



Double Refund Of Engagement Sign On Wedding Cancellation By The Woman Fiqh Munakahat Perspective (Case Study In Tanjung Putus Padang Tualang Village)

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ABSTRACT

Engagement is a promise to hold a marriage that is carried out before the marriage contract process occurs. However, in its implementation, problems often arise when the engagement is canceled by one of the parties. One of the practices found was that there was a double return of the sign of engagement for the cancellation of marriage by the woman in Tanjung Putus Village, Padang Tualang. The purpose of this study is to find out the practice of returning double engagement marks for marriage cancellation by women in Tanjung Putus Village and to find out the perspective of munakahat fiqh on the return of double engagement marks by women in Tanjung Putus Village. This study uses a qualitative method with an empirical sociological approach. The results of the study show that in Tanjung Putus Village there is a double return of the engagement sign if the engagement is terminated by the woman, while if the engagement is decided by the man, he does not have the right to ask for back what has been given to the woman. From the perspective of fiqh munakahat, there is no provision that requires the return of the sign of engagement by double the amount. The scholars agree that if the gift at the time of engagement is a dowry, then it must be returned according to the amount given when the engagement bond is canceled. However, scholars differ in their opinion if the gift is in the form of a gift. According to Abu Hanifah and Malikiyah scholars, it is permissible to ask for the gift that has been given if the item is still intact, while Shafi'iyah and Hanabillah are of the opinion that the gift that has been given should not be asked for again. However, there are no scholars who allow the return of double the sign of engagement, either in the form of dowry or gifts.

Keywords: Return, Signs of Engagement, Fiqh Munakahat.

ABSTRAK

Pertunangan merupakan sebuah janji untuk melangsungkan pernikahan yang dilakukan sebelum terjadinya proses akad nikah. Namun, dalam pelaksanaannya, seringkali muncul permasalahan ketika pertunangan dibatalkan oleh salah satu pihak. Salah satu praktik yang ditemukan bahwa terdapat pengembalian dua kali lipat tanda pertunangan atas pembatalan pernikahan oleh pihak perempuan di Desa Tanjung Putus Padang Tualang. Tujuan penelitian ini untuk mengetahui praktik pengembalian dua kali lipat tanda pertunangan atas pembatalan pernikahan oleh pihak perempuan di Desa Tanjung Putus serta untuk mengetahui perspektif *fiqh* munakahat terhadap pengembalian dua kali lipat tanda pertunangan oleh pihak perempuan di Desa Tanjung Putus. Penelitian ini menggunakan metode kualitatif dengan pendekatan sosiologis empiris. Hasil penelitian menunjukkan bahwa di Desa Tanjung Putus terdapat pengembalian dua kali lipat tanda pertunangan apabila pemutusan pertunangan dilakukan oleh pihak perempuan, sedangkan apabila pertunangan diputuskan oleh pihak laki-laki maka ia tidak berhak meminta kembali apa yang telah diberikan terhadap pihak perempuan. Dalam perspektif *fiqh* munakahat tidak ditemukan ketentuan yang mewajibkan pengembalian tanda pertunangan sebesar dua kali lipat. Para ulama sepakat bahwa jika pemberian saat pertunangan merupakan mahar, maka wajib dikembalikan sesuai jumlah yang diberikan ketika ikatan pertunangan dibatalkan. Namun, ulama berbeda pendapat jika pemberian tersebut berupa hadiah. Menurut Abu Hanifah dan ulama Malikiyah memperbolehkan meminta kembali hadiah yang telah diberikan jika barang tersebut masih utuh, sedangkan Syafi'iyah dan Hanabillah berpendapat bahwa hadiah yang telah diberikan tidak boleh diminta kembali. Meski demikian, tidak ada ulama yang memperbolehkan pengembalian dua kali lipat tanda pertunangan, baik berbentuk mahar maupun hadiah.

Kata Kunci: Pengembalian, Tanda Pertunangan, Fiqh Munakahat.

