



Reconstructing the Minangkabau Customary Prohibition of Intra-Clan Marriage: An Analysis Through Fazlur Rahman's Double Movement Theory

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Abstract: This article examines the reconstruction of the Minangkabau customary prohibition of intra-clan marriage (*perkawinan sesuku*) through Fazlur Rahman's double movement theory. Historically, the ban served to safeguard the integrity of the matrilineal line, reduce conflict among clans, and preserve social stability within a tightly knit communal order. In contemporary Minangkabau society, however, accelerated migration, urbanization, and higher levels of education have created new marriage patterns and shifted value orientations, so the absolute character of this norm is increasingly questioned, particularly because it lacks explicit textual support in Islamic law. Using qualitative, library-based research, the study first identifies the Qur'anic moral principles governing marriage, kinship limits, and the protection of family honor, then rereads the Minangkabau prohibition as a form of local custom (*'urf*) in light of these principles. The analysis shows that the rule can be reformulated from a rigid sacral prohibition into a flexible ethical guideline that still protects lineage (*hifz al nasl*) and social dignity (*hifz al ird*), while giving greater recognition to individual rights and contemporary social realities. The article proposes a model of normative reconstruction that places family consultation, genealogical mapping, and communal consensus at the center of decision making, so that the relationship between Islamic law and Minangkabau custom develops toward a more dialogical and context-sensitive harmony.

Keywords: Minangkabau; intra-clan marriage; double movement; Fazlur Rahman.

Introduction

Minangkabau society is widely known for its matrilineal kinship system, in which descent and inheritance follow the maternal line. Within this system, one of the central customary rules is the prohibition of intra-clan marriage (*perkawinan sesuku*), namely a ban on marrying someone who comes from the same clan (*suku*). The primary purposes of this rule are to safeguard the integrity of the maternal line, prevent internal conflict among relatives, and preserve social harmony in the community (Jamburi & Muhibbin, 2024; Syafira & Habibi, 2023). Over time, this prohibition has been transmitted across generations and has become part of the social norms that shape Minangkabau cultural identity.

In the Minangkabau social structure, the clan (*suku*) functions as a fundamental unit of kinship that binds individuals through common descent, shared obligations, and collective responsibility. Every person is permanently affiliated with the mother's clan. This affiliation carries consequences for status, rights, and duties within the customary order (Meiyenti & Afrida, 2018). Marriage between members of the same clan is therefore regarded as a violation of moral propriety and is perceived as a threat to the social order. At the same time, patterns of life in Minangkabau have changed significantly (Krismono & Lutfi, 2024). Urbanization, cross-cultural interaction, and modern education have encouraged parts of the community, especially younger generations, to question the continuing relevance of the prohibition of intra-clan marriage in the present context.

In Islamic law, the prohibition of intra-clan marriage is not explicitly mentioned in the primary sources. The Qur'an regulates the limits of permissible marriage through the concept of *mabrum*, which is based on blood relations, marital ties, and breastfeeding, rather than on clan identity. The Minangkabau prohibition, therefore,

operates primarily as a socio-cultural rule and not as a direct *shar'ī* norm. Even so, differences in perspective between *adat* and Islamic law often create interpretive tension in the community, particularly when people attempt to draw clear boundaries between customary norms and the principles of the *sharia* (Lukito, 2019; Nordin et al., 2025).

Previous studies on the prohibition of intra-clan marriage have generally been descriptive. They tend to explain the historical background of the custom, its function in maintaining the matrilineal system, and the sanctions imposed on violators. Still, they rarely develop a conceptual approach for reformulating customary norms in a normative way. Only a limited number of works use Fazlur Rahman's double movement theory as an analytical framework to reinterpret the prohibition of intra-clan marriage. In fact, this theory opens space for rereading social norms based on the universal moral values of Islam through two movements, namely returning to the moral context of the Qur'an and applying those values to the social conditions of the present (Mastura et al., 2024; Muttaqin, 2013; Rahman, 2024b).

