged to pay the dowry of the mitsil.

e. Dowry Dispute

- a) If the dowry is lost before being handed over, it can be replaced with money or other items of equal value.
- b) If the dowry is defective but the bride is willing to accept it, then the dowry is considered to have been paid off. However, if he refuses, then the groom must replace it with another

dowry that is not defective. As long as a replacement has not been submitted, the dowry is considered unpaid.

- c) Settlement of disputes regarding the dowry both regarding the type and value can be submitted to the religious court.

3.3. Marriage Agreement

In the Compilation of Islamic Law (KHI) it is determined that if desired, the two prospective brides can enter into a marriage agreement in two forms, namely taklik talak and other agreements.

a. Take divorce

Taklik Talak is an agreement that is said by the groom after the marriage contract which is included in the Marriage Certificate in the form of a promise of divorce which is hung on a certain condition that may occur in the future. The content of taklik talak must not conflict with Islamic law. Taklik talak is not mandatory, but once held it cannot be revoked. If the conditions required by taklik talak do occur at a later date, divorce does not fall automatically. But the wife must submit the matter to the Religious Court.

b. Another agreement

a) Definition

Is a written agreement made by the two prospective brides at or before the marriage takes place and is ratified by the Marriage Registrar (PPN) which contains the position of property in the marriage.

b) The contents of the agreement include:

Mixing personal assets and separating their respective livelihoods; determination of the respective authority to enter into mortgage bonds on personal assets and joint assets (syarikal assets). The agreement for the mixing of personal assets may cover all assets both brought by each in the marriage and those obtained by each during the marriage, and is only limited to personal property brought during the marriage. The making of a marriage agreement regarding the separation of joint assets does not eliminate the husband's obligation to meet household needs.

3.4. Settlement of Mahar Dispute (Tuor) In Religious Court (PA)

Regarding the dowry dispute in the Mandailing tribe, the author briefly reviews one of the cases regarding the dowry that has been submitted at the trial

Panyabungan Religious Court. In this case, the author proposes case number 192/Pdt.G/2010/PA.Pyb with the main case regarding divorce lawsuit which is combined with a lawsuit regarding the lack of dowry.

In the additional lawsuit (kumlasi) the Plaintiff filed a dowry lawsuit in the form of a dowry debt agreement made in a separate deed of agreement (underhand deed). One of the contents of the agreement is that the Defendant (husband) has owed a dowry of Rp. 2,000,000, - (two million rupiah) of the total amount of Rp. 4,000,000, - (four million rupiah). In addition, in the contents of the agreement the debt of the tutor will be repaid without a clear time limit or as long as customary.

In the trial process the Defendant (husband) acknowledged the existence of the agreement, but he was not willing to pay it off because the agreement was valid as long as the custom and besides the dowry mentioned in the marriage book was a set of prayer tools that had been paid in cash.

So based on the argument of the Defendant's rebuttal, the panel of judges considered that the agreement was not included in the dowry according to Islamic law, although in customary terms the words "dowry" were also used, what is meant by the dowry in a marriage according to Islamic law is the one mentioned during the implementation of the consent contract granted.

In this consideration the panel of judges also stated that although the Defendant also acknowledged the existence of the traditional dowry debt (Tuor) to the Plaintiff, formally the debts incurred under the customary law were not included in the authority of the Religious Court to settle it, in addition to the letter of agreement The written statement regarding the customary dowry debt does not contain clear and definite information regarding the due date for the settlement of the debt by the Defendant to the Plaintiff, except that it only states that it must be repaid as long as it is customary, therefore, the Plaintiff's claim regarding the customary dowry debt must be declared null and void. acceptable (Niet Ontvankelijke Verklaard).

From the description above, it can be understood that there are two provisions regarding tutor disputes, including the following:

1. If the dowry in question is still owed by an underhand or customary deed agreement and is not included in the marriage book as a dowry, it cannot be resolved or brought to justice in the Religious Courts. This refers to the absolute competence of the Religious Courts examine and adjudicate religious civil cases, while the customary agreement with the private deed is the authority of the General Court (State).
2. If the dowry is listed in the marriage book as a dowry owed, it can be settled in the Religious Courts, because it is universally an integral part of the authentic marriage certificate.

Based on these considerations, there needs to be a more in-depth and comprehensive study of the existence of the dowry and the resolution of the dispute in the Religious Courts. Because if the dowry is interpreted as a customary agreement, the settlement is not the competence of the Religious Courts, this will certainly cause new problems. Because normatively the Religious Courts are actually institutions that administer justice on a simple, fast and low cost basis. Of course, at least it will injure the meaning and substance.

According to the author, if it is associated with a marriage agreement as in the provisions described above. Then the dowry can be part of the agreement. So that when there is a dispute or divorce, it can be examined and resolved at the Religious Court. This will not only place the tutor's position as a law that grows and develops in people's lives (living law), it will also strengthen social institutions and institutions.

IV. Conclusion

The description above leads to the conclusions, namely:

1. That the dowry is part of the marriage custom of the Mandailing tribe, but in practices it has experienced a shift in value. Both from the substantive meaning and in its application. This is indicated by the practice that distinguishes between the marriage dowry to fulfill the provisions of the marriage and the tuor to fulfill the customary provisions.
2. Dowry is a gift from a prospective husband to a prospective wife based on simplicity and convenience. Although the delivery is carried out in cash, there is still an opportunity for the prospective husband to postpone part of the agreed dowry amount.
3. In the marriage agreement, it is very possible that the dowry is included in the category of gifts that can be paid not only in cash. Thus, disputes regarding dowry can become the authority of the Religious Courts.

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