

Giving Tuor At Mandailing Tribe Marriages Compilation Perspective Of Islamic Law In Mandailing Natal

Musa Aripin¹, Pagar², Watni Marpaung³

musahutajulu@gmail.com

pagar@uinsu.ac.id

watni_marpaung@yahoo.com

¹Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padangsidimpuan, Indonesia

²Universitas Islam Negeri Sumatera Utara Medan, Indonesia

³Universitas Islam Negeri Sumatera Utara Medan, Indonesia

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Abstract

The issue of tuor (the amount of money given by the groom to the bride upon the agreement of both families) in the Mandailing tribe is interesting to be studied. This is quite reasonable because the problem of tuor, on the one hand can actually make a number of marriage plans forced to be canceled. At the same time the majority of the Mandailing tribe are devout adherents of Islam. While Islam itself has the same concept as the tuor, namely dowry. Testing tuor at the application level is something that must be done to measure the extent of the phenomenon. On the other hand, measuring tuor conceptually is also needed to provide a complete view. The results showed that the tuor and dowry in the KHI have the same substance, namely the obligatory gift from the prospective husband to the prospective wife. However, the provision of tuor has advantages, namely the philosophy used in determining tuor. Holong (compassion) and Saanak Saboru (feeling that the groom's family has considered that the bride is their daughter and vice versa). Thus it can be stated that the determination of the amount of tuor will not burden the bridegroom, because the groom in giving tuor is motivated by affection, and at the same time the parents of the bride-to-be will also not ask for something that can burden the bridegroom

I. Introduction

The Mandailing tribe is relatively new to embracing Islam for the archipelago. However, the Mandailing tribe is a devout and religious society. At the same time, Mandailing people continue to maintain their customs and traditions. The teachings of the Islamic religion also strongly color the life of the Mandailing people. The traditional provisions were gradually shifted by the teachings of the Islamic religion so that almost all aspects of the life of the Mandailing tribe were colored by Islamic teachings, including the procedures for carrying out a marriage (B. H. Harahap & Siahaan, 1987). However, traditions that do not conflict with Islamic law are still preserved by the Mandailing tribe. One is the provision of *Tuor* by the prospective husband in a marriage.

Tuor is often perceived as a dowry in marriage among the Mandailing tribe. It is acknowledged that the perception of *tuor* as a dowry is popular among the general Mandailing community, and even some academic circles still have the same thought (Nasution, 2020). This is possible because several references and existing studies also tend to equate these two dictions.

Tuor is also known as *sere na lamot* or *sere na menek*. *Tuor* is money handed over to the prospective bride (Nasution, 2005). In its implementation, the ceremony is symbolically handed over to the bride's parents. However, in essence, *tuor* is the bride's right, so the parents are only entrusted to them temporarily (Parsadaan Marga Harahap Dohot Anakboruna, 2015). The *tuor* will later be handed back to the bride by the parents as household items at mealtime (when the bride leaves her parent's house after all the traditional processions have been carried out). Parents are considered to know more about the needs of girls, so the parents are entrusted with *Tuor* (Pulungan, 2018).

At the *Tuor* handover ceremony, the representative of the prospective husband hands over the *tuor* to the representative of the prospective wife, and usually, the person representing the bride is the Anak Boru group. After being handed over, the *Tuor* is counted and witnessed by everyone at the trial. Then, the child Boru gives the *tuor* to the biological mother of the prospective bride (Parsadaan Marga Harahap Dohot Anakboruna, 2015).

Then, it becomes a problem when there is no agreement between the families of the prospective bride and groom on the amount. It is not uncommon for a marriage to be canceled because the tuition fee is too expensive. This means that if the *tuor* length does not meet common ground between the families of the prospective bride and groom, the marriage will not take place. On the other hand, it also often happens that a marriage still takes place, even after going through a long negotiation process regarding the amount of the tuition fee.

LITERATURE REVIEW

Several related studies include Ikhwanuddin Harahap's dissertation at the IAIN Imam Bonjol Postgraduate Program in 2016 entitled *The Combination of Customary Law and Islamic Law in Marriage Traditions in South Tapanuli*. The research found that Islam was brought to South Tapanuli by the Padri from Minangkabau, North Sumatra. Islamic law influences all aspects of the South Tapanuli people's lives, including their beliefs and traditions. In the aspect of belief, the ideas of animism and dynamism are replaced by

monotheism. Meanwhile, in tradition, Islamic law influences and eliminates many parts of South Tapanuli customs. After Islam's arrival, the parts contrary to Islamic law were eliminated.