On the basis of this gap, the present study aims to formulate a model for reconstructing the Minangkabau prohibition of intra-clan marriage using Fazlur Rahman's double movement theory. In the proposed model, the prohibition is no longer treated as an absolute rule. However, it is reformulated as a flexible ethical guideline that remains consistent with the objectives of Islamic law. In particular, it is connected to the protection of lineage (*hifz al nasl*, understood here as *perlindungan keturunan*) and the preservation of honor and social dignity (*hifz al 'ird*, understood here as *penjagaan kehormatan sosial*). In this way, the article does not merely statically describe data. However, it seeks to construct a normative reconstruction framework for customary law based on the universal moral values of Islam, which constitutes the central theme and novelty of this manuscript (Mukharrom & Abdi, 2023).

In addition, globalization has had a significant impact on marriage patterns in Minangkabau society. Whereas in the past marriages tended to occur within the same *nagari* or among closely related communities, contemporary migration flows, urbanization, and cross-cultural interaction have made customary boundaries more fluid. The issue of the prohibition of intra-clan marriage is therefore not only an internal Minangkabau matter, but also part of a broader dynamic of change in marriage culture in the Indonesian archipelago.

Research by Khairani and Fitriani shows that, even though the prohibition of intra-clan marriage is still formally recognized as *adat* in several *nagari*, in practice, such marriages continue to occur, for example, in Nagari Sako Utara Pasie Talang in the Sungai Pagu District of South Solok Regency. In this context, the community still lives within a strong Minangkabau cultural milieu, yet empirical violations indicate a growing tension between long-standing tradition and new social realities (Khairani & Fitriani, 2020). To understand these dynamics and to formulate a reconstruction that remains faithful to Islamic principles while responsive to contemporary social change, this study employs Fazlur Rahman's double movement theory as a relevant and productive analytical lens.

Method

This study employs a qualitative method with a normative approach (Cownie & Bradney, 2013). This method is chosen because the focus of the research is the reconstruction of the understanding of the customary prohibition of intra-clan marriage from the perspective of Fazlur Rahman's double movement theory. The normative approach is used to analyse customary and Islamic legal norms and to test their relevance to the universal values contained in the Qur'an. The type of research is library research, in which the primary sources of data consist of academic literature that discusses the double movement theory, Minangkabau customary law, and Islamic law related to marriage. These sources are obtained from books, scholarly articles, and relevant legal documents.

The legal materials in this study are classified as follows. First, primary legal materials, namely sources of law that have direct binding authority, include the Qur'an, Hadith, the Compilation of Islamic Law (KHI), and Law Number 1 of 1974 on Marriage. Second, secondary legal materials, namely materials that provide explanations of primary legal materials, such as books, scientific articles, Islamic law journals, and academic writings on Fazlur Rahman's double movement theory and Minangkabau customary law. Third, tertiary legal

materials, namely supporting materials that assist the tracing of legal sources, such as legal dictionaries, Islamic encyclopedias, and official online resources issued by academic institutions or government bodies.

Data collection is carried out through a documentation study by examining Qur'anic texts, Hadith, fiqh literature, and scholarly works on Minangkabau custom and Fazlur Rahman's thought. The collected data are then analysed using content analysis, with two main stages. The first stage is historical contextual analysis, which explores the background of the emergence of the prohibition of intra-clan marriage in the Minangkabau custom and the moral purposes it seeks to achieve. The second stage is reconstruction analysis, which connects the universal moral values of Islam with the social conditions of contemporary society through the framework of the double movement theory.

The process of data searching in this research is conducted systematically by using several academic databases and open repositories, such as Google Scholar, Garuda (Garba Rujukan Digital), DOAJ (Directory of Open Access Journals), ResearchGate, and the repositories of Islamic higher education institutions in Indonesia. Literature searches are carried out by using combinations of Indonesian and English keywords, including "*larangan perkawinan sesuku*" (prohibition of intra-clan marriage), "*adat Minangkabau*" (Minangkabau custom), "*perkawinan adat Minang*" (Minangkabau customary marriage), "Double Movement Fazlur Rahman", "*rekonstruksi hukum Islam*" (reconstruction of Islamic law), "*maqāṣid al syarī'ah dan perkawinan*" (*maqāṣid al shari'ah