

Negotiating Sharia, Customary Law, and Gender: Feminist Legal Pluralism in the *Learo* Tradition of Marriage in the Bintauna Community, Indonesia

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Abstract

The *learo* tradition in marriage among the Bintauna community of Indonesia reflects the tension between Islamic law, customary law and gender equality. While this practice symbolically honours women, it simultaneously enforces a discriminatory public virginity test, causing psychological distress and gender inequality. This study aims to analyse the *learo* tradition as a space for negotiation between Sharia law and customary law, to uncover power relations and the politics of women's bodies, and to propose a framework of feminist legal pluralism centred on women's voices. This qualitative research was conducted in Bintauna Sub-district (May–July 2023) using semi-structured interviews with 18 respondents (religious leaders, customary leaders, ritual leader (*inang*), academics, and women practising the tradition) and non-participant observation at five *learo* ceremonies. Thematic analysis was conducted using a feminist legal pluralism framework. The findings indicate: (1) the function of virginity testing within the *learo* tradition exceeds the bounds of valid customary (*'urf shahib*) as it contradicts cover up a fault (*saturul 'aib*) and the objectives of Islamic (law *maqashid of sharia*); (2) this practice reinforces patriarchy by imposing purity tests solely on women, causing trauma and stigma; (3) women (the ritual leader and the bride) have limited but strategic agency in quietly negotiating the rituals. The

contribution of this research is to provide an operational framework for feminist legal pluralism based on three pillars: living customary normativity, locally reinterpreted Islamic legitimacy, and dialectical power relations. This framework offers adaptive transformation without erasing tradition, by recommending the abolition of virginity tests, the privatization of rituals, and full inclusivity for all prospective brides and grooms.

Key Word: *Leero Tradition*; Women's Body Politics; Feminist Legal Pluralism

Introduction

Marriage, as a socio-cultural institution and a legally recognized relationship, is central to the regulation of family life and gender relations in various societies worldwide. Muslim-majority countries in Southeast Asia have normative marriage regulations that operate within a complex legal system, with state law, sharia, and tradition coexisting, thus creating legal pluralism.¹ This pluralistic reality presents opportunities for cultural preservation, but at the same time poses challenges to gender equality. However, legal pluralism often creates uncertainty regarding which norms apply in social practice, thereby allowing patriarchal customary rules to persist despite formal legal protections for women's rights.² For example, in Indonesia, Alfitri's research found that although the Domestic Violence Act has been enacted, a number of divorce cases in Religious Courts still involve violence, thereby creating a persistent gap between the normative framework and substantive justice.³ Other research on marriage traditions, such as *nyerod* in Bali⁴

¹ Sri Wahyuni, Putri Ananda Saka Siregar, and Rahmatullah, "Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society: A Study of Legal Pluralism," *Al-Manabij: Jurnal Kajian Hukum Islam* 20, no. 1 (2026): 65–84, <https://doi.org/10.24090/mnh.v20i1.14987>.

² Sangeeta Taak, "The Intersection of Customary Law and Women's Rights in Developing Jurisdictions: A Critical Analysis of Legal Pluralism and Constitutional Reform in Africa and Asia," *International Journal of Judicial Science Research Studies (IJJSRS)* 2, no. 3 (2025): 56–60, <https://doi.org/10.5281/zenodo.16916853>.

³ Alfitri Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika: Indonesian Journal for Islamic Studies* 27, no. 2 (2020): 273–308, <https://doi.org/10.36712/sdi.v27i2.9408>.

⁴ Komang Ayu Sri Wahyuni et al., "Women's Gender Bias in the Nyerod Marriage System in Banjar Village," *SHS Web of Conferences* 221 (2025): 02009, <https://doi.org/10.1051/shsconf/202522102009>; Ida Ayu Komang Dina Lestariani, Luh Putu Sendratari, and I Ketut Margi, "Bias Gender Pada Sistem Perkawinan Nyerod (Studi Kasus Di Dusun Munduk, Desa Banjar, Buleleng, Bali) Dan Potensinya Sebagai Sumber Belajar Sosiologi Kelas XI," *JPSU: Jurnal Pendidikan Sosiologi Undiksha* 1, no. 3 (2019): 327–33, <https://doi.org/10.23887/jpsu.v1i3.26850>.

and *kawin tangkap* in Sumba,⁵ disproportionately burdens women through economic loss, psychological pressure, and vulnerability to abandonment, even though Sharia (Islamic law) theoretically recognizes women's autonomy through the right of consent (*ridha al-mar'ah*), the principle of justice (*al-'adl*), and the public interest (*maslahah*). In other words, the reality of women's lives in many Muslim societies, particularly in Indonesia, reveals a significant gap between formal rights and substantive protection.

The Bintauna community in Bolaang Mongondow Regency, Indonesia, exemplifies legal pluralism within a Muslim-majority context through the tradition of *learo* or *mo learo* (tooth cleaning) in wedding ceremonies, which reveals a stark contradiction. On the one hand, this tradition aims to honor the bride and unite families through customary ceremonies; on the other hand, however, it simultaneously enforces a symbolic mechanism of purity assessment that places women under public scrutiny and patriarchal control, while imposing a psychological burden upon them. This imbalance reflects a broader pattern in contemporary feminist legal studies. Sarah et al. explain that although there have been legal reforms promoting gender equality, customary and religious norms often override state protections, thereby creating a persistent gap between normative frameworks and lived experiences.⁶ This experience can vary for each woman within the traditional marriage system, depending on education, social status, economic circumstances, generational position, and geographic location.⁷ More notably, young women and community members in Bintauna are increasingly questioning the practice of the *learo* tradition; however, they still lack the intellectual resources, specifically an understanding of Sharia principles and the framework of women's rights, to articulate alternative solutions. Ilmiati et al. explain that traditions or customary laws can be a source of gender injustice if they are not critically examined and reformed.⁸ Thus, the *learo* tradition not only represents a local practice but also serves as a crucial example of how legal pluralism, if not guided by gender analysis, can reinforce patriarchal control through discourses of cultural authenticity and religious legitimacy, leading to an

⁵ Puan Nurhaliza, Lily Andayani, and Aliesa Amanita, "Tinjauan Yuridis Terhadap Tradisi Kawin Tangkap Di Sumba Di Tinjau Dari Uu Perkawinan," *Jurnal Rechtswetenschap* 1, no. 1 (2024), <https://doi.org/10.36859/rechtswetenschap.v1i1.2366>.