A. INTRODUCTION

Marriage is a sacred bond established for eternity, not for a temporary relationship. Therefore, before a wedding takes place, Islamic teachings guide its followers to engage in an engagement or proposal of marriage. This engagement aims to find a partner who meets the expectations of both families, both the man and the woman, thereby fostering a loving and caring family. From this family, a good society emerges that can carry out the commands of Allah and His Messenger (Husna et al., 2024).

An engagement is a promise to marry, as is known, and the engagement process takes place before the marriage contract. This is intended to facilitate mutual acquaintance (*ta'aruf*). Article 1, Chapter I of the Compilation of Islamic Law (KHI), letter (a), states that a proposal is an activity aimed at establishing a matchmaking relationship between a man and a woman in a good manner (*ma'ruf*). Regarding the definition of the word engagement or proposal, Wahbah Zuhaili states that a proposal (*khitbah*) is a statement by a man to a woman that he wishes to marry her, either directly to the woman or to her guardian. This intention can be conveyed directly (by a man who has the intention to marry) or can also be conveyed through a representative, namely a guardian (Wahyuni, 2022).

The purpose of an engagement should be to end in marriage, as it is a promise of marriage from the man to the woman. However, in reality, not all engagements end in marriage. This is influenced by various factors that lead to the cancellation of the engagement (Kholifah & Nurmiati, 2022).

Under Islamic law, a canceled engagement has no consequences, but there are some issues related to gifts given during the engagement. In this context, Hanafi scholars state that betrothal gifts (*khitbah*) are gifts. The giver has the right to request their gift back unless there are reasons preventing this, such as damage, deterioration in quality, or marriage. If the item given by the person offering the *khitbah* is present, he may request it back. However, if the item is damaged or deteriorating in quality, or if there is a change in quality, such as a missing ring, food eaten, or cloth made into clothing, the person offering the *khitbah* has no right to request a replacement. Furthermore, Malikiyah scholars also state that if the engagement is canceled by the man, he has no right to request any return. However, if the cancellation is initiated by the woman, the man may request the return of the gifts (Humphreys et al., 2017).

Meanwhile, Syafi'iyah and Hanabilah are of the opinion regarding gifts, so they take the position of grant (delivery). Gifts that have been given cannot be asked for back because the recipient of the gift has the right to become the owner of what has been given to him from the moment

he receives it. He has the right to use and utilize what is his. Taking back a gift that has been given is a seizure of property rights without the owner's consent.

However, if a gift is given in expectation of a return from the recipient, then if the recipient fails to fulfill the request, the giver has the right to reclaim the gift. In such circumstances, the giver has the right to reclaim the gift because they gave it for the purpose of marriage. If the marriage does not consummate, the groom has the right to reclaim the gift (Maniscalco et al., 2022).

In this regard, betrothal gifts are often misunderstood as dowries. Some people assume that gifts given during an engagement, such as jewelry or other items, are dowries, but the two have different legal statuses and meanings in Islam and custom. An engagement gift is voluntary, meaning it is given as a token of affection or goodwill from the groom to his bride before the marriage ceremony. A dowry, on the other hand, is a mandatory gift from the prospective husband to his bride during the marriage ceremony. Its form, type, or amount are not specified in the Quran or Hadith. If the marriage is annulled, the groom has the right to reclaim the dowry given because it was given for the purpose of marriage. Until the marriage is consummated, the woman has no rights whatsoever to the dowry given; she must return it, as it is the man's sole right (Herzig & Allen, 2023).

Tanjung Putus Village, Padang Tualang, is located in Langkat Regency. The community in this village has experienced several cases involving engagement annulments. If the woman breaks the engagement, the community imposes a fine and requires the return of double the betrothal gift. However, if the man breaks the engagement, the man has no right to reclaim what he has given the woman. This issue merits further study because there is no legal basis in the Quran or Hadith governing the return of betrothal gifts. Therefore, the author concludes that this case is the result of custom, or in Islamic jurisprudence terms, *al-'urf* (Adawiyah, 2020).

