

Customary Fines for Broken Marriage Promises: The *Dendo Tudung Malu* Sanction in Kedepatian Tigo Luhah Semurup, Kerinci

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Abstract

Dendo Tudung Malu is a customary fine imposed on a party who unilaterally breaks a marriage promise (*khitbah*) in Kedepatian Tigo Luhah Semurup, Kerinci, Jambi. Islamic jurisprudence treats betrothal as a non-binding promise, whereas local custom attaches binding sanctions to its cancellation. This study examines the considerations underlying the fine, the procedure for imposing it, and its standing in Islamic family law. A qualitative descriptive field study was conducted in March and April 2025 through observation, interviews, and documentation involving customary leaders (*depati*), customary guardians (*tengganai*), a religious leader, people who had paid the fine on the male and female sides, and a community leader. The fine rests on five considerations: material loss, moral harm and restoration of reputation, customary norms as social control, deliberation among customary leaders, and justice based on the party who cancels. It is set through a four-stage deliberation at nine *kayu* of cloth (IDR 22,500,000). The practice largely meets the criteria of valid custom (*'urf shahih*) and protects property and honour, but the automatic double return imposed on women, the subjective valuation of shame, and the lack of written records require reform.

Dendo Tudung Malu merupakan denda adat bagi pihak yang membatalkan janji pernikahan (*khitbah*) secara sepihak di Kedepatian Tigo Luhah Semurup, Kerinci, Jambi. Fikih memandang khitbah sebagai janji yang tidak mengikat, sedangkan adat setempat memberikan sanksi yang mengikat atas pembatalannya. Penelitian ini mengkaji dasar pertimbangan, prosedur, dan kedudukan denda tersebut dalam hukum keluarga Islam. Penelitian lapangan kualitatif deskriptif dilakukan pada Maret dan April 2025 melalui observasi, wawancara, dan dokumentasi dengan depati, tengganai, tokoh agama, pihak yang pernah membayar denda dari sisi laki-laki dan perempuan, serta tokoh masyarakat. Denda ini didasarkan pada lima pertimbangan: kerugian materiil, kerugian moral dan pemulihan nama baik, norma adat sebagai pengendali sosial, musyawarah tokoh adat, dan keadilan berdasarkan pihak yang membatalkan. Besarannya ditetapkan melalui musyawarah empat tahap, yaitu sembilan kayu kain (Rp22.500.000). Praktik ini sebagian besar memenuhi kriteria *'urf shahih* serta melindungi harta dan kehormatan, tetapi pengembalian dua kali lipat oleh perempuan, penilaian rasa malu yang subjektif, dan ketiadaan pencatatan tertulis perlu dibenahi.

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A. Introduction

Betrothal (*khitbah*) is the declaration by a man, or by his family, of the intention to marry a particular woman, conveyed to her and to her family. In Islamic jurisprudence it is a preliminary step towards the marriage contract rather than a contract in its own right. It therefore creates no rights and obligations of the kind that arise from a valid marriage, and the prospective spouses remain strangers

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to each other in legal terms (Muzammil, 2019; Pamula et al., 2025). Jurists agree that either party may withdraw from a betrothal and that no obligatory legal sanction follows from withdrawal. At the same time, breaking a promise is morally condemned in Islam, and a cancellation without a valid reason can cause real losses to the party who is left behind (Putri et al., 2024). Recent studies of modern betrothal practice note that gifts exchanged before the contract, engagements arranged through social media, and cancelled proposals have made the status of betrothal more contested than the classical rule suggests (Pamula et al., 2025).

Indonesian state law addresses the same problem from a different angle. The Civil Code states that a promise to marry does not give rise to a claim to enforce the marriage, but the courts have repeatedly treated a unilateral breach of a marriage promise as an unlawful act under Article 1365 when it violates norms of propriety and causes loss (Cynthia & Hadiati, 2024; Sugandi & Fathoni, 2023; Yuliana et al., 2025). Recent analyses of court decisions show that victims can recover material and, in some cases, immaterial losses (Pebbri & Munandar, 2025; Siregar & Adlhiyati, 2025), although the amount of immaterial compensation is left to the judge's assessment (Pulungan et al., 2025). Some scholars argue that a promise that fixes the date and place of the wedding binds the parties under the principle of *pacta sunt servanda* (Nurfitriah, 2023). Similar debates have taken place in Malaysia, where the Syariah courts and the civil courts differ on whether costs, gifts, and damages for humiliation can be recovered after a broken engagement (Mohd et al., 2024; Tajuddin & Gunardi, 2024).

A third normative order operates alongside fiqh and state law. In Indonesia, Islamic law coexists with customary law (*adat*), and family matters are often governed in practice by norms that neither the state nor the jurists have codified (Butt & Lindsey, 2018; Tamanaha, 2021). Studies of marriage in South Kalimantan and North Toraja show that communities navigate between Islamic, customary, and state norms and that conflicts are often resolved through customary channels rather than in court (Akbar & Laman, 2025; Hanifah et al., 2026). The recognition of "living law" in Article 2 of the 2023 Penal Code has renewed discussion of the standing of customary norms and sanctions within the national legal order (Fathurokhman et al., 2026; Putra et al., 2026; Valerina & Rismana, 2024). Customary sanctions connected with marriage are therefore not marginal curiosities. They are part of the way in which many Indonesian Muslims experience the law.