⁶ Sarah Sarah et al., "Pluralisme Hukum Dan Keadilan Gender Dalam Penetapan Nafkah Istri Di Indonesia," *Jurnal USM Law Review* 8, no. 3 (2025): 6–11, <https://doi.org/10.26623/julr.v8i3.12707>.

⁷ Anu Rammohan and Meliyanni Johar, "The Determinants of Married Women's Autonomy in Indonesia," *Feminist Economic* 15, no. 4 (2009): 31–55, <https://doi.org/10.1080/13545700903153989>.

⁸ Ilmiati et al., "Unveiling Gender Disparities in Legal Traditions: A Study of Deferred Mahar within Customary Law," *De Jure: Jurnal Hukum Dan Syar'iah Volume* 17, no. 1 (2025): 204–23, <https://doi.org/10.18860/j-fsh.v17i1.30466>.

intersection between Islamic law, customary normative systems, and gender relations in contemporary society.

Thus, studies on traditional marriage practices in Indonesia and gender studies have largely remained separate. First, the empirical socio-legal study by Wahyuni et al. on customary law shows that strong social legitimacy through tradition, with the authority of customary leaders, often surpasses the authority of religious figures.⁹ Similarly, the study by Syahrir et al. discusses the compatibility of Islamic norms and evaluates the normative position of women at the intersection of custom, religion, and state law regarding the practice of *mowea sarapu*.¹⁰ Second, studies of Islamic law use *al-urf al-sahib* (valid and acceptable custom) as a source of legal authority, raising critical questions about the alignment of Islamic principles with customs and discriminatory gender elements.¹¹ The study by Sarah et al. explains the application of the *maqashid al-shariah* framework (the objectives of Islamic law) in Islamic family law regarding justice, dignity, and welfare.¹² Studies by Mokodenseho & Jaya and Daeng Masenge highlight the emphasis on the *learo* tradition, which does not conflict with Islamic values, as well as the views of the Bintauna and Busisingo communities regarding this tradition.¹³ Third, feminist legal studies by Syamanta et al. and Taak explain that traditional marriage practices involve gender-based power dynamics and call for legal reforms that integrate a gender justice perspective into religious frameworks.¹⁴ A study by Nofialdi et al. shows that women have not been fully empowered to negotiate and interpret customary legal norms to accommodate

⁹ Wahyuni, Siregar, and Rahmatullah, “Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society: A Study of Legal Pluralism.”

¹⁰ Muh. Akbar Fhad Syahril et al., “Reconstructing Women’s Status in Mowea Sarapu: Customary Divorce, Maqasid Al-Shari’ah, and Gender Justice in Tolaki Muslim Legal Pluralism, Indonesia,” *Jurnal Theologia* 36, no. 2 (2025): 311–26, <https://doi.org/10.21580/teo.2025.36.2.29864>.

¹¹ Alhusni, Siti Adibah Binti Mohmad Jeofrey, and M. Zaki, “Islamic Law and Customary Law in the Prohibition of Sogit Marriage in Sabah, Malaysia,” *Islamic Law and Social Issues in Society* 1, no. 1 (2025): 86–98, <https://doi.org/10.64929/ilsis.v1i1.8>.

¹² Sarah et al., “Pluralisme Hukum Dan Keadilan Gender Dalam Penetapan Nafkah Istri Di Indonesia.”

¹³ Apriyanto Mokodenseho and Umar Jaya M., “The Mo Learo Tradition in Pre Marriage to the Community Sangkub District, North Bolaang Mongondow Regency on Islamic Law Perspective,” *Al-Mizān* 13, no. 1 (2017): 69–88, <https://doi.org/https://doi.org/10.30603/am.v13i2.908>; Winda Daeng Masenge, “Adat Learo Dalam Pernikahan Masyarakat Busisingo” (Universitas Negeri Gorontalo, 2014), <https://repository.ung.ac.id/skripsi/show/231409026/adat-learo-dalam-pernikahan-masyarakat-busisingo.html>.

¹⁴ Talita Syamanta et al., “Towards Feminist Justice: Reforms and Challenges in Islamic Courts for Gender Equality and Women’s Rights,” *Syariat: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 1, no. 1 (2024): 36–57, <https://doi.org/10.35335/g9drrx81>; Taak, “The Intersection of Customary Law and Women’s Rights in Developing Jurisdictions: A Critical Analysis of Legal Pluralism and Constitutional Reform in Africa and Asia.”

their interests.¹⁵ A comparative study by Lestari and Rofiq across South Asia, Sub-Saharan Africa, and Southeast Asia reveals that substantive gender justice requires not only legal amendments but also a fundamental reinterpretation of religious texts through hermeneutics grounded in equality and dignity.¹⁶ Fourth, studies on institutional reform emphasize that effective legal reform in a pluralistic legal context requires community engagement through alternative interpretations of religious and customary norms.¹⁷ Thus, all of these literature reviews remain largely separate from empirical socio-legal studies, Islamic legal studies, and feminist legal studies.

The purpose of this study is to address significant gaps and shortcomings in previous studies through a comprehensive analysis of the *learo* tradition using feminist legal pluralism to achieve four research objectives: First, to analyze the *learo* tradition as an arena of negotiation between Sharia law and customary law; Second, to analyze power relations and the politics of women's bodies within the *learo* tradition; and Third, to propose a feminist legal pluralism framework centered on women's voices and roles. Based on these three research objectives, the main argument is that the *learo* tradition is a contested arena, where women, customary authorities, and religious leaders continuously negotiate the boundaries of legitimate norm-setting and gender relations. Additionally, this article offers three interrelated contributions: First, providing a theory-grounded and ethnographically informed account of the *learo* tradition; Second, demonstrating that feminist legal pluralism requires engagement with: (a) customary normativity, namely how customary rules are legitimized and made binding; (b) the legitimacy of Islamic law, namely how Islamic jurisprudence is reinterpreted locally; and (c) power relations that constrain or enable women's agency; Third, it reveals that women in Bintauna are active participants in the reinterpretation of law, thereby enriching gender-sensitive studies of customary law.