Based on an interview conducted by the author with a religious figure in the village, Mr. Jarkasih, he stated that if the man breaks the

engagement, he cannot reclaim what he gave to the woman (Rafianti et al., 2021). Conversely, if the woman breaks the engagement, she is entitled to a return of double the gift given by the man. According to information obtained by the author from Mr. Jarkasih, the double return is only for the woman who cancels the engagement because women are very prone to emotional thinking and often make decisions too quickly without prior consideration. Furthermore, the people of Tanjung Putus Village, Padang Tualang, still believe the saying that if someone cancels an engagement, the person who cancels it will have difficulty finding a partner (Muqoffi, 2020).

The author also sought information from a source who had an engagement canceled, Uswatun Hasanah. Uswatun Hasanah's engagement to Satria, which took place on January 18, 2022, lasted only about a year, precisely around December 25, 2022, the engagement was canceled by the woman's side, witnessed by the entire family of the woman and the man, as well as the spokesperson and the village head. He said that there had been many problems in their relationship, one of which was that the woman said that since getting engaged to her ex-fiancé, she had become distant from religion. According to Uswatun Hasanah, she broke off the engagement because she considered the relationship unhealthy. Regarding the engagement gift, due to the customs of the Tanjung Putus Village community, she returned it twice the amount, around 14 million, where the weight of the gold reached 15.4 grams.

This study adopted an empirical sociological approach to analyze community reactions and interactions towards norms, as well as observing the characteristics of social behavior in Tanjung Putus Village, Padang Tualang District, Langkat Regency. This research was located in Tanjung Putus Village and was conducted from July 2024 to June 2025, focusing on the community's understanding of the practice of double-returning engagement tokens. Research data were collected through primary data (respondents and direct informants) and secondary data (related books and journals). The researcher acted as the main instrument for data collection through direct observation in Tanjung Putus Village, unstructured interviews with informants, and documentation (Gayatri & Rahmasari,

2022). Data analysis techniques included data reduction for sharper presentation, presentation of data in narrative form, and conclusion and verification to answer the problem formulation. Data validation was carried out using triangulation techniques, comparing the results of observations and interviews with literature references to ensure the accuracy of the data (Kuswandi & Azizah, 2018).

Based on the issues mentioned above, the concept of returning gifts as a sign of engagement in the Tanjung Putus Village community seems different, even contradicting the opinions of scholars discussed previously. Therefore, this issue is interesting to research further. The author wants to examine this problem with the title "Double Return of Engagement Tokens upon Marriage Cancellation by the Woman from the Perspective of Fiqh Munakahat (Case Study in Tanjung Putus Village, Padang Tualang).

B. RESULT AND DISCUSSION

The Practice of Returning Double the Engagement Gift by the Woman in Tanjung Putus Village

The engagement ceremony in Tanjung Putus Village is generally similar to that in other villages. It begins with the groom's family visiting the bride's home, along with his immediate family, relatives, and a prominent figure who will act as a spokesperson, bringing various gifts or gifts. The bride's family warmly welcomes the groom. After all the guests are seated, the host begins with a traditional or formal opening. The event begins with a welcome from the bride's representative, followed by a representative from the groom's family who introduces the purpose of their visit: to propose to the bride (Palazzi et al., 2021).

Next, the groom's representative (usually a parent or spokesperson) formally announces his intention to propose to the bride, addressing the bride's family with polite and respectful words. After listening to the proposal, the bride's representative responds to the proposal; if they agree, the engagement is declared legal according to tradition and social norms. Once the proposal is accepted, the groom presents the bride with a betrothal gift, a jewelry set, a gift box containing clothing, skincare, and

body care products, as well as traditional food or cakes. Traditionally, the engagement is symbolized by the groom's mother placing a ring on the bride's ring finger. After all the processions are completed, the event continues with a meal together as a form of gratitude and to strengthen the relationship between the two families (Wahono Suryo Alam, 2022).

In general, the engagement ceremony in Tanjung Putus Village is similar to that in other villages. However, if the engagement does not proceed to marriage, Tanjung Putus Village has a unique way of returning the engagement tokens. If the engagement is broken off by the woman, the woman returns double the amount of the engagement tokens. Conversely, if the engagement is canceled by the man, the entire engagement gift becomes the woman's property. This differs from other villages, where if the engagement is broken off by the woman, the woman only returns what the man gave her (Wahyuni, 2022).