The Kerinci people of Jambi Province provide a clear example of this interaction. Their customary system has long been intertwined with Islam, and marriage matters are supervised by the *tengganai*, the customary guardians of a family or clan, under the authority of the *depati*, the customary heads of a *kedepatian*. In Sungai Penuh, written approval from a *tengganai* has become an informal requirement for marriage registration (Lubis et al., 2023), and in other Kerinci villages customary fines (*budendo*) and wedding traditions continue to regulate marriage alongside Islamic and national law (Khusairi et al., 2026; Madani et al., 2025). In Semurup, the path towards marriage begins with *magih tau*, a formal customary proposal at which both families meet before customary leaders and agree on the betrothal gifts (*cihi*), the engagement token, and the wedding plan. Once *magih tau* has taken place, the community regards the couple as socially bound, and both families consider themselves morally obliged to keep the promise.

When such a promise is broken, the custom of Kedepatian Tigo Luhah Semurup imposes *Dendo Tudung Malu*. The term combines *dendo* (fine), *tudung* (cover), and *malu* (shame), so that the fine literally serves to cover the shame of the party who has been abandoned. If the man breaks the engagement, all the gifts he has given become the property of the woman and he must also pay *Dendo Tudung Malu* to her family. If the woman breaks it, she must return the man's gifts at twice their value and pay *Dendo Tudung Malu* to the man's *tengganai*. The amount is not fixed in advance but is decided through deliberation among the *tengganai* and customary leaders, and their decision binds both parties. The practice thus turns a promise that fiqh treats as non-binding into a socially enforceable commitment.

Previous studies of customary sanctions for broken betrothals fall into two broad groups. The first group regards such sanctions as compatible with Islamic law. Studies of the *hatobangon* decisions on broken marriage promises in Pasar Simundol, North Sumatra, and of the binding payment (*duit pengikat*) in South Barito classify these practices as valid custom (*'urf ṣaḥiḥ*) because they protect the injured party and deter harm (Aritonang & Purba, 2023; Suriadi et al., 2023). Village sanctions against

marriages concluded during the waiting period (*'iddah*) have likewise been accepted as valid custom because they deter violations and protect the honour of the community (Lubis & Nasution, 2024), and a normative study accepts the double return of gifts by a woman who withdraws as a discretionary penalty (*ta'zir*) for breach of promise (Putri et al., 2024). The second group is more critical. Field studies in West Sumatra and East Java show that some customary marriage rules have no basis in the sacred texts, are resisted by community members, or impose disproportionate burdens, and they classify such rules as corrupt custom (*'urf fāsīd*) (Arif et al., 2025; Mariani & Zulkifli, 2024; Sukma & Rahmi, 2023), while a study in Pangkep shows that cancellations after betrothal carry social consequences that formal law does not address (Zulkifli et al., 2023). What remains missing is a study that examines a betrothal fine in Kerinci by combining field evidence on how the fine is decided with an integrated assessment based on *'urf*, the objectives of Islamic law (*maqāṣid al-shari'ah*), the Compilation of Islamic Law (KHI), and state law, and that pays specific attention to the gendered rule of double return.

This study addresses that gap. It asks three questions: (1) what considerations underlie the imposition of *Dendo Tudung Malu* in Kedepatian Tigo Luhah Semurup; (2) through what procedure is the fine determined and implemented; and (3) how should the practice be assessed from the perspective of Islamic family law and the Indonesian legal order. The unit of analysis is the customary practice of *Dendo Tudung Malu* as described and enacted by the customary institution and the community of Semurup. The article proceeds as follows. The Methods section describes the design, site, informants, data collection, and analysis. The Results section presents the customary criteria for cancellation, the five considerations, the procedure, and the two variants of the fine. The Discussion section interprets these findings in the light of *'urf*, *maqāṣid al-shari'ah*, and state law and compares them with previous studies, and the Conclusion summarises the main findings and their implications.

B. Methods

This study used a qualitative descriptive design with an empirical (socio-legal) orientation. The aim was not to measure variables or test hypotheses but to understand and describe in depth how *Dendo Tudung Malu* is applied, what considerations underlie it, and how the community views it in relation to Islamic law (Creswell & Poth, 2018). The study combined field research, in which the researcher collected data directly at the research site, with library research, which provided the normative framework of Islamic family law used to analyse the field data (Marzuki, 2017). This combination allowed the customary practice to be described as it is lived and then examined against the doctrinal standards of fiqh, the Compilation of Islamic Law, and Indonesian civil and criminal law.

The research was conducted in Kedepatian Tigo Luhah Semurup, Air Hangat Barat District, Kerinci Regency, Jambi Province. The site was chosen because *Dendo Tudung Malu* is still applied there through an active customary institution, which made it possible to observe the deliberations and to interview the people who decide and experience the fine. Informants were selected purposively according to their role in, or experience of, the practice. They comprised the *depati* (customary head) of Kedepatian Tigo Luhah Semurup, Nurhasdi, as the key informant; a *tengganai* (customary guardian), Burnan, as a supporting informant; a local religious leader; a person who had experienced *Dendo Tudung Malu* on the male side; a person who had experienced it on the female side; and a community leader of Semurup. This composition ensured that the views of those who impose the fine, those who are subject to it, and those who interpret it religiously and socially were all represented.

The researcher was present in the field as an observer and interviewer. Data were collected through observation, interviews, and documentation. Observations were carried out on 28 March 2025 at the residence of the *depati*, on 1 April 2025 in Semurup village, on 3 April 2025 at the customary house of Kedepatian Tigo Luhah Semurup, and on 5 April 2025 at a customary deliberation held in the *kedepatian*. They focused on how betrothal gifts were recorded, how the prohibitions applying to betrothed couples were observed, and how deliberations on fines were conducted. Interviews with the *depati* and the *tengganai* were held on 28 March 2025, and interviews with the other informants explored their understanding and experience of the fine. Documentation consisted of customary

documents relating to the fines and their procedure. The interview excerpts reported in the Results section were translated from Indonesian into English by the author.