This study employs a qualitative research design grounded in feminist legal pluralism as its primary theoretical framework.¹⁸ Feminist legal pluralism allows for an examination of how customary practices operate simultaneously within

¹⁵ Nofialdi et al., "Urf, Gender, and Customary Law: Negotiating Women's Participation in Boar Hunting in Minangkabau, Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (2025): 279–303, <https://doi.org/10.18326/ijtihad.v25i2.281-303>.

¹⁶ Putri Ayu Lestari, "Reclaiming Faith and Justice: A Narrative Review of Islamic Feminism," *Sinergi International Journal of Islamic Studies* 2, no. 3 (2024): 176–89, <https://doi.org/10.61194/ijis.v2i3.608>; Nur Rofiq, "Gender, Faith, and Reform: A Narrative Review of Islamic Feminism and Public Policy," *Sinergi International Journal of Islamic Studies* 2, no. 2 (2024): 66–81, <https://doi.org/10.61194/ijis.v2i2.600>.

¹⁷ Doni Azhari and Asmuni, "The Politics of Reform in Islamic Family Law and Its Impact on Gender Equality," *Usraty: Journal of Islamic Family Law* 3, no. 1 (2025): 87–99, <https://doi.org/10.30983/usraty.v3i1.8721>.

¹⁸ Sara Araújo, "Law as Imagination: Feminist Rethinkings of Legal Pluralism," *Oñati Socio-Legal Series* 15, no. 6 (2025): 1897–1921, <https://doi.org/10.35295/osls.iisl.2210>.

various legal orders, state law, Islamic law, and local norms, while systematically interrogating the gender hierarchies and power imbalances embedded within them.¹⁹ This framework is used to analyze the *learo* tradition because it accommodates a living law perspective, acknowledging that law is not merely formally codified but is also actively produced and interpreted through community practices and negotiations.²⁰ This research integrates three complementary analytical perspectives: First, Sharia (Islamic law), which examines how customary practices align with principles of Islamic jurisprudence such as *al-'urf al-sahib* (valid custom) and *maqasid al-shariah* (the objectives of Islamic law); Second, the theory of legal pluralism, which acknowledges the dynamic interaction between state law, Islamic law, and customary norms; and Third, gender analysis, which focuses on women's lived experiences and structural inequalities within marriage customs. This layered approach serves as the primary framework, positioning other perspectives as analytical lenses within a coherent whole.

This study was conducted in Bintauna Subdistrict, North Bolaang Mongondow Regency, North Sulawesi Province, Indonesia, over a three-month period from May to July 2023. The Bintauna community was selected as the primary research site because: First, the *learo* tradition is still actively practiced and holds cultural significance; Second, the community has a strong customary institution alongside formal Islamic religious structures; Third, the population represents a context that has been under-researched for understanding legal pluralism and gender dynamics in customary marriage in Indonesia, particularly customary marriage among the Bintauna community; and Fourth, traditional leaders, religious leaders, academics, and female participants, all of whom were easily accessible. The composition of the respondents can be seen in Table 1 below:

Table 1. Composition of the Sample/Respondents

Respondent's Name (Initials)	Gender	Position
TA-1	Male	Traditional Leader
TA-2	Male	Traditional Leader
TA-3	Male	Traditional Leader
IN-1	Female	Inang (Ritual Leader)
IN-1	Female	Inang (Ritual Leader)
TAG-1	Male	Religious Leader
TAG-2	Male	Religious Leader
TAG-3	Male	Religious Leader
TAG-4	Male	Religious Leader

¹⁹ Syamanta et al., "Towards Feminist Justice: Reforms and Challenges in Islamic Courts for Gender Equality and Women's Rights."

²⁰ Jansen Edinata Simanjuntak et al., "Customary Law and Multiple Legal Systems in Criminal Justice: Indonesia's Penal Reform Experience," *Architectural Image Studies* 6, no. 3 (2025): 1864–80, <https://doi.org/10.62754/ais.v6i3.528>.

AK-1	Male	Academic
AK-2	Female	Academic
AK-3	Male	Academic
PL-1	Female	<i>Learo</i> Participant
PL-2	Female	<i>Learo</i> Participant
PL-3	Female	<i>Learo</i> Participant
PL-4	Female	<i>Learo</i> Participant
PL-5	Female	<i>Learo</i> Participant
PL-6	Female	<i>Learo</i> Participant

This study utilized two data sources: First, primary (empirical) data were obtained through semi-structured interviews. The sample was selected using purposive sampling, a well-established technique in qualitative research for selecting participants who are rich in information. The sample was drawn from four categories of key stakeholders, namely: (a) 4 religious leaders; (b) traditional stakeholders (3 traditional leaders and 2 *inang*); (c) 3 academics; (d) 6 community members and female participants who have direct experience with the *learo* tradition. According to Kanu & Kanu, the use of this composition in a study ensures diverse perspectives: institutional authority (religious and traditional leaders), academic expertise, and community-based life experiences, particularly women's voices, as essential requirements for amplifying the voices of those marginalized within this tradition.²¹ Second, secondary and tertiary data include reputable national and international journals on gender, customary law, legal pluralism, Sharia (Islamic law), as well as relevant textbooks and documents.

Data collection was conducted using two main methods: First, the semi-structured interview method. This method was chosen because it allows for flexibility in exploring participants' perspectives while remaining focused on the predefined research questions.²² An interview guide was developed for each sample (stakeholder group), containing open-ended questions aligned with the research objectives. Second, the observation method. According to Sidiq et al., the use of participant observation aims to investigate legal practices within various local community contexts.²³ The researcher attended five instances of the *learo*

²¹ Kanu Winifred Nwabuaku and Kanu Catherine Chiugo, "Methodological Challenges of Fieldwork in Indigenous Communities of Africa: A Systematic Review," *African Quarterly Social Science Review* 2, no. 3 (2025): 299–306, <https://doi.org/10.51867/AQSSR.2.3.26>.