The author also interviewed the community and the head of Tanjung Putus Village, Padang Tualang District, Langkat Regency, North Sumatra. One of the informants, Mrs. Ningsih, shared her experience

“My engagement to Dio lasted for about three years, and we had already discussed marriage. However, on February 18, 2022, I decided to end the engagement. The main reason was that he said I was becoming more and more possessive and controlling, making him unable to stand me. I didn't accept his words, even though I thought it was for his own good. But after thinking about it, it seems we couldn't agree. Therefore, my family and the groom's family finally gathered again to discuss ending the engagement and returning the betrothal gift. After the village head explained the custom of returning the gift, they agreed. Based on the customs of Tanjung Putus Village, I reluctantly returned the jewelry set, valued at 10 grams, to 20 grams..”

In general, the ceremony for breaking off the engagement ring and returning the token is similar to other ceremonies, except that in this case, the woman feels deeply wronged, but because she doesn't want to prolong the situation, she agrees to this custom. This custom demonstrates the social pressure the woman faces. However, the woman has acknowledged

her mistake and apologized to the groom's family. As a form of responsibility, the double return is carried out.

According to Ayu (a 20-year-old resident of Tanjung Putus Village),:

“Rama (my ex-fiancé) and I held an engagement ceremony on October 12, 2019, at my house (the woman's side). The engagement ceremony was attended by immediate family, relatives, the village head, and spokespersons from both parties. The engagement gift given to me was a gift box containing 9 grams of jewelry, clothing, shoes, skincare and makeup supplies, and food such as traditional cakes. The jewelry given to me was only a gift; the dowry will be different for the wedding..”

This engagement ceremony was essentially the same as any other, except that the groom was in Japan (working), so both parties agreed to hold the ceremony, represented by the groom's family and spokesperson, while the groom-to-be witnessed the ceremony via Zoom or video call. The bride's family accepted the proposal, which included a welcoming speech, prayers, and the exchange of engagement rings.

Ayu also explained that:

"Initially, our relationship was fine, but after a few months after the engagement, he started speaking rudely to me. I felt like I couldn't give him another chance because it wasn't the first time he'd spoken rudely to me, and I felt like I was no longer valued as a woman. Finally, I mustered up the courage to break off the engagement in 2022, but I forgot the date. So, I returned the jewelry he had given me, which was originally worth 9 grams, to 18 grams, in installments."

This double-digit return is a tradition that has existed in society since ancient times. However, in this case, the groom slightly objected because the bride's family wanted to return the double-digit amount of the engagement token in installments. After a family discussion, the groom finally agreed, citing respect for the bride's good intentions and responsibility. This custom demonstrates the presence of social pressure, such as pressure from the extended family, that pushes for a quick return. The bride's feelings are naturally a mixture of sadness at having to end her engagement and become a topic of conversation in the community, and

relief at being free from a man who appears calm but speaks harshly to women.

According to Elly (a 27-year-old resident of Tanjung Putus Village), she explains:

“My engagement to my ex-fiancé took place around October 20, 2017, at my home in Beringin Hamlet, Tanjung Putus Village. The two families, attended by immediate family, relatives, and spokespersons from each side, brought betrothal gifts, including an 8-gram jewelry set, makeup, skincare, clothing, and other traditional cakes.”

Elly also explained:

"My engagement to this man lasted quite a long time, about two years. The main reason I ended it on May 31, 2019, was because my ex-fiancé cheated on me with another woman. Because of his sensitive nature, I didn't get too specific. Regarding the return of the engagement gift, I returned it, going from 8 grams of jewelry to 16 grams. I didn't feel pressured to return it because I had already accepted my separation from him, even though I was devastated at first."