The data were analysed qualitatively through the interactive steps of data condensation, data display, and conclusion drawing (Miles et al., 2020). Statements and observation notes were first sorted according to the questions of the study, then grouped into the considerations, procedural stages, and variants of the fine, and finally displayed in tables and diagrams that formed the basis of the findings. The findings were then assessed normatively using the concept of custom (*'urf*) and the maxim that custom may be a source of law (*al-'ādah muḥakkamah*), the objectives of Islamic law (*maqāṣid al-sharī'ah*), the Compilation of Islamic Law, and relevant provisions of the Civil Code and the 2023 Penal Code. Trustworthiness was supported by comparing the accounts of different informants (source triangulation) and by checking interview statements against observations and documents (technique triangulation) (Creswell & Poth, 2018). The research procedure is summarised in Figure 1.

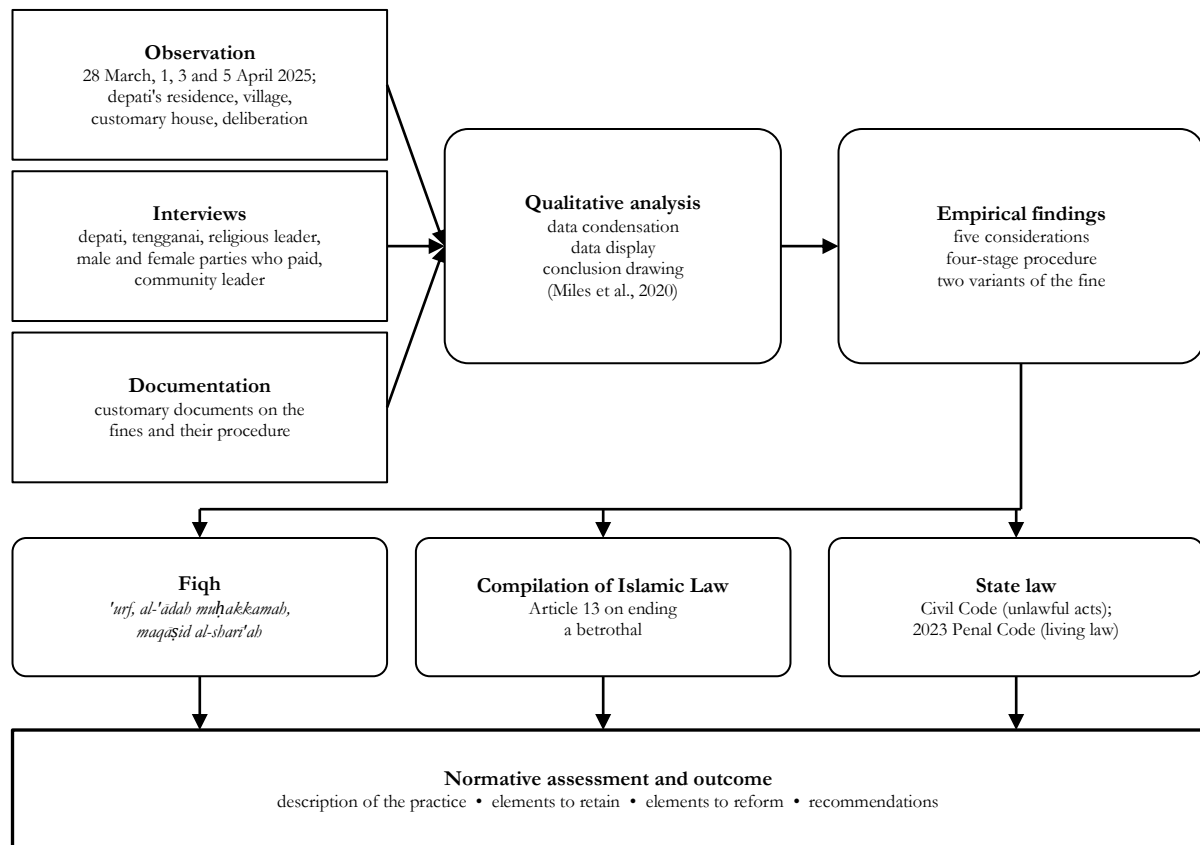


Figure 1. Research procedure of the study

Figure 1 shows that the study moved from field data to normative assessment in four steps. The left side of the figure lists the three sources of field data, which feed into a single analytical process. The arrows indicate that the empirical findings on considerations, procedure, and variants were not assessed in isolation but were examined together against three normative references, namely fiqh, the Compilation of Islamic Law, and state law. The final box shows that the outcome of the study is both a description of the practice and a set of recommendations for its improvement.

C. Results

Customary Criteria for Cancelling a Betrothal

Islamic jurisprudence allows either party to cancel a betrothal at any time because betrothal is not a binding contract, but it distinguishes between justified and blameworthy cancellations. A cancellation is justified when, for example, a concealed defect, a chronic illness that was not previously known, or a difference of belief comes to light. A cancellation made without an accountable reason, simply

because one party has changed their mind or found a preferred partner, is regarded as breaking a promise and is morally blameworthy (Putri et al., 2024).

The custom of Kedepatian Tigo Luhah Semurup applies stricter criteria. Once *magih tau* has been held before the customary leaders and the extended families of both sides, the betrothal cannot be cancelled unilaterally without consequences. The community regards the promise as a public commitment that binds socially rather than as a private intention. A cancellation is accepted without a fine only when there is an excuse recognised by customary deliberation, such as the death of one of the parties, a serious illness that makes the marriage impossible, or a hidden defect that custom accepts as a valid reason. Any cancellation made merely of one's own will, without a reason recognised by custom, is subject to *Dendo Tudung Malu* in full.