²² Amber Wutich, Melissa Beresford, and H. Russell Bernard, "Sample Sizes for 10 Types of Qualitative Data Analysis: An Integrative Review, Empirical Guidance, and Next Steps," *International Journal of Qualitative Methods* 23 (2024): 1–14, <https://doi.org/10.1177/16094069241296206>.

²³ Farkhan Maulana Sidik, "The Practical Benefits of Legal Anthropology in Achieving Social and Cultural Justice in Society," *Education of Law Journal* 1, no. 2 (2025): 63–72, <https://doi.org/10.21831/edulaw.v1i2.1705>.

tradition and conducted non-participant observation to document: (a) ritual procedures and sequences; (b) the roles and interactions of participants; (c) patterns of verbal and non-verbal communication; (d) emotional expressions and responses; and (e) spatial arrangements and symbolic elements. Field observation notes were recorded immediately after each ceremony to capture descriptive and reflective data.

Data analysis followed an inductive-deductive approach based on thematic analysis.²⁴ The data were then analyzed through the three stages of the Miles, Huberman, and Saldana model: (a) Stage 1 is data reduction: selecting, focusing, simplifying, and transforming raw data (interview transcripts, field notes); irrelevant data is removed, and key themes are grouped through open coding and axial coding; (b) stage 2 is data presentation: organizing information narratively and in matrices; data from other informants is synthesized based on their roles and perspectives; (c) Stage 3 is the search for meaning, patterns, and data configurations; preliminary conclusions are verified through source triangulation (comparing data from various informants) and methodological triangulation (comparing interview results with documentary data).²⁵ Subsequently, these results are theoretically integrated within the framework of feminist legal pluralism, linking empirical findings to theoretical concepts such as: (a) *al-'urf al-sabih* and gender discrimination; (b) patriarchal authority and legal pluralism; (c) the role of women in a pluralistic legal system; and (d) structural gender inequality reproduced through customary practices. According to Naeem et al., this integration process ensures that descriptive findings are elevated to analytical and theoretical insights.²⁶

This study adhered to strict ethical standards at every stage, beginning with the acquisition of Free, Prior, and Informed Consent (FPIC) from each individual participant,²⁷ where the consent form was provided in Indonesian, both in writing and orally, to ensure accessibility, and included an explanation of the study's purpose and objectives, data collection methods and procedures, confidentiality

²⁴ Muhammad Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research," *International Journal of Qualitative Methods* 22, no. October (2024): 1–18, <https://doi.org/10.1177/16094069231205789>.

²⁵ Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Los Angeles: Sage, 2014).

²⁶ Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research."

²⁷ Retno Kusniati, "Free, Prior, and Informed Consent Principles as Indigenous Peoples' Right: Soft Law or Hard Law?," *Jambe Law Journal* 7, no. 1 (2024): 169–93, <https://doi.org/10.22437/jlj.7.1.169-193>.

protection, data security measures, the voluntary nature of participation along with the right to withdraw, potential risks and benefits, as well as researcher contact information and ethical oversight. In addition to individual consent, community-level consent was also obtained in advance through formal meetings with community leaders, traditional leaders, and religious leaders, recognizing that in community-based research, collective consent complements individual consent.²⁸ All participant data was anonymized using pseudonyms (initials). This research was also conducted with explicit cultural sensitivity and reflexivity,²⁹ in which the research team routinely consulted with community liaisons and cultural advisors, was always prepared to temporarily halt or modify data collection in response to community concerns, acknowledged and documented the researchers' position as outsiders as well as potential power dynamics, continuously reflecting on how personal biases might shape data interpretation, and committed to reciprocal knowledge exchange rather than exploitative research.

Discussion

The *Learo* Tradition as a Forum for Negotiation between Sharia Law and Customary Law

Marriage is one of the most important aspects of community life, especially in Indonesia, a country rich in culture and tradition. Korolova et al. argue that traditions in the context of marriage are practices passed down from generation to generation, encompassing various rituals, ceremonies, and norms that govern the conduct of marriage.³⁰ Marriage ceremonies in Bintauna society involve numerous traditional rituals that must be performed before the marriage contract is finalized. One of the stages carried out is the *learo* tradition. In the Bintauna traditional language, *learo* is called *isi baki*. A *baki* is a type of large tray. *Learo* is also interpreted as "brushing teeth." Terminologically, this is a traditional ritual performed by the groom's family on the prospective bride, who is still a virgin, using a stone as a tool.³¹

Based on findings from interviews with respondents, namely Traditional Leaders (TA-1, TA-2, and TA-3) and Inang (IN-1 and IN-2) in the field regarding: A.1 The Ritual; A.2 Parties involved; A.3 Philosophical meaning; A.4 Differences

²⁸ Participants in the Community Engagement and Consent Workshop, "Consent and Community Engagement in Diverse Research Contexts: Reviewing and Developing Research and Practice," *J Empir Res Hum Res Ethics* 8, no. 4 (2013): 1–18, <https://doi.org/10.1525/jer.2013.8.4.1>.

²⁹ Joseph C Pesambili, "Towards Culturally Responsive Ethical Research: Insights from an In-Depth Study of the Indigenous," *AlterNative: An International Journal of Indigenous Peoples* 21, no. 4 (2025): 729–39, <https://doi.org/10.1177/11771801251374143>.

³⁰ Jelena Korolova et al., "Transformations of Old Believer Wedding Rites in Latvia: The Case of Latgale," *Journal of Ethnology and Folkloristics* 15, no. 2 (2021): 159–78, <https://doi.org/10.2478/jef-2021-0022>.