From this experience, the woman learned that every commitment, no matter how small, carries a moral responsibility that must be upheld, even if circumstances change unplanned. The engagement sign is not just a sign of a bond but also a sign of respect for the relationship and trust between two families. It emphasizes the importance of being honest, taking responsibility, and maintaining honor, even in difficult economic times. This experience serves as a reminder that the value of a relationship is not solely determined by its outcome, but by how each party handles differences and consequences.

The author also interviewed Mrs. Ngatemi, a resident of Tanjung Putus Village, Padang Tualang.

According to Mrs. Ngatemi (a 45-year-old resident of Tanjung Putus Village) [88], she explained that:

“This double return has become a tradition or custom in Tanjung Putus Village. As the parent of my daughter, Uswatun Hasanah, who made this double return, I also felt a bit reluctant, especially since people in the past had said that if an engagement was broken

off by the woman's side, the woman would have difficulty finding a partner. However, after deliberation and considering other things with the extended family, we finally decided to return the betrothal gift worth double, taking various considerations to quickly resolve this issue. I also realized that my daughter was wrong, so my family and I took responsibility for her mistake. As for the sayings of the past, at that time we put it aside so that this issue would not continue..”

The ceremony officially returns the double amount of the engagement token to the bride as a form of responsibility and to uphold the dignity of both families. The ceremony began with an opening remark by a spokesperson from the bride's side, who explained the purpose of their visit and thanked the village head for acting as a mediator. The ceremony then continued with an explanation from the bride's parents, who explained that the engagement was canceled due to the bride's mistake and that the double amount would be returned as a sign of respect for tradition and a way to uphold the family's dignity.

Mrs. Ngatemi also explained that:

"Before making the decision, we first gathered for a discussion with the extended family and invited the hamlet head. Everyone's opinions were heard, and ultimately, we recognized that my son was at fault, although the groom was also at fault to some extent. The hamlet head explained that, according to tradition, if the bride breaks the engagement, the bride must return double the amount. Ultimately, the family agreed, and a few days later, the groom's family was invited to my house (the bride's side).”

After an explanation from the bride's parents, the next event involved the presentation of a betrothal token worth twice the amount to the groom's family. The village head then offered his advice, emphasizing that the process had been carried out according to established customs and hoping that no problems would arise in the future. The ceremony concluded with a prayer and a handshake.

This experience demonstrates that engagement is not merely a ceremonial event, but rather the initial commitment of two families. It teaches that every bond and promise must be carried out seriously, not casually, and not merely as a formality. This return process also reminds

us that customs are not mere traditions but rather a way for society to maintain harmony and order. It also teaches us that women are not promises to be broken at will, and that relationships that do not continue must still be ended with respect and responsibility.

The author also interviewed the Head of Tanjung Putus Village, who at that time was represented by Mr. Muhammad Yasir (village secretary).

According to Mr. Yasir (30-year-old Tanjung Putus Village Secretary) [89], he explained that¹:

“The custom of returning double the engagement token by the woman has been known for a long time in this village, but there is no definite record of when it started because this is part of an oral tradition that developed in the community, not a written rule. In this custom there is also a philosophical meaning that shows that the woman is aware of her mistakes and maintains the good name of her family, although we know that this custom only applies to women because women tend to think using their hearts and feelings without prioritizing logic and what I know is that if the engagement is canceled by the woman, according to people in ancient times, the woman will have difficulty finding a partner or replacement..”

On this occasion, he also explained that this custom is not a legal regulation but rather a custom that has become a characteristic of the community. Therefore, while technically negotiable, it is still considered mandatory. The consequence of not following it in the community is that it becomes a topic of conversation and is considered an unsavory woman. The people of this village are quite strong in their belief in custom. If the woman is unable to return double the betrothal tokens at once, the village head, represented by the local hamlet head, seeks a compromise by paying in installments to maintain the tradition.

Mr. Yasir also explained that:

"If this double repayment isn't implemented, then society believes that a woman who breaks up with her fiancé will have difficulty finding a partner or replacement. Regardless of whether the myths passed down from our ancestors are true or not, we as ordinary people should take precautions to prevent such things from

¹ Yasir, Sekretaris Desa, wawancara pribadi, Tanjung Putus, 16 April 2025.

happening. Whether you believe it or not, I've seen many people believe this."