Muhammad Syukri Albani Nasution's dissertation at the IAIN North Sumatra Postgraduate Program entitled *Implementation of Marriage Law in the Mandailing Natal Muslim Community: Analysis of the Compilation of Islamic Law*. Research findings state that there is a tug-of-war for dominance between law and custom at the level of empirical reality. From at least six cases that were the focus of the research study, starting from matchmaking, tour, Malangai marriage, kafaah, joint property, and Hashanah, researchers concluded that sometimes law dominates custom or vice versa, custom dominates law and law and custom at the same level as words. In others, no one dominates.

Pohan Muslim Journal in the *Al-Ahwal* journal 2017 entitled *Marriage of the Family of the Mandailing Batak Migrant Community in Yogyakarta*. The findings show that intermarriage is a form of prohibited marriage because it is considered the same as consanguineous marriage. However, this basic concept then changed due to several factors. These factors are religion, economics, education, contemporary developments, and a lack of understanding of native culture. The religious factor is believed to be the most dominant factor causing this change.

2. Research Method

This research focuses on a descriptive description of the *Tuor* implementation carried out by the Mandailing community. On the other hand, the research carried out is field research. The approach taken in this research is an empirical juridical approach. Empirical juridical research is legal research that uses primary data sourced from the field (Soekanto & Mamudji, 2003). Empirical juridical research focuses on laws implemented and applied to a group of people, not laws written in statutory regulations (Wignyosoebroto, 2002).

Through an empirical juridical approach, this research tries to bring to the surface the phenomenon of enacting a law in a society. The description and analysis of this legal phenomenon are essential, considering that the Mandailing tribe is a tribe that combines Islamic traditions and teachings, customs, and worship with the slogan "ombar do adat dohot ibadat." At the application level, it does not rule out the possibility of a paradox or clash between custom and Islam because it must be acknowledged that both custom and Islam each have different provisions, specifically in this research related to the existence of *tuors* in marriage.

The theories used to dissect problems related to *tuor* are general and specific. The general theory is used to study social and legal change. This is intended to provide an overview of existing phenomena from a general legal perspective at the application level. In particular, the issue of *Tuor* uses the concept of dowry in the *Compilation of Islamic Law (KHI)* to address the issue at the conceptual level.

3. Results and Discussio

Tuor Conceptually

Tuoris is often perceived as a dowry in the context of marriage among the Mandailing tribe. It is acknowledged that the perception of *tuor* as a dowry is popular among the general Mandailing community, and even some academic circles still have the same thought (Nasution, 2020). This is possible because several references and existing studies also tend to equate these two dictions.

To deepen the data about *Tuor*, the author interviewed parties who understand *Tuor*, including an interview with the chief executive of Mandailing Customs and Culture. The information he conveyed was as follows (Payungan Pulungan Gelar Mangaraja Pinayungan Pulungan, 2023):

Muda in Indonesian idokon ma on mahar muda bahasa Mandailing na idokon ma on tuor. Tuor ataupe mahar ima on pangoli ni boru na di oli. Tuor on kewajiban ni anak boru. The diction of dowry in Indonesian is the same as tuor in Mandailing. Tuor is oil (Parinduri, 2020) from the bride. Tuor is the obligation of the prospective groom.

Information about *tuor* is not enough just from the perspective of traditional leaders. The explanation about *tuor* will be more comprehensive by including explanations from religious figures. The following is an excerpt from the author's interview with religious figures in Mandailing (Nasir, 2023):

Mahar dohot tuor na bana mai, dohot inda adong be other terms for members of the Ita area on (Mandailing) mandokon dowry besides tuor. The adaboru's absolute right to dowry. Dowry and tuor are two the same thing. Moreover, there is no term for dowry other than tuor in the Mandailing area. Dowry or tuor is the absolute right of the future wife.

Tuorin the Shadow of Social Change

Social change experienced by a community group is inevitable. The changes experienced by this community group also target values thought patterns, and behavior (Soekanto, 1984). Social change, like it or not, will affect various aspects of people's lives, including practice in the field of law, including customary law, Islamic law, and national law (Faisol, n.d.). Changes in a society's perspective regarding its social system, values , and attitudes caused by several factors are the meaning of social change (Faisol, n.d.).