³¹ Masenge, "Adat *Learo* Dalam Pernikahan Masyarakat Busisingo."

between the nobility and the general public; A.5 Traditional sanctions for those who do not perform the *learo* tradition can be seen in Table 2 below:

Table 2. Coding of Consensus Summaries and Differences among Respondents Regarding the *Learo* Tradition

Topic Interview	Consensus/Agreement among All Respondents	Differences among Respondents
A.1 Procession	A ritual involving tooth-brushing with a traditional stone, the “ <i>tepuke pinang</i> ” ceremony, and traditional advice.	Local terms (<i>mo learo</i>); the sequence of traditional rituals (TA-1 lists 9 stages).
A.2 Parties involved	<i>Inang</i> , both families, and traditional leaders.	The presence of the village imam (some mentioned him, others did not); the groom (IN-2 stated he was not present).
A.3 Philosophical meaning	Physical and spiritual purification, rites of passage, character education.	Number of rubs (TA-3: 3 times); connection to the Kingdom of Bolaang Mongondow (TA-3 only).
A.4 The difference between the nobility and the common people	There used to be a difference in the equipment and the festivities; now it’s starting to fade.	Details of the royal regalia (yellow/white umbrella; the procession of stepping on plates is referred to simply as TA-3).
A.5 Traditional sanctions	No coercion; fines for out-of-wedlock pregnancies.	The amount of the historical fine (IN-1 and TA-2 mention Rp 96,000); the existence of social sanctions (TA-1 and TA-3 mention this, but IN-2 does not).

Based on Table 2 in Theme A.1, all respondents agreed that *learo* is a ritual in which the *inang* brushes the bride-to-be’s teeth with a traditional stone, accompanied by the clapping of betel nuts and traditional advice. The differences lie only in the local term (*mo learo*) and the complete sequence of traditional rituals; in Theme A.2, all respondents identified the *inang* as the primary performer, supported by the families of both bride and groom and traditional leaders acting as witnesses/supervisors. Some respondents also mentioned the roles of the village *imam*/religious leader and village officials. The groom-to-be is generally not present during the procession; in Theme A.3, all respondents agreed that the traditional stone symbolizes the strength and preservation of tradition, while tooth-brushing symbolizes the cleansing of both body and soul. The core philosophy is that *learo* serves as a rite of passage, character education, and a

reminder of household responsibilities; in Theme A.4, all respondents acknowledged historical differences between the nobility and the general public regarding the scale of festivities, ritual tools, and the extent of traditional assets. However, these differences are now beginning to fade, and the core of the *learo* ritual remains the same for all social strata; and in Theme A.5, consistently, all respondents stated that there are no coercive sanctions for performing *learo*. Sanctions (in the form of customary fines) are instead imposed for pre-marital violations (particularly out-of-wedlock pregnancy), and prospective brides in such circumstances are actually prohibited from performing the *learo* ritual. Penalties (in the form of customary fines) are actually imposed for pre-marital offenses (particularly out-of-wedlock pregnancies), and prospective brides and grooms in such situations are not permitted to perform the *learo* ritual. This tradition is still alive and practiced to this day.

From a sociological and philosophical perspective, the *learo* tradition holds deep symbolic meaning related to the resilience and endurance of the household being established. The *learo* stone used in the ritual symbolizes strength and resilience, and embodies the hope that the household being built will be as hard and resilient as the stone itself, even in the face of life's various trials. These stones are taken from nature, considered sacred, and believed to possess supernatural powers that signify the interconnectedness of humans, nature, and ancestors. The *learo* tradition, as a customary practice, is an ancestral legacy that embodies values of cultural continuity and respect for forebears' traditions. The community not only preserves the continuity of cultural values but also strengthens its collective identity and philosophy of life, rooted in harmony between humans, nature, and moral values. This ritual form also reflects the community's belief in the necessity of maintaining the personal and moral purity of the prospective bride and groom as part of their preparation to establish a sacred household. Thus, the *learo* tradition is grounded in a strong sociological foundation that strengthens social networks and preserves customary values, as well as a philosophical foundation that imbues symbolic meaning related to resilience and sanctity in married life.

Based on field findings from interviews with religious leaders (TAG-1, TAG-2, TAG-3, and TAG-4) and academics (AK-1, AK-2, and AK-3), the results are presented in Table 3 below:

Table 3. Coding Summary of the *Learo* Tradition Negotiations between Sharia and Customary Law

Topic Interview	Academic Respondents	Religious Leader Respondents
B.1 Legal status	Most people distinguish between the cleansing aspect (<i>shabib/mubab</i>) and the virginity-testing function (<i>fasid/haram</i>).	Different perspectives: ranging from "mandatory" (TAG-2), "not conflicting" (TAG-1), "uncomfortable" (TAG-3), to "prohibited test function" (TAG-4).

B.2 Acculturation	It occurs naturally, but there is criticism that tradition takes precedence over the substance of Islam.	Religious leaders are involved in prayer and counseling, but some are not critical of the testing process.
B.3 Gender implications	It has been identified as problematic: discriminatory, unjust, and creating social control over women's bodies.	Only TA-4 explicitly addresses gender issues; the others focus more on "protection" and "prevention of harm."
B.4 Reform	Everyone agrees that changes are needed; the difference lies in the extent of those changes (AK-1: gradual changes, AK-2: total reform/abandonment, AK-3: moderate changes).	Different perspectives: TAG-1 and TAG-2 tend to be preservative, TAG-3 is a mediator, and TAG-4 is a decisive reformer.
B.5 <i>Maslahat vs Mudharat</i>	AK-1 and AK-3: potential benefits if modified; AK-2: the current drawbacks outweigh the benefits.	TAG-1 and TAG-2: greater benefit; TAG-3: balanced; TAG-4: greater harm if the test function is retained.

Based on Table 3, it is evident that there is a fundamental difference between the perspectives of religious figures and academics regarding the *learo* tradition. The most fundamental difference between the two groups of respondents lies in the methodology and sources of authority they employ. Religious figures (except TAG-4) tend to use a literal and pragmatic approach. They cite the absence of explicit prohibitions in the Qur'an and Hadith as a basis for justification (there is no evidence prohibiting it). They are also heavily influenced by social and customary pressures and fear being seen as defying tradition if they criticize deeply rooted customs. Consequently, their analysis tends to be superficial and unsystematic. Academics, on the other hand, employ a systematic theoretical framework, ranging from the concept of tradition (*'urf*) in Islamic legal theory (*ushul fiqh*) and *maqashid al-sharia* to theories of legal sociology and gender studies. They clearly distinguish between ritual aspects and functional aspects, and conduct a more balanced cost-benefit analysis. They are also not bound by the same social pressures due to their position as researchers/academics who are outside the local customary structure.