Five Considerations Underlying the Fine

Observation and interviews showed that the application of *Dendo Tudung Malu* rests on five complementary considerations: material loss, moral harm and the restoration of reputation, customary norms as social control, deliberation among customary leaders in setting the amount, and justice based on the party who cancels. These considerations do not operate separately. Together they form a single system of customary sanction that, according to the informants, has been applied consistently for generations, and its emphasis falls on restoring social balance and honour rather than on punishment alone.

1. Material loss

Material loss is the first and most concrete consideration. It covers all the property, money, betrothal gifts (*cibi*), engagement rings, customary cloth, and other gifts that the two parties have spent during the betrothal. When one party cancels unilaterally, these expenses are wasted and the other party bears a real and unfair loss. Observation at the residence of the *depati* on 28 March 2025 showed that the community treats gifts made during the betrothal as having value and legal consequences. In each customary betrothal, the *tengganai* keeps an informal record of what the man's side has given to the woman's side, so that the value of the loss can be calculated if the betrothal is cancelled. The *depati* explained:

"When an engagement is broken, the first thing we ask is how much has already been spent. That is a must. The party who has suffered a loss has to be compensated. If it is the man who breaks it off, everything he has given to the woman cannot be taken back; it has become the woman's right. And the man still has to pay for the other losses the woman has incurred in preparing for the wedding." (Nurbasdi, depati, interview, 28 March 2025)

The *tengganai* confirmed this priority:

"We tengganai already know that when an engagement is cancelled, there is always a loss. Whether on the man's side or the woman's side, money has certainly been spent. That is what has to be settled first. It is not fair if the party who has suffered a loss is simply left without compensation." (Burnan, tengganai, interview, 28 March 2025)

Material loss is therefore the first and primary consideration. However, the study also found a weakness in this aspect. There is no official and systematic written record of the gifts given during the betrothal, so in some cases the assessment of material loss depends entirely on the memory and statements of the disputing parties. This leaves room for disagreement about the amount that should be compensated.

2. Moral harm and the restoration of reputation

Moral harm and the restoration of reputation form the core of the whole mechanism. In Semurup, the honour of the family is carefully guarded. When a betrothal that has been announced to the community is suddenly cancelled, the abandoned family bears great shame before the whole community, and this shame affects its social standing and good name, not only the feelings of the individuals concerned. The payment intended to cover this shame is expressed in the customary saying *Pucuk Malu Ibu Larangan, Iku Labo Kepala Pantong*, and it is set at nine *kayu* of cloth, valued at IDR

22,500,000, which is paid to the *tengganai* of the injured party. The study found, however, that the assessment of how much shame has to be covered remains highly subjective and is not clearly standardised. Several cases indicated that families of higher social standing tended to receive larger compensation for the restoration of their reputation than ordinary families, which raises a question of fairness in the application of this principle.

3. Customary norms as social control

The third consideration is preventive. *Dendo Tudung Malu* discourages people from making and breaking marriage promises lightly. Although the rule is unwritten, it has been in force for a long time and is still applied consistently in Kedepatian Tigo Luhah Semurup despite social change. Observation in Semurup village on 1 April 2025 showed that the prohibitions applying during the betrothal were still respected. Betrothed couples were not seen alone together in public places without a third person, in accordance with the customary prohibition expressed as *Kayie Idak Buleh Ke Tepian Beduo, Kadahat Idak Buleh Masuk Kebun Bungo*. The key and supporting informants stated that the heavy sanction makes people more careful before making a marriage promise and that, in their view, it has reduced the frequency of broken betrothals in the area.

4. Deliberation among customary leaders

The fourth consideration is procedural. The amount of the fine is set through deliberation (*musyawarah*) in which the household *tengganai* and the customary leaders meet to discuss and determine what the party who broke the promise must pay. This deliberation is not a formality but a serious assessment that weighs the material loss, the moral harm suffered by the abandoned family, and the social values of the custom. Observation at the customary house on 3 April 2025 showed that the deliberation involved at least three *tengganai* from each side and was chaired by the *depati*. Each side was given the same opportunity to present its views and explanations before the decision on the fine was taken jointly.

5. Justice based on the party who cancels

The fifth consideration differentiates the sanction according to whether the man or the woman cancels the betrothal. The community does not regard this difference as unjust but as a reflection of the position and responsibility of each party in the betrothal. The man's side is the first to give gifts as a sign of seriousness, so a woman who receives these gifts and then fails to keep the promise is considered to cause greater harm. Observation at a customary deliberation on 5 April 2025 confirmed that cases of cancellation by men and by women were handled differently, while both sides acknowledged the principle of justice on which the difference rests. The five considerations are summarised in Table 1.

Table 1. Considerations underlying the application of *Dendo Tudung Malu*

No	Consideration	Concrete form in the field	Mechanism of implementation	Remarks
1	Material loss	Betrothal gifts (<i>cibi</i>), rings, customary cloth, money, and wedding preparation costs spent by both parties	If the man cancels, his gifts cannot be reclaimed and he compensates the woman's losses. If the woman cancels, she returns the man's gifts at twice their value	Mandatory and binding according to the customary deliberation
2	Moral harm and restoration of reputation	Shame of the family before the community after a publicly announced betrothal is cancelled	<i>Dendo Tudung Malu</i> of nine <i>kayu</i> of cloth (IDR 22,500,000) paid to the <i>tengganai</i> of the injured party	Known by the customary expression <i>Pucuk Malu Ibu Larangan, Iku Labo Kepala Pantong</i>
3	Customary norms as social control	Unwritten rules that have applied since earlier generations and are still enforced	Prohibition <i>Kayie Idak Buleh Ke Tepian Beduo, Kadabat Idak Buleh Masuk Kebun Bungo</i> : betrothed couples may not be alone without a third person	In force since ancestral times and still applied consistently
4	Deliberation among customary leaders	Meeting of household <i>tengganai</i> and customary leaders to set a fair amount	Weights material loss, moral harm, and customary social values; nine <i>kayu</i> of cloth (IDR 22,500,000) at village or hamlet level	Decision binds both parties
5	Justice based on the party who cancels	Different sanctions for cancellation by the man and by the woman	Man cancels: gifts forfeited and losses compensated. Woman cancels: gifts returned twofold and <i>Dendo Tudung Malu</i> paid	Reflects proportional justice in Semurup custom

Table 1 shows that each consideration has a concrete form in the field and an established mechanism of implementation. The material and moral considerations define what has to be compensated, the normative consideration explains why the community enforces the rule, and the deliberative and differential considerations determine how the amount is set and who bears it. The table also shows that the only standard amount in the system is the nine *kayu* of cloth for the restoration of honour, whereas the material component varies with the actual gifts and expenses in each case.