Although the double return of the engagement token was done as a form of compliance with customs, it cannot be denied that there was no conflict between the two families, so from here the hamlet head and village officials acted to resolve the problem by taking a middle path as explained previously. Nowadays, customs or habits like this are rare because young people in Tanjung Putus Village, in particular, are more careful in acting and making decisions, as the statement said that "the customs are still respected but the practice has begun to shift with the development of the times."

He also explained that:

"The village head and village officials have not yet evaluated this tradition, but they are continuing to ensure that neither party feels disadvantaged. So, from our perspective as village officials, this tradition actually has good values, especially regarding responsibility. However, going forward, perhaps the tradition needs to be adapted to current developments. So, not abandoned entirely, but rather preserved, its positive values without burdening either party. Essentially, the tradition remains intact, but it needs to be more adaptable so it doesn't become a burden for the younger generation."

The author also interviewed religious leaders and village heads who participated in the engagement and break-off ceremonies. According to Mr. Jarkasih (an 80-year-old religious leader in Tanjung Putus Village), he stated:

"Returning the engagement token is mandatory in my opinion, because if there hasn't been a marriage contract, the jewelry doesn't fully belong to the woman. Moreover, this custom encourages the woman to be more careful in making decisions."

He also explained that the purpose of this custom is to prevent the woman from making hasty decisions, as women generally tend to think emotionally. Furthermore, this custom is intended to dispel the myth that women who break off an engagement will have difficulty finding a partner. He also explained:

"This custom is considered important to preserve as a form of learning and a deterrent for those who break off an engagement, especially the woman."

For low-income families, this custom undoubtedly has a significant economic impact. In situations like this, the role of religious leaders is crucial in supporting families experiencing a canceled wedding, particularly by providing reassuring guidance and support, such as advising them to remain patient, explaining the wisdom behind each trial, and encouraging wise problem-solving. He also advised:

"Not all customs are bad; they can have positive meanings."

Mr. Wagirin (a 42-year-old hamlet head in Tanjung Putus Village) echoed this sentiment:

"Returning the engagement token twice the value is mandatory, but I don't think it's mandatory, depending on whose fault it is. But since I've only recently been appointed as hamlet head here, I can't do much about it and haven't fully studied this custom. Furthermore, it seems the intention of this custom is good for the community, especially today's youth."

It's undeniable that this practice often places a burden on one party, especially financially, with the impact being felt most acutely by families with limited financial resources. In this case, the hamlet head plays a crucial role, providing guidance and support, along with religious leaders, to maintain a peaceful atmosphere within the family. Furthermore, the hamlet head also ensures that the ceremony proceeds peacefully and does not cause lasting problems within the community.

He also advised:

"All parties should be wise in resolving issues like this, not blaming or shaming each other, but seeking the best solution that is acceptable to all. Tradition is good, but it must remain relevant to the times and not burdensome."

C. CONCLUSIONS

In the Tanjung Putus Village community in Padang Tualang, the woman is required to return double the amount of the engagement token.

The practice in this village is that if the woman breaks the engagement, the community imposes a fine and returns double the amount of the betrothal gift. However, if the man breaks the engagement, the man has no right to reclaim what was given to the woman. The Tanjung Putus Village community believes this custom is important to preserve as a form of learning and a deterrent for those who break engagements, especially women. Furthermore, the community still believes in the myth that canceling an engagement will make it difficult for the person who cancels it to find a partner.

From the perspective of Islamic jurisprudence (fiqh munakahat), there is no provision requiring the return of double the amount of the engagement token. Scholars agree that if the gift given during the engagement is a dowry, it must be returned in the amount given when the engagement is canceled. However, scholars differ on the case of gifts. According to Abu Hanifah and the Malikiyah scholars, it is permissible to request the return of a gift if the item is intact, while the Shafi'iyah and Hanbalis are of the opinion that a gift cannot be requested back. However, no scholars permit the return of double the amount of the betrothal token, whether in the form of a dowry or a gift.

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