All academics have strongly criticized the use of virginity tests in *learo* as unscientific, gender-biased, and contrary to Islamic principles (particularly the concealment of shame and justice). They agree that this practice must be abolished. Among religious figures, only TAG-4 holds a similar stance. TAG-1 and TAG-2, on the other hand, defend the virginity test on the grounds of "protecting men's rights" and "preventing the breakdown of the family." TAG-3 occupies an ambivalent position, feeling uncomfortable but not daring to criticize openly. In addition, academics provided more concrete and structured recommendations, ranging from moderate (gradual modification) to radical (total reform or abandonment of tradition). Accommodating religious figures (TAG-1, TAG-2) do not offer recommendations for substantive change; they merely wish

to “strengthen” existing traditions through increased prayer and Islamic counsel. TAG-4 stands apart among religious figures; its recommendations align with those of critical academics, and in some aspects, are even more detailed and actionable.

This *learo* tradition has gone beyond the boundaries of *‘urf shabih* (valid custom) as stipulated in the principle of *al-‘adat al-mubakkamah* (customs may serve as a legal basis),³² *mā raja’a ilaibi al-nās fi mu‘amalatibim ya‘tabaru min al-‘urf* (what has become the custom of the people in their dealings is considered *‘urf*), and *al-‘urf sabitbi al-ta‘umul* (customs that have been in practice for a long time are recognized as a legal basis).³³ These principles affirm that customary practices can serve as a legitimate source of law and are justified to be upheld only as long as they do not conflict with the *nash syara’* (the Qur’an and Hadith) and the principle of justice. In this *learo* tradition, what crosses the line is not the act of brushing one’s teeth (which resembles the Sunnah siwak), but rather the hidden function of this ritual as a means of publicly testing virginity. This function blatantly violates the principle of *saturul ‘aib* (concealing faults), as commanded in the Prophet’s hadith narrated by Muslim: “Whoever conceals the faults of a Muslim, Allah will conceal his faults in this world and the Hereafter,” while also violating the Prophet’s explicit prohibition against *mujāharah* (publicly flaunting one’s own sins, let alone those of others). More fundamentally, the discriminatory practice of imposing this purity test solely on women constitutes a disregard for the *maqashid al-sharia*, particularly *hifdz an-nafs* (protecting the soul from psychological trauma) and *hifdz al-‘irdh* (preserving honor). Because the harm it causes, in the form of the potential exposure of shame, psychological terror, and prolonged social stigma, far outweighs the illusory benefits it seeks to achieve, this *learo* tradition must be rejected based on a higher principle of *fiqh: dar’ul mafasid muqaddam ‘ala jalbil mashalih* (preventing harm takes precedence over seeking benefit). Thus, to meet the standards of *‘urf shabih*, the *learo* tradition must be immediately separated from its function as a virginity test so that it does not continue to perpetuate gender injustice in the name of religion and custom. Therefore, change is necessary, at least in the form of modification, if not in the form of total reform or the abandonment of the tradition. In fact, according to Shesa et al., Sharia or Islamic law possesses the flexibility to accommodate local traditions as long as they do not contradict the fundamental principles of Sharia.³⁴

³² Samsudin Buamona B, “Kaidah Al- ‘Adatu Muhakkamah: Konsep, Aplikasi, Dan Relevansi Dalam Dinamika Hukum Islam Kontemporer,” *Al-Mizan: Jurnal Kajian Hukum Dan Ekonomi* 10, no. 02 (2024): 171–84, <https://e-jurnal.staibabussalamula.ac.id/index.php/al-mizan/article/view/192/168>.

³³ Fitra Rizal, “Penerapan ‘Urf Sebagai Metode Dan Sumber Hukum Ekonomi Islam,” *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 1, no. 2 (2019): 155–76, <https://doi.org/10.37680/almanhaj.v1i2.167>.

³⁴ Laras Shesa et al., “Flexibility of Rejang Semendo System in Modern Marriage,” *Jurnal Ilmiah Al- Syir’ab* 23, no. 2 (2025): 245–64, <https://doi.org/10.30984/jis.v23i2.3595>.

Power Relations and the Politics of the Female Body in the *Learo* Tradition

Based on findings from field interviews with respondents, namely, practitioners of the *learo* tradition (PL-1, PL-2, PL-3, PL-4, and PL-5) and ritual leader (*inang*) (IN-1 and IN-2), the results are presented in Table 4 below:

Table r. Coding of Statements by Female Practitioners and Facilitators of the *Learo* Tradition

Interview Topic	Frequency of Responses	Primary Respondent Code
C.1 Fear and psychological stress	7/7	All respondents
C.2 Gender bias (only women were tested)	7/7	All respondents
C.3 Virginity tests are not valid	6/7	IN-1, IN-2, PL-1, PL-2, PL-3, PL-4
C.4 The customary fine is disproportionate and unfair	5/5 (relevant)	IN-1, IN-2, PL-1, PL-2, PL-5
C.5 Generational differences	7/7	All respondents
C.6 The conflict between traditional and religious loyalties	7/7	All respondents
C.7 Expectations of change (ritual modification)	7/7	All respondents
C.8 Disagree with the function of virginity tests	7/7	All respondents
C.9 The <i>inang</i> has limited and problematic agency	2/2	IN-1, IN-2
C.10 Women who are subjected to the test feel punished	3/3 (PL-4, PL-5, IN)	PL-4, PL-5, IN-1, IN-2

Table 4 presents information based on an analysis of interview results with 7 respondents (2 *inang* and 5 *learo* participants); the *learo* tradition reveals unequal power dynamics and a politics of the body that is detrimental to women. By consensus (7/7), all respondents reported experiencing significant fear and psychological pressure, acknowledged gender injustice because only women are tested while men escape similar scrutiny, and expressed disagreement with the function of virginity testing while hoping for ritual modifications. The majority (6 out of 7) deemed virginity testing methods scientifically invalid. Specifically for women exempted from the *learo* tradition (widows or pregnant women), all three (3 out of 3) felt punished by custom, while the midwives themselves (2 out of 2) acknowledged having limited and dilemmatic agency; they were given an important role but were trapped within a structure that controls other women's bodies. All respondents (7/7) also confirmed the existence of generational differences in perspective as well as conflicts of loyalty between traditional customs and religion.