Procedure for Imposing the Fine

According to customary documentation and the interviews with the *tengganai* and customary leaders, *Dendo Tudung Malu* is imposed through four stages. In the first stage, reporting and initial deliberation, the party who feels harmed by the cancellation brings the matter to the household *tengganai* and the customary leaders so that it can be handled through customary channels. In the second stage, the assessment of loss, the customary leaders assess the material loss suffered by the abandoned party, including the cost of wedding preparations and the value of the gifts already given, as well as the immaterial loss in the form of damage to the family's reputation. In the third stage, the determination of the fine, the *tengganai* and customary leaders decide through deliberation on the amount considered most just, taking into account all aspects of the loss and the applicable customary norms. In the fourth stage, implementation, the party who is required to pay carries out the customary decision, which binds and is respected by both sides. The procedure and the different obligations of the man and the woman are shown in Figure 2.

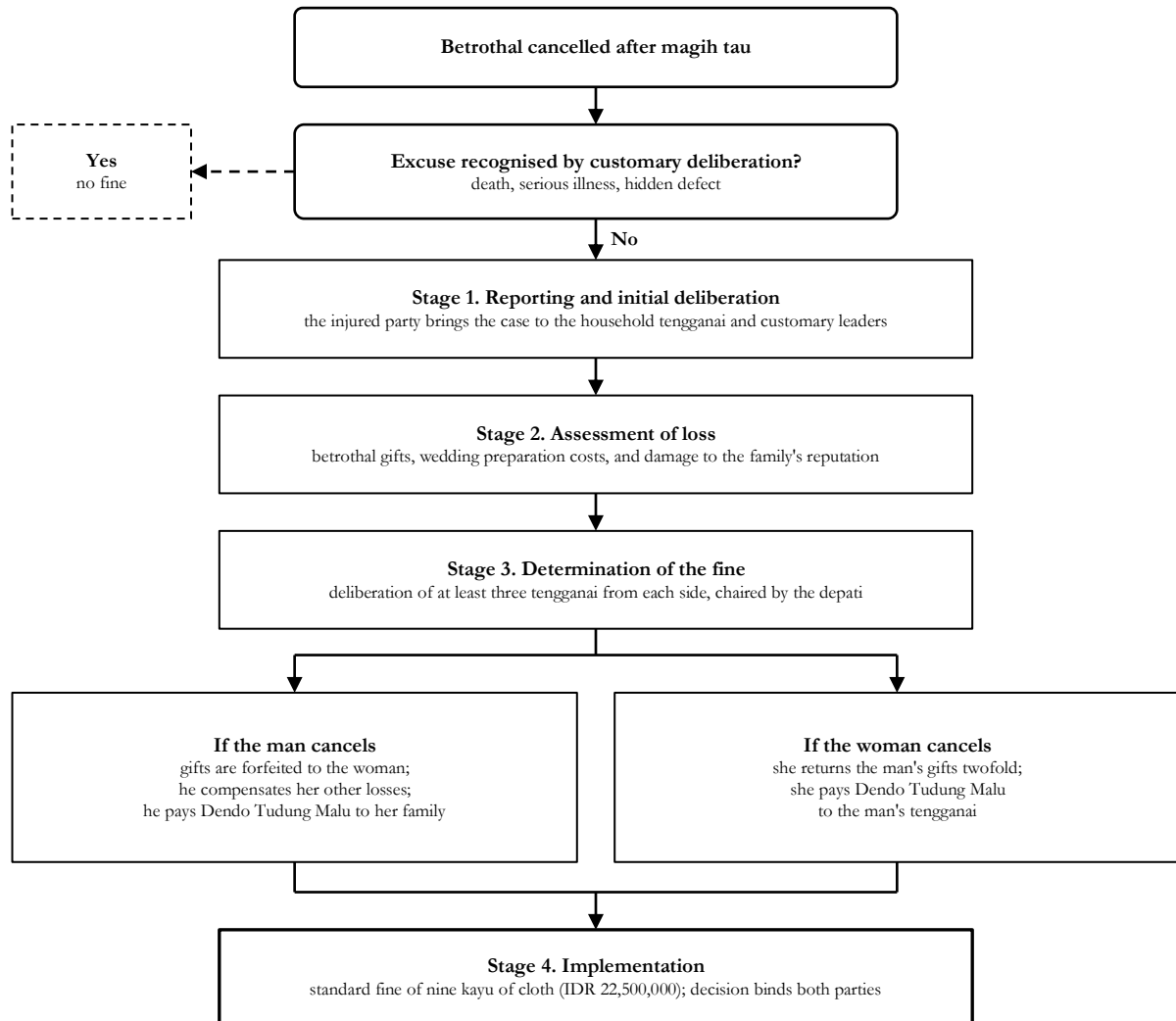


Figure 2. Procedure for imposing *Dendo Tudung Malu* after a broken betrothal

Figure 2 shows that the procedure has a single entry point and a single binding outcome, but that the obligations diverge at the determination stage according to the party who cancelled. If the man cancels, his gifts are forfeited to the woman and he compensates her other losses in addition to paying the fine. If the woman cancels, she returns the man's gifts at twice their value and pays the fine to the man's *tengganai*. The dashed branch on the left shows that a cancellation with an excuse recognised by custom leaves the procedure without a fine.

Two Variants of *Dendo Tudung Malu*

The study found that *Dendo Tudung Malu* in Kedepatian Tigo Luhah Semurup has two variants that need to be distinguished. The first applies to a broken marriage promise before the marriage contract. The second applies after the contract to a person who interferes with another man's wife or commits adultery. The two variants are compared in Table 2.

Table 2. Comparison of the two variants of *Dendo Tudung Malu*

No	Type of violation	Time	Amount of fine	Remarks
1	Breach of a marriage promise (unilateral cancellation of the betrothal)	Before the marriage contract	Nine <i>kayu</i> of cloth (IDR 22,500,000)	Man cancels: gifts forfeited and losses compensated. Woman cancels: gifts returned twofold and fine paid
2	Interfering with another man's wife or adultery	After the marriage contract	100 <i>kaleng</i> of rice, one buffalo, and sixty <i>kayu</i> of cloth	Applies to the person who interferes and/or the person who commits adultery

Table 2 shows that the sanction after marriage is much heavier than the sanction before marriage and is paid in kind rather than in a cash equivalent, namely 100 *kaleng* of rice, one buffalo, and sixty *kayu* of cloth. It applies to the person who interferes and to the person who commits adultery. The procedure is similar to that for a broken betrothal: the *tengganai* and the *depati* deliberate, taking into account the moral, material, and social harm suffered by the husband or the family who are the victims, and their decision is binding. If the guilty party cannot pay in cash, the method of payment can be negotiated through customary deliberation, but the obligation cannot be cancelled entirely.

D. Discussion

***Dendo Tudung Malu* as Living Custom**

The results show that *Dendo Tudung Malu* is not an isolated penalty but a coherent customary institution with clear criteria, a deliberative procedure, and differentiated obligations. It performs two functions commonly attributed to living customary law: it regulates conduct before a dispute arises and it repairs harm once a promise has been broken (Putra et al., 2026; Widjajanto et al., 2025). The informants' view that the sanction makes people more careful before making a promise corresponds to its preventive function, while the four-stage procedure corresponds to its function of settling disputes. This dual function is consistent with the finding that customary institutions in Indonesia often provide a more accessible and socially acceptable forum for marriage disputes than formal courts (Akbar & Laman, 2025; Hanifah et al., 2026).

The findings also agree with studies of comparable sanctions in other regions. The decisions of the *hatobangon* in Pasar Simundol on broken marriage promises were classified as valid custom because they protect the injured party and do not contradict the sacred texts (Aritonang & Purba, 2023). The binding payment in South Barito was regarded by the community as a safeguard against cancellation (Suriadi et al., 2023), and cancellations after betrothal in Pangkep were found to carry social consequences that the community seeks to resolve (Zulkifli et al., 2023). In Kerinci itself, customary fines (*budendo*) also regulate other marriage matters, such as the *sumbang* marriage between close relatives, where tensions between custom and Islamic law are resolved through deliberation among customary and religious leaders (Khusairi et al., 2026). *Dendo Tudung Malu* thus belongs to a wider Kerinci repertoire of customary fines that the community uses to protect the social meaning of marriage.

Assessment from the Perspective of 'Urf and Maqāṣid al-Sharī'ah

In Islamic legal theory, custom may serve as a basis for legal rulings when it is widely practised, does not contradict the sacred texts, and brings benefit, according to the maxim *al-'ādah muḥakkamah*. Custom that meets these conditions is valid (*'urf ṣaḥiḥ*), whereas custom that contradicts the texts or causes harm is corrupt (*'urf fāsid*) (Arif et al., 2025). Measured against these criteria, the core of *Dendo Tudung Malu* can be accepted. The fine does not make betrothal a binding contract, does not force anyone to marry, and does not prevent cancellation for a recognised excuse. What it does is attach responsibility for the consequences of a cancellation without a valid reason. This distinguishes it from customs such as the *babisiak* oath in Sawahlunto or the *lusan* prohibition in Ponorogo, which forbid marriages that Islamic law permits and were therefore classified as corrupt custom (Arif et al., 2025; Sukma & Rahmi, 2023).

The considerations underlying the fine also correspond to the objectives of Islamic law. Compensation for material loss reflects the maxim that harm must be neither inflicted nor reciprocated (*lā ḍarar wa lā ḍirār*) and serves the protection of property (*ḥifẓ al-māl*). The restoration of the family's good name serves the protection of honour (*ḥifẓ al-'ird*). Within the hierarchy of essential (*daruriyyāt*), complementary (*ḥājiyyāt*), and embellishing (*taḥsiniyyāt*) objectives (Islam, 2024), both forms of protection concern interests that the sharia seeks to secure for every person. The preventive function of the norm can be understood through the principle of blocking the means to harm (*sadd al-dharī'ah*), which has been used in contemporary Indonesian family law to justify rules that prevent foreseeable damage to families (Rachmadhani et al., 2024). Finally, the decision through

musyawarah reflects the Qur'anic value of consultation (*shūrā*) in Q. 3:159. These correspondences support the view that a *maqāṣid*-based reading allows Islamic family law in Indonesia to accommodate local practices that protect the same values (Miftahuddin & Nafi'ah, 2024; Taufiqurohman & Fauziah, 2023).

The relationship between custom and state law points in the same direction. The Compilation of Islamic Law states that betrothal has no legal consequences and that the parties are free to end it, but it also requires that the termination be carried out in a proper manner in accordance with religious guidance and local custom, so that harmony and mutual respect are maintained (Article 13; Presiden Republik Indonesia, 1991). The civil courts, for their part, have recognised that a breach of a marriage promise may be an unlawful act when it violates propriety and causes loss, and they have awarded material and immaterial compensation (Cynthia & Hadiati, 2024; Pebbri & Munandar, 2025; Siregar & Adlhiyati, 2025; Sugandi & Fathoni, 2023; Yuliana et al., 2025). *Dendo Tudung Malu* addresses the same harm through a customary forum. Because state remedies require litigation and leave immaterial compensation to judicial discretion (Lee et al., 2026; Pulungan et al., 2025), the customary procedure gives victims a remedy that is closer to the community and more accessible. The relationship between the three normative orders is summarised in Figure 3.

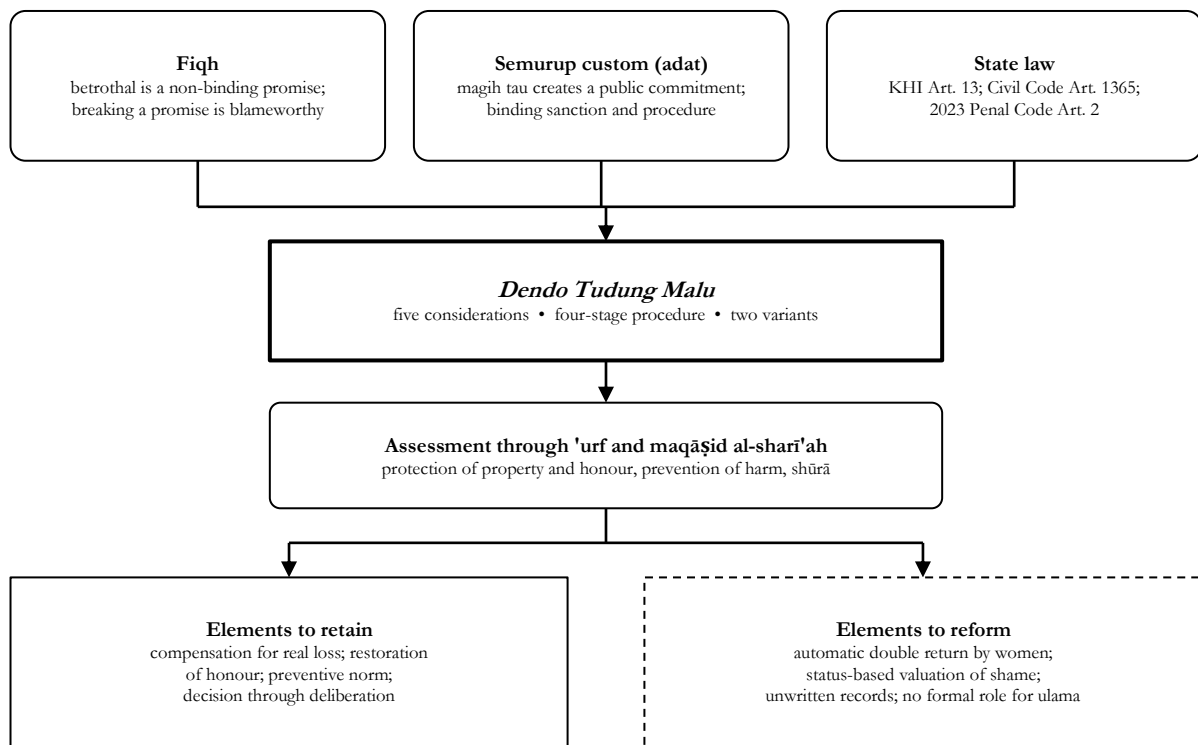


Figure 3. Position of *Dendo Tudung Malu* between fiqh, custom, and state law

Figure 3 places *Dendo Tudung Malu* at the intersection of fiqh, custom, and state law. Fiqh supplies the principle that betrothal is non-binding and the moral condemnation of broken promises, custom supplies the binding procedure and the sanction, and state law supplies the recognition of local custom in the Compilation of Islamic Law, the liability for unlawful acts in the Civil Code, and the recognition of living law in the Penal Code. The lower part of the figure shows that the assessment through 'urf and *maqāṣid* leads to two outcomes: the elements that can be retained and the elements that require reform. The figure also shows that legitimacy flows in both directions, since the custom gains strength when it is aligned with Islamic and state norms, and those norms gain effectiveness through the custom.

Elements That Require Reform

Not every element of the practice meets the conditions of valid custom to the same degree. The first and most important issue is the rule that a woman who cancels must return the man's gifts at twice their value, whereas a man who cancels only forfeits his gifts and compensates the woman's

other losses. The community justifies this difference by the man's greater exposure, since he gives first and his initiative is answered by a late rejection, and a normative study has accepted the double return as a discretionary penalty for breach of promise (Putri et al., 2024). From the standpoint of Islamic law, however, compensation should be based on real and provable loss, and an automatic doubling that applies to one sex only may impose hardship that the maxim *al-mashaqqah tajlib al-taysir* (hardship calls for ease) seeks to avoid. Studies of court cases involving women who were victims of broken marriage promises also show that their legal protection remains limited (Lee et al., 2026), which suggests that a rule placing a heavier automatic burden on women deserves careful scrutiny. The double return is therefore the element most in need of review, for instance by linking it to the actual value of the loss or by applying it equally to both sides.

The second issue is the valuation of shame. The study found that the restoration of reputation is assessed subjectively and that families of higher standing tend to receive more. This creates a risk that the protection of honour becomes a protection of status, which would conflict with the principle of equality before the law. The Malaysian debate on damages for humiliation after a broken betrothal shows a similar difficulty in setting a fair amount for immaterial harm and suggests that clear guidance can reconcile customary, Islamic, and civil standards (Mohd et al., 2024; Tajuddin & Gunardi, 2024). In Semurup, the standard amount of nine *kayu* of cloth already provides a baseline, and departures from it could be justified only by documented differences in the actual harm suffered.

The third issue is procedural. There is no official written record of the gifts given during the betrothal, so disputes about the amount to be compensated are settled on the basis of memory. Research on restorative justice in Indonesian customary law shows that customary processes can meet the standards of fairness and due process when safeguards such as consent, recognised facilitation, and written records are in place (Widjajanto et al., 2025). A simple written inventory of gifts at the time of *magih tau*, signed by the *tengganai* of both families, would reduce disputes and strengthen the legitimacy of the deliberation. The study also found that the customary deliberation does not formally include religious leaders. Their participation could ensure that each decision is consistent with Islamic law, as cultural values have been successfully integrated into the mediation of family disputes in religious courts (Sebyar et al., 2025) and in alternative forms of family dispute resolution (Khaliluddin, 2023).

The fourth issue concerns the transmission of the custom to young people. The study found that the younger generation does not share a uniform understanding of the content and rules of *Dendo Tudung Malu*, which may weaken its preventive function. Experiences in other fields show that knowing a norm does not automatically lead to commitment to it, since programmes that improved knowledge produced only small changes in attitudes (Sinaga et al., 2026). Religious and customary education that combines explanation with practice and role models may therefore be more effective, as suggested by studies of character formation through da'wah programmes (Ummah et al., 2025) and of the use of contemporary media in da'wah among Indonesian Muslims (Fatmawati et al., 2026). The elements of the practice and their assessment are summarised in Table 3.

Table 3. Assessment of the elements of *Dendo Tudung Malu* in Islamic family law

Element of the practice	Normative reference	Assessment	Recommendation
Compensation for material loss	<i>Lā ḍarar wa lā ḍirār</i> ; protection of property; liability for unlawful acts in the Civil Code	Consistent	Retain; base the amount on documented gifts and costs
Restoration of honour through the fine	Protection of honour; damages for humiliation	Consistent in principle	Retain the standard amount; avoid differences based on social status
Preventive customary norm	<i>Sadd al-dharr'ah</i> ; Article 13 of the Compilation of Islamic Law	Consistent	Retain; strengthen transmission to young people
Decision through <i>musyawarah</i>	<i>Shūrā</i> (Q. 3:159)	Consistent	Retain; involve religious leaders formally
Automatic double return by a woman who cancels	Compensation for real loss; <i>al-mashaqqah tajlib al-taysir</i> ; equal treatment	Requires review	Link to the actual loss or apply the same rule to both parties
Unrecorded betrothal gifts	Legal certainty; safeguards in customary justice	Requires reform	Record gifts in writing at <i>magib tau</i> , signed by both <i>tengganai</i>

Table 3 shows that most elements of *Dendo Tudung Malu* can be retained, while three elements require reform rather than abolition. The assessment does not question the legitimacy of the custom as a whole but identifies specific points at which its procedure and its distribution of burdens can be brought closer to the principles of justice in Islamic law. The table also shows that the reforms are modest and can be implemented by the customary institution itself without external intervention.

Contribution and Limitations

This study contributes to the literature on customary sanctions in Indonesian Islamic family law in two ways. Empirically, it documents a betrothal fine in Kerinci, including its criteria, its four-stage procedure, its standard amount, and its post-marriage variant, which had not been described in previous studies. Analytically, it shows that a single customary practice can be assessed element by element rather than accepted or rejected as a whole, which allows an evaluation through *'urf* and *maqāṣid* to distinguish the legitimate core of a custom from the parts that need reform. This element-based approach moves beyond the division between the studies that accept customary sanctions and those that reject them.

The study also has limitations. It was conducted in a single *kedepatian* over a short period in March and April 2025, and it relied on a small number of informants, so the findings cannot be generalised to other Kerinci communities without further research. The cases of differential compensation according to social standing were reported but not documented in detail, and the study did not measure the effect of the fine on the frequency of broken betrothals, which was described by the informants rather than counted. Future research could compare *Dendo Tudung Malu* across several *kedepatian*, examine customary records of past cases, and explore the experiences of women who have been subject to the double return.

E. Conclusion

This study concludes that *Dendo Tudung Malu* in Kedepatian Tigo Luhah Semurup is a coherent customary institution that turns a betrothal, which fiqh treats as a non-binding promise, into a socially enforceable commitment. The main findings are as follows: (1) the fine rests on five considerations, namely material loss, moral harm and the restoration of reputation, customary norms as social control, deliberation among customary leaders, and justice based on the party who cancels; (2) it is imposed through four stages of reporting, assessment, determination, and implementation, with a standard amount of nine *kayu* of cloth valued at IDR 22,500,000 at village level, while a much heavier variant applies after marriage to interference with another's wife or adultery; (3) its core is consistent with valid custom and with the protection of property and honour, the prevention of harm, and

consultation, and it is in line with the Compilation of Islamic Law, which requires that betrothals be ended in accordance with religion and local custom; and (4) three elements require reform, namely the automatic double return imposed on women who cancel, the subjective and status-sensitive valuation of shame, and the absence of written records and of formal involvement by religious leaders. In practical terms, the customary institution could record betrothal gifts in writing at *magih tau*, link the double return to the actual value of the loss, and invite religious leaders to take part in the deliberation. Further research is needed to compare the practice across Kerinci communities, to examine past customary records, and to give voice to women who have experienced the fine, so that the custom can continue to protect honour while ensuring justice for both parties.

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