Such social changes have occurred in some Mandailing tribal communities, whether they realize it or not. The philosophical values of the Mandailing tribe, which form the background in greetings and actions for people of this tribe, seem to have been eroded in such a way. They seem to have lost their identity as accurate Mandailing figures; in other words, Mandailing people seem to have lost their hamandandailingon. The philosophical values inherited from the ancestors are only preserved in books and writings that discuss Hamandailingon; only a tiny percentage of Mandailing people still understand the philosophical values of their identity.

Empirical evidence that strengthens the statement above is the failure of plans to implement a marriage due to problems with the size of the *tuor*. In fact, in giving *tuor* it

is not the magnitude, but in giving *tuor* it is the feeling which is the frame and basis of the giving of *tuor*. Referring to the traditional rules of the Mandailing tribe, the handing over of a *tuor* must be framed by a sense of *holong* (affection) and a sense of *saanak saboru* (considering that other people's children are like their own children). If giving the *tuor* prioritizes a sense of *holong* and *saanank saboru*, then determining the amount of the *tuor* value will be more straightforward. The concrete thing is that the women will be proud regardless of the number of *tuors* the men give. On the other hand, men will try to guide the maximum possible measure.

So that pragmatism in determining the *tuor* can be avoided. What is meant by pragmatism is that the woman mentions the amount of tuition is pretty high nominal to the man. The aim of the *tuor* is also used for other purposes, such as reception costs. On the other hand, the amount of *tuor* is also adjusted to the woman's profession and educational background (Risa & Amri, 2021) even the woman's family status (Harahap & Mafaid, 2020). Conditions like this can ultimately become a process that hinders or even prevents plans to implement a marriage.

Social change is something that usually occurs in a group of people. These social changes occur for several reasons, both internal and external. The internal causes originating from society are the increase or decrease in population, discoveries, conflicts in society, and revolutions. At the same time, external causes are the natural environment, war, and the influence of other cultures. The author considers that the changes in the Mandailing tribe are more due to external factors. In this case, the author considers that contact with other cultures makes some people in the Mandailing tribe seem to lose their identity and forget their true selves. Even on a macro scale, the author considers that tribes in the archipelago are also vulnerable to the problem of loss of identity as a result of quite intense contact with foreign cultures. At the same time, tribes in the archipelago tend to consider other cultures to be superior. The further consequence is the emergence of a sense of inferiority among the nation's children when they practice their own culture.

The statement that some Mandailing people seem to have lost their identity becomes increasingly logical when connected with developments in information technology. Having a gadget or smartphone is currently a fairly basic need. Every individual is almost sure to have a gadget. Each individual's ownership of gadgets makes information seem to have no distance. Information, on the one hand, and individuals, on the other hand, seem to have no barriers and boundaries.

Owning a gadget is not a problem. However, new problems arise if gadget holders do not have philosophical life values that can be used as filters and guidelines. Such conditions will easily negatively influence the individual concerned, like some Mandailing people not understanding and even forgetting the basic principles of the identity of the Mandailing tribe themselves. This condition is vulnerable to external cultural influences, namely a culture that does not rule out the possibility of being different and even contradictory to the philosophy of the Mandailing tribe. This is accelerating because foreign culture is easily accessible. With a different diction, it can be stated that social change in society will occur more quickly in groups of people who frequently interact with other groups (Soekanto, 1984), and on the other hand, as mentioned, this society has also forgotten the philosophy of its original identity.

Every change may have an impact on a society. A change necessitates new things, shifts old habits, and does not rule out the possibility of friction or conflict in social relations, whether between individuals, groups, or communities. Therefore, new norms that can accommodate these changes are needed (Raharjo, 2009). Another alternative is a concrete effort to socialize and reinforce old values and rules because they are considered better and relevant.

Continuously socializing the noble values of an ethnic group is necessary amidst the onslaught of foreign values that may be irrelevant to the values of the ethnic group's children. Top-down efforts must continue to be carried out based on solid political will from those in power to continue to maintain the noble values of the ethnic group. In this regard, the author considers that Madina's regional government (Pemda) has not made the maximum effort. Especially in this case, the values related to *tuor*. Local governments can embrace community leaders, both religious and traditional leaders, to take synergistic steps. The steps taken are measurable so that evaluations can be carried out to maximize the results.

Synergy steps that can be taken between the regional government and community leaders include holding traditional Mandailing tribal arts festivals on an ongoing basis at the general and school levels, including subjects mandating culture at every level of education and even providing an adequate portion of meeting hours and providing honorariums to traditional leaders who contribute directly to society and others.

Furthermore, law and social change are two entities that cannot be separated. Satjipto Raharjo explained that law has an important role when social change occurs. Social changes that occur in society may cause friction, which can lead to conflict or new problems (Raharjo, 2009). The amount of tuition for the Mandailing tribe has not yet resulted in the permanent emergence of new problems. This means that the amount of the *tuor* can give rise to problems in one case, but in other cases, it is not a problem. In other words, the *tuor* issue is casuistic. However, if this problem does not receive serious attention and treatment, the problem of *tuor* amounts may become a snowball that will continue to roll and get bigger and become a permanent problem. So preventive measures must be taken so that the problem does not get more extensive and is easier to handle.

According to Dror, as quoted by Ahmad Ali, an important indicator that can be used to reference is that there has been an imbalance between law and social change when society no longer obeys existing legal provisions. Indications of this imbalance are starting to be found in several cases, namely the failure of a marriage to be implemented due to the lack of common ground in determining the amount of tuition. The author's response to this differs from Maitreem's, who tried to change the law to eliminate this imbalance. The author is more concerned with providing ongoing understanding and outreach to the community. In this problem, the imbalance between law and social change is not caused by irrelevant laws. The problem of this imbalance is more about people's understanding of the law, which is increasingly minimal and diminishing. Therefore, preventive efforts and actions, both top-down and bottom-up, must be carried out continuously. The local government, traditional leaders, and community leaders, including religious leaders, must take a synergistic role so that the problem of tuition fees does not get bigger.

Several factors may influence the process of social change. These factors can be divided into driving or supporting factors and inhibiting or hindering factors. Among the factors driving social change are contact with other cultures, education systems, tolerance for new things, open stratification, heterogeneous populations, and dissatisfaction with specific areas of life. On the other hand, the driving force of these factors can be reduced due to inhibiting factors, such as a lack of relationships with other communities, late developments in science, exclusive attitudes of society, and so on (Ali, 2011).

Almost all of the driving factors above are found in the Mandailing tribe community. The Mandailing people are a tribe with an open character. A strong indication of this statement is the discovery of several immigrant tribes living in the Mandailing area, for example, the Minang, Javanese, and even people from Arab and Indian nations. On the other hand, geographically, it is also possible for the Mandailing tribe to interact with surrounding tribes because of its location, which borders directly with these tribes, such as the Minang tribe and the Malay tribe.

The Mandailing tribe is one of the ethnic groups that was among the first to become familiar with the world of education. Willem Iskander (2010) is one of the educational figures in this area and a national figure in education (Ridwan, 2016). Apart from that, since the beginning of independence, the Mandailing region gave birth to figures at the central level who were involved in national and military politics. For example, Adam Malik was the second president of the Republic of Indonesia, and General Abdul Haris Nasution served as Commander of the Indonesian National Army.

The Mandailing tribe is relatively responsive to new things, for example, at a banquet at a wedding. The reality is that many buffet meals are held, something new in the Mandailing tribe tradition—entertainment by bringing in keyboards by changing Qasidahan or *Gordang Sambilan*.

For the reasons mentioned above, it can be stated that the driving reasons for a change in the Mandailing tribe were fulfilled. Thus, social change in the Mandailing tribe is a condition that can occur.

At the same time, social changes in a community can be analyzed using various theories. One theory used is to analyze social change by looking at aspects of the results of social change (Sztompka, 2008).

Form the process of social change.

A process of social change will become visible if it is examined in depth. The process of social change can lead to a specific goal, or it can also be directionless. Purposive social processes are processes of change that are irreversible and often cumulative (Sztompka, 2008).

Undirected processes of social change are of two types—first, it is a purely random, chaotic process with no discernible pattern. For example, there is an uproar in the chaos of a revolution or the process of mobilization and democratization in a social movement. Second, the ongoing social process follows a recurring pattern that can be seen or at least qualitatively almost resembles the previous stage. For example, a series of economic developments and recessions, economic developments and stagnation (Sztompka, 2008).

Examining the tuor phenomenon in the Mandailing tribe in particular and social

change in the Mandailing tribe in general, the author analyzes that the changes that occur in this tribe are more about social change, which is classified as social change that does not lead to social change. Namely, social change that occurs slowly and does not lead to one point. Several arguments can be put forward to strengthen this analysis, including that the Mandailing tribe used to go down to the rice fields together. The current reality of such togetherness activities is no longer found. In principle, a wedding reception is a shared responsibility within the Dalihan Natolu kinship (Kahanggi, Anak Boru, and Mora); in the current context, this responsibility is entirely borne by those who have the intention (Suhut). The function of *tuor* for the Mandailing tribe is to buy necessities (assay) to start a new life. In current conditions, *tuor* is often used to finance wedding receptions.

Conditions like the above do not occur evenly among Mandailing people. This condition only applies to specific groups. The group in question are people who do not understand the philosophical values inherited from their ancestors, known as *hamandalingon*. Different conditions will be found in groups of people who still understand *hamandailingon*. People in this group still practice *tuor* according to traditional rules.

An adage that illustrates that society and law have a relationship and interdependence is *Ubi socius ibi ius*. E. Adamson Hobel and Karl Lewellyn stated that among the functions of law is to maintain the integrity of society (Raharjo, 1983). Meanwhile, for several experts, the law is interpreted as a rule that functions as a tool of social control. The law does not need to change before changes occur in other elements, so the law adapts to changes in other sectors. Hugo Sinzheimer stated that new legal changes are necessary if a gap is found between circumstances, events, and societal relationships and the laws regulating them (Ali, 2011). In other words, if the laws and regulations that apply in society are deemed no longer relevant to current conditions, then changes to the law are necessary.

The relevance of a law is a condition that requires a more in-depth explanation accompanied by logical evidence. The author believes the rules regarding *tuor* found in the Mandailing tribe are still relevant provisions. The argument that can be given is that the practice of *tuor* by the rules is still applied to the Mandailing community, which understands customary rules. Giving *tuor*, framed with a sense of *holong* and a sense of *saanak saboru* is a natural and genuine one that belongs to the Mandailing tribe.

They are guided by the two things above, namely the feeling of *holong* and the feeling of *saanak saboru*, determining the *tuor* will run quickly and smoothly. At that moment, the sacredness of a marriage will be clearly illustrated. People who fully understand these two things still implement the process of determining the amount of tuition as appropriate. On the other hand, people who understand customs believe that the traditional rules made by their ancestors are suitable for their social life. So doing so can provide benefits for the new couple.

Different conditions are found in the Mandailing community who do not understand customs. People who do not understand customs often practice implementing *tuor* not by proper customary rules. His attitude that emerged was pragmatism. Pragmatism means that the woman's parents take advantage of the situation materially and immaterially. Materially, for example, a woman's parents buy gold for the

daughter to use. Buying a daughter something like gold is the parents' obligation, provided they can do so. If the prospective bride does not have the ability, the parents do not need to force themselves. Immaterially, for example, the woman's parents use the tuition to finance the wedding reception to improve the social status of the woman's family.

In such conditions, a gap will ultimately arise between the rules on the one hand and community practice on the other. In other words, the rules regarding *tuor* do not function as they should. This happens because people do not understand the principles related to determining the amount of tuition as they should. If a society does not understand existing principles, it does not rule out the possibility of doing something deviant.

***Tuor* in the KHI Perspective**

Tuor diction is not found in the Compilation of Islamic Law (KHI); the diction KHI uses is dowry. *Mahar* and *tuor* have the same substance: a mandatory gift from the prospective husband to the prospective wife. In article 30, KHI states that the prospective groom must pay a dowry to the prospective bride in the amount, form, and type agreed upon by both parties. The critical point in this article is that the amount of a dowry is based on the agreement of both parties. This means that the agreement on the amount of dowry must be based on the parties' willingness and far from any element of compulsion, especially in this case, the prospective groom. KHI article 31 further explains that the determination of the dowry must be based on the principles of simplicity and convenience by religious recommendations. The next point in determining the dowry is that it contains elements of simplicity and convenience and should not burden the parties entering into a marriage (M. S. A. Nasution, 2020).

Referring to the basic philosophy of the Mandailing people, which states that *holong dohot domu*, *holong manjalahi domu*, *domu manjalahi holong*, it can be interpreted that all the actions and actions of the Mandailing people are based on love and compassion (P. Nasution, 2005). This is understood from the basic philosophy of the Mandailing people, namely love and unity; love will form unity, and at the same time, unity is framed by a sense of affection. With such a philosophy, determining the amount of the *tuor* will be far from being materialistic, and it can be stated that determining the amount of the *tuor* will not be a burden on the prospective groom and at the same time, the prospective bride will also not ask for something that could burden the prospective groom.

Based on the description above, it can be stated that the fundamental value of the dowry conceptualized in the KHI is total convenience and simplicity. The same thing also underlies the provision of *tuor* in the Mandailing tribe. It can even be stated that conceptually, the issue of *tuor* in the Mandailing tribe will be much more straightforward than the concept of dowry in the KHI. This is possible because the basic philosophy of giving *tuor*, as mentioned, is love. If an action is based on love, then nothing is challenging to do. Through the concept of affection in giving *tuor*, it can be stated that giving *tuor* in Mandailing ethnic marriages has a more spiritual dimension. So that the marriage carried out will have a more sacred nuance. With such conditions, it is hoped that the marriage will be more resistant to facing the problems that will arise. In turn, existing marriages

will avoid divorce, and achieving a harmonious family will become confident.

The following philosophy relevant to the context of providing *tuor* is the *saanak saboru* philosophy, which means that every Mandailing person adheres to the principle that other people's children should be likened to their biological children (Nasution, 2005). In other words, the treatment of other people's children must be the same as that of one's children. Thus, for a man who wants to propose to a girl from the Mandailing tribe, the girl's parents will treat the man who wants to propose to their daughter as they would treat their son. So, it becomes logical that the woman's parents will not burden the man's family. Thus, it can be stated that *tuor* is in line with the philosophical values of dowry in KHI, namely, based on convenience and simplicity.

Problems will arise when people no longer adhere to the philosophical values inherited by their ancestors. A society's understanding of traditional values has been eroded in such a way. It must be acknowledged that the increasing loss of local wisdom in almost every tribe in the archipelago is a national problem. So, the same problem could happen to the Mandailing tribe. The issue of shifting the implementation of traditional values is a separate problem that requires a sociological approach, with the hope that this problem can be resolved proportionally.

Using current conditions as a reference in providing *tuor* in Mandailing ethnic marriages does not rule out the possibility that it will conflict with the principles established in the KHI. The basic principles governing dowry giving are agreement, simplicity, and convenience, as explained in articles 30 and 31 of the KHI.

Regarding the concept of agreement, the basis of the agreement is far from any element of compulsion. The form of agreement accompanied by compulsion can be illustrated by the groom's attitude of agreeing to the request of the bride's family but with a debt system. This means that the agreed amount of tuition will be paid to the bride's family when the groom has the financial means. The nuance of this compulsion can be seen clearly.

The above reality can be stated to conflict with KHI. This is marked by the actions of the prospective groom, who can take on debt. This condition shows that the amount of the agreed dowry has exceeded its limits. In other words, determining the dowry is a unilateral agreement, as mentioned in the case above. This one-sided agreement occurs because the bride's family tends to ask for something that, financially, is a nominal amount that the prospective groom cannot fulfill. Evidence that can explain this is the situation of the prospective bride and groom, who have to owe money to other parties or pay tuition directly to the woman's family.

The phenomenon mentioned is contrary to the principles of simplicity and convenience. In this context, a prospective groom must go beyond his limits when he strongly desires to marry a woman. This strong desire can make a person capable of doing anything that might violate something appropriate.

In the context of determining the amount of the *tuor* value, which is relevant to the concept of simplicity and convenience, the agreed *tuor* is by the limits of a prospective groom's ability, and he must not pay a *tuor* amount that he cannot afford or is beyond the limits of his ability (Nasution, 2020). So, a prospective groom does not have to look for debts or be in debt to the prospective bride's family. A candidate for the head of a man who is getting married who seeks debt or is in debt to the family of the prospective bride

is a particular irony in the implementation of *tuor* in Mandailing tribal marriages.

However, in determining the amount of the *tuor* value conceptually, there is room for the parties to carry out consensus deliberations. Deliberation to reach a consensus in determining the tuition can be agreed upon by the parties without any compulsion and framed with a sense of honor (Nasution, 2020). This should be an essential note for people directly involved in determining the amount of tuition. If this concept is forgotten, it does not rule out the possibility that determining the amount of *tuor* will be something that is not easy and difficult.

Dowry, as conceptualized in KHI, is not a requirement or harmony in a marriage, so marriage is still considered valid even without a dowry. This is explicitly stated in article 14 of the KHI regarding the pillars of marriage, namely "the future husband, the future wife, the guardian, two witnesses, and the consent." In KHI's explanation, KHI further emphasized that dowry is not one of the pillars of marriage; however, giving dowry must be carried out. This is explained in Article 34 KHI paragraph (1), which states "that the obligation to give a dowry is not a law in marriage."

Even though the dowry is not part of determining whether a marriage is valid or not, the status of the dowry is essential in a marriage. This gift in the form of a dowry is mandatory and is the absolute right of a woman who will become a wife (Harijah, 2016). The same thing also applies to the *tuor* status. This means that the status of *tuor* in the Mandailing tribe must be given, but if it is not, it does not make a marriage invalid. This means that the absence of a *tuor* does not mean a marriage is invalid.

Digging deeper into the study of *tuor*, it can be seen that the status of *tuor* is slightly different from that of dowry. A dowry is only a sign of affection from a man who is a future husband to a woman who is a future wife. This means that the form of affection in the dowry concept is only one way: from the man who is the future husband. This assessment is quite reasonable if viewed using objects used as dowry, which is more about use by an individual wife. In contrast to *tuor*, the *tuor* given by the prospective husband to the prospective wife is traditionally in the form of assay (household equipment), where the wife and husband can use these items collectively. So it can be stated that the status of *tuor* in marriage is a natural form of affection between both parties, namely the prospective husband to his wife and, at the same time, the prospective wife to her future husband.

Regarding the amount of the dowry, KHI in article 31 explains that the dowry is determined based on the simplicity and convenience recommended by Islamic teachings. The content of the article also feels partial. This means that determining the amount of the dowry is still one way, even though the previous article, namely Article 31 of the KHI, states that the dowry is an agreement between both parties.

Determining *tuor* in the Mandailing tribe is conceptually more comprehensive than dowry in the KHI. The giving of dowry in KHI is more oriented towards the future wife, namely that the dowry is a unilateral sign of affection from the prospective husband, as previously mentioned. Meanwhile, conceptually providing *tuor* has advantages, namely in providing *tuor* to the desires and needs of both parties. Thus, the *tuor* conception is oriented towards both parties simultaneously. This is possible based on two considerations. First, the philosophical basis for giving *tuor* is a sense of help, namely compassion. On this side, simplicity and convenience determine the bride's *tuor*.

Meanwhile, on the other hand, in handing over the *tuor*, the Mandailing people will try to give something special and unique due to the groom's feelings of respect.

Second, from the prospective wife giving equal treatment to the attitude of her future husband, namely that the husband has given something special, then the treatment given by the prospective wife is in the form of utilization of the *tuor's* goods enjoyed by both parties together and guarded by in such a way. This means that the future husband also takes advantage of the guidance he has given to his future wife. This is different from dowry, which tends to be enjoyed personally by the wife.

The author tends to agree more with the concept of *tuor* in the concept of marriage in the Mandailing tribe rather than the concept of dowry in the KHI. Apart from the reasons above, the author also considers that the concept of *tuor* is closer to the foundation of marriage itself, namely that marriage is built based on an unusual contract, a contract known as *ميثاقا غليظا* (Rofiq, n.d.).

The *ميثاقا غليظا* contract is interpreted as a firm contract or a noble agreement. In the Qur'an, the word *ميثاقا غليظا* is only found in three places, namely: first, in QS al-ahzab 33:7. The word *ميثاقا غليظا* in this verse is used to indicate God's covenant with several prophets. Second, in QS al-nisa' 4: 154. The word *ميثاقا غليظا* in this verse is used to indicate an agreement with the Jews. Moreover, third, namely in QS al-nisa' 4: 21. The word *ميثاقا غليظا* in this verse is used to indicate an agreement that is realized in a marriage (K. Nasution, 2004). Allah's Word in QS al-Nisa' 4: 21:

وَأَخَذْنَ مِنْكُمْ مِّيثَاقًا عَلَيَّ...يَظَا

Meaning: ...And they (your wives) have taken from you a firm covenant

The use of the word *ميثاقا غليظا* in several verses means that these contracts are not ordinary contracts. The verses above indicate that a contract labeled with the use of the word *ميثاقا غليظا* is a particular contract and a firm contract. The unique features of the contract can be from the subject side and also from the object side.

The specialty of this contract in terms of the subject can be seen that the *ميثاقا غليظا* contract is a contract made by Allah with selected human figures, namely the Prophets and Apostles. In terms of object, God's agreement with the Jewish people was the content of a solemn agreement; in other words, the agreement had severe consequences (K. Nasution, 2004). So it can be stated that the event referred to as the contract called *ميثاقا غليظا* is not a random event, but the event is something extraordinary. So, because this event is something extraordinary, it must begin with a foundation or, in this case, a firm, sturdy, holy, and majestic contract.

One of the events labeled with the *ميثاقا غليظا* contract in the Qur'an is marriage. The contract that occurs in marriage is no different from the contract that occurs between God and the Jewish people, namely an agreement that is very serious and heavy, meaning that if the agreement is ignored and treated as a joke, it will have an extraordinary impact. So, in responding to an event that is based on the *ميثاقا غليظا* agreement, total compliance will be required.

The connection between *ميثاقا غليظا* and dowry means that dowry cannot be considered something ordinary or, in the KHI language, something simple and easy. In other words, when *ميثاقا غليظا* is connected with a dowry, then what emerges is something unique, extraordinary, and prestigious. Thus, dowry is the most memorable and prestigious thing a prospective husband can give. A prospective husband who gives a

dowry to his prospective wife must use his highest and maximum abilities, and in the end, such an attitude will receive a commensurate response from his prospective wife, namely complete acceptance with sincerity and sincerity.

Giving a prospective husband the best thing he has will be reciprocated by a woman's willingness to live together in a new household. A woman who becomes a wife will work hand in hand with her husband to build a new household with complete willingness. Moreover, the wife and husband will try to create a household filled with heavenly decorations, namely, "My home is heaven."

At the same time, when the prospective wife sees the prospective husband's seriousness, namely giving a dowry that is not ordinary, the prospective wife will be willing to leave the parents and family who raised her. People who make him comfortable because of their love and affection. She then moved on and lived with a "foreign" man who would become her husband.

Leaving the people you love cannot be considered an ordinary event. A wife needs confidence that leaving the people she loves and loves is the right decision. This trust can be built from a candidate's attitude towards the dowry he will be given. So, there is no other choice but for a prospective husband to give the best dowry he can afford.

The above is in line with the practice of giving a dowry given by the Prophet Muhammad when he married Sayyidah Khadijah bint Khuwailid. The dowry the Prophet gave when he married Khadijah was 20 young camels and 12 uqiyah (ounces) of gold (Antonio, 2007). The camels given by the prophet were the best camels of his time. If it is relevant to the current context, the price of a high-quality camel can reach Rp. 50,000,000.00. So, the dowry the prophet Muhammad gave when he married Khadijah was equivalent to Rp: 1,000,000,000.00, a fantastic number.

Thus, it can be seen that the marriage that will be formed is truly sacred because it is built on a unique, holy, and solid foundation, namely marriage as conceived in Islam. The first step towards marriage's gates is giving the best dowry or *tuor* that the prospective husband can give.

4. Conclusion

The research results show that the *tuor* and dowry in the KHI have the same substance: mandatory gifts from the prospective husband to the prospective wife. However, giving *tuors* has advantages, namely the philosophy used in determining *tuors*. *Holong* and *kin saboru*. Thus, it can be stated that determining the amount of the *tuor* will not burden the groom, because the groom in giving the *tuor* is driven by love, and at the same time, the prospective bride's parents will not ask for something that could burden the prospective groom. On the other hand, the research results also provide a reconstruction of the understanding of dowry in KHI, which is synonymous with simplicity and convenience. The study of *tuor* provides a complete view of the meaning of dowry. Determination of appropriate *tuor* and *Saboru* relatives will feel closer to the principle of marriage known as the contract *ميثاقا غليظا*. Namely, a firm contract and a noble agreement. In other words, something related to marriage is unique and unique, including the issue of the dowry.

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