From a gender perspective, the *learo* tradition reinforces patriarchal norms by positioning women as objects of chastity verification, while men are not subject to similar rituals. This patriarchal system, characterized by male dominance over women's reproduction and sexuality, contributes to greater social pressure and

stigma directed at women who do not meet traditional standards of chastity.³⁵ Women are also positioned as the guardians of family morality, a stereotype that imposes stricter moral standards on them than on men.³⁶ Virginity tests such as *learo* tradition often result in humiliation and negative social consequences if the criteria are not met, and can make it difficult to prosecute perpetrators of violence because women face public shame.

The social and psychological impact on women is very real: the pressure to uphold traditional standards of chastity can lead to stress, anxiety, trauma, and even Post-Traumatic Stress Disorder-like conditions.³⁷ This practice also creates a gender imbalance in responsibility, where men enjoy greater sexual freedom without facing similar social consequences, while women restrict their experiences out of fear of social judgment. Stigma for those who fail or are excluded from the *learo* tradition can result in social ostracism that impacts women's social and psychological standing. However, the *learo* tradition is also ambivalent: on one hand, it reproduces patriarchal structures by silencing women in public negotiations; on the other hand, it functions as a cultural mechanism to protect and honor women as the center of rituals. This tradition reflects an ongoing negotiation between customary norms, Sharia demands, and gender constructions. As times change, transformations are beginning to occur through the negotiation of gender roles, critiques of gender bias, preservation through adaptation, as well as the influence of globalization and education, which are altering perceptions of gender equality within the Bintauna community.

Cultural practices often emphasize a woman's virginity until marriage as something tied to her dignity and reputation, with serious consequences, including reputational damage, for both the woman herself and her family if premarital sex occurs.³⁸ Gender role expectations in culture often assume that men are sexually active and dominant, while women are expected to be passive and submissive. This disparity can result in women being shamed more frequently, often through

³⁵ MJ Maluleke, "Culture, Tradition, Custom, Law and Gender Equality," *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad* 15, no. 1 (2012): 1–22, <https://doi.org/10.4314/pej.v15i1.1>; Hannelie J. Wood, "Gender Inequality: The Problem of Harmful, Patriarchal, Traditional and Cultural Gender Practices in the Church," *HTS Teologiese Studies/Theological Studies* 75, no. 1 (2019): 1–8, <https://doi.org/10.4102/hts.v75i1.5177>.

³⁶ Tadios Chisango and Thokozile Mayekiso, "An Investigation of the Sexist Application of the Morality Concept of Tsika in the Shona Culture of Zimbabwe," *International Journal of Psychology* 48, no. 6 (2013): 1237–45, <https://doi.org/10.1080/00207594.2013.766745>.

³⁷ Leso Munala et al., "I Was Forced into It: The Continued Violation of Widows from the Luo Community of Kenya through Sexual Cleansing Rituals," *Frontiers in Global Women's Health* 3, no. August (2022): 1–12, <https://doi.org/10.3389/fgwh.2022.942635>; Chidi Emmanuel Nwokike, "Widowhood Cleansing Rituals In Mbaukwu: Implications for Policy Makers" (Social Science Research Network (SSRN), 2017), <https://doi.org/10.2139/ssrn.3092072>.

³⁸ Maluleke, "Culture, Tradition, Custom, Law and Gender Equality."

“slut-shaming,” than men for similar sexual behavior.³⁹ This unequal distribution is influenced by cultural expectations that women must be submissive and take on the primary role in caregiving responsibilities.⁴⁰

This tradition reflects an ongoing negotiation between cultural respect for women and the reality of social structures that remain rooted in patriarchal lines. The *learo* tradition in the Bintauna community’s marriage customs presents an ambiguity that is rich in analytical terms. This tradition serves as a stage where traditional patriarchal structures are displayed, yet simultaneously functions as a medium to fulfill the cultural mandate of honoring women while ensuring the foundations of Islamic law are upheld. Thus, this tradition serves as living proof of how a community creatively negotiates between customary norms, the demands of Sharia, and the gender constructs it has inherited. This aligns with the findings of Supriyadi and Ghani that a negotiation occurs between tradition and modernity. Tradition is reactivated in a modified form as a response to modernity (gender).⁴¹

A Feminist Legal Pluralism Framework Centered on Women’s Voices and Roles in the *Learo* Tradition

The *learo* tradition has clearly demonstrated that customary law cannot be understood as a monolithic, gender-neutral entity. Rather, it is an arena of contestation where various normative systems, customary, Islamic, and values of equality meet, overlap, and often conflict with one another.⁴² In this context, the framework of feminist legal pluralism offers an analytical tool that is not only descriptive but also prescriptive: it does not merely acknowledge the existence of various legal systems but also evaluates legal practices based on their impact on the subordination or emancipation of women. Based on field findings in Bintauna, this framework needs to be operationalized through three main pillars centered on women’s voices and roles:

First, the normativity of living customs. Feminist legal pluralism rejects the view that adat law consists solely of written rules established by male

³⁹ Joyce J. Endendijk et al., “Sexual Double Standards: Contributions of Sexual Socialization by Parents, Peers, and the Media,” *Archives of Sexual Behavior* 51 (2022): 1721–40, <https://doi.org/10.1007/s10508-021-02088-4>.

⁴⁰ Eileen Bogweh Nchanji et al., “Deconstructing Leisure Time and Workload: Case of Women Bean Producers in Kenya,” *Agriculture and Food Security* 10, no. 1 (2021): 1–12, <https://doi.org/10.1186/s40066-021-00286-w>.

⁴¹ Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, “Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung,” *Nusantara: Journal of Law Studies* 4, no. 2 (2025): 114–28, <https://doi.org/10.5281/zenodo.17340470>.

⁴² Andrew Ikhayere Imiefoh and Evis Garunja, “The Role of Cultural Education in Shaping Succession Laws in Nigeria: Bridging Tradition and Modernity,” *Kiu Law Journal* 8, no. 1 (2026): 162–79, <https://doi.org/10.59568/KIULJ-2026-8-1-10>.

traditional leaders. On the contrary, living customary law is often found in the daily practices of women. In this case, the *inang* and the bride-to-be themselves. Findings indicate that midwives possess significant procedural authority during the *learo* ceremony; they can slow down or speed up the rubbing, press the stone harder or more gently, and even conceal imperfect betel nut fragments. These actions constitute a form of silent reinterpretation of customary law, an agency rarely acknowledged in classical legal pluralism studies.⁴³ A framework centered on women's voices must begin by documenting these interpretive practices as authentic sources of customary normativity, not merely as deviations from official rules.

Second, locally reinterpreted Islamic legitimacy (vernacularized Islamic legitimacy). Critical scholars and religious leaders agree that the function of the virginity test in the *learo* tradition contradicts the principles of *saturul 'aib* (concealing shame) and gender justice in Islam. However, feminist legal pluralism is not sufficient merely by declaring that a practice is un-Islamic. It must demonstrate how Islamic law can be locally reinterpreted to support customary reform. In the context of *learo* tradition, this reinterpretation entails: (a) clearly distinguishing between the tooth-brushing ritual (which can be analogized to the sunnah of using a *sinak*) and the virginity test function (which has no basis in the Qur'an and Hadith); (b) applying the principle of *dar'ul mafasid muqaddam 'ala jalbil mashalih* (preventing harm takes precedence over seeking benefit) to justify the abolition of the virginity test; and (c) involving female religious leaders and the *inang* in the process of collective *ijtihad*, so that the legitimacy of Islamic law does not stem solely from male authority.

Third, power relations that both constrain and enable women's agency. A feminist legal pluralism framework must be able to dialectically analyze how power operates within the *learo* tradition. On the one hand, power is constraining: patriarchal customary structures, family pressure, social sanctions, and religious legitimization that accommodates custom have created narrow boundaries for women's movements. Brides-to-be have no choice but to undergo *learo* tradition (except by paying a substitute fee, which actually reinforces their status as less pure), and the *inang*, though possessing procedural authority, remains under the supervision of male traditional leaders. Yet on the other hand, power is also enabling. A space for negotiation, however small, still exists. The *inang* can soften the interpretation of the *learo* tradition. The bride-to-be can claim not to feel pain even if she does, or vice versa. The family can choose to bypass the *learo* tradition by paying a substitute fee. Young women openly express their disapproval of the virginity test and hope for change. Even among religious leaders, critical voices

⁴³ Siti Zubaidah et al., "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, Dan Keagamaan* 12, no. 02 (2025): 447–61, <https://doi.org/10.29240/jhi.v9i2.9709.2>.

are beginning to emerge. All of this constitutes agency within structure, a central concept in feminist legal pluralism that rejects the simplistic dichotomy between active and passive victims.

Based on the three pillars above, the feminist legal pluralism framework centered on women's voices leads to a number of concrete recommendations: (a) revising the procedures for carrying out the *learo* tradition through an inclusive customary deliberation. This deliberation must involve not only male customary leaders and religious leaders, but also the *inang* and representatives of the prospective bride as the most affected parties. The resulting decisions must be legally binding under customary law; (b) the explicit abolition of the virginity test (the "does it hurt or not" question and the interpretation of betel nut fragments). Instead, the *learo* tradition should focus on a ritual of self-purification (brushing teeth with a traditional stone) and the provision of marriage counseling, for both the bride and groom together or on an equal footing; (c) privatization of the ceremony to reduce psychological pressure. The *learo* tradition may be conducted with only the bride's guardian, both parents, and traditional witnesses present, without the presence of the entire extended family; (d) full inclusivity. Widows or women who have been pregnant out of wedlock are no longer barred from participating in the *learo* tradition. Such prohibitions have, in fact, reinforced stigma and social punishment. All prospective brides and grooms, regardless of their status, have the right to undergo purification rituals and receive premarital counseling; (e) public education conducted by customary institutions in collaboration with religious leaders and academics regarding changes to the procedures for carrying out the *learo* tradition and the reasons behind them (from the perspectives of custom, religion, and gender equality). This education is essential to prevent resistance from members of the community who still adhere to traditional interpretations.

The framework of feminist legal pluralism does not call for the complete abolition of the *learo* tradition. Instead, it offers a path of transformative accommodation, a process in which core traditional values (self-purification, marriage counselling, strengthening family bonds) are preserved, while discriminatory elements (virginity tests, stigma against widows and out-of-wedlock pregnancies, gender double standards) are systematically eliminated. This transformation is only possible if the voices of women, the host, the bride-to-be, and the mother, who have long served as both guardians and victims of the tradition, are placed at the centre of every decision-making process. Not as objects to be protected or defended by others, but as sovereign legal subjects over their own bodies, morality, and futures. Thus, the *learo* tradition can continue to thrive as a proud cultural heritage, but in a form that is more gender-just and aligned with the values and objectives of Islamic law.

Conclusion

The *learo* tradition is not merely a neutral customary ritual, but rather a reflection of the intersection between religious authority, cultural legitimacy, and patriarchal control over women's bodies. This study demonstrates that the function of virginity testing in the *learo* systematically violates the principles of *saturul 'aib* and *maqashid syariah*, and thus cannot be justified as 'urf shahih. Furthermore, the findings indicate that Bintauna women, whether mothers or brides-to-be, are not passive victims. They have quietly developed procedural negotiation strategies that have long been overlooked by mainstream legal pluralism studies. Thus, the primary contribution of this research is to present a framework of transformative feminist legal pluralism that not only critiques but also offers concrete pathways to reconcile custom, religion, and gender equality without erasing the cultural identity of the Bintauna community. Transformation centred on women's voices is an absolute prerequisite for the *learo* tradition to endure as a dignified cultural heritage, rather than as an instrument of stigmatization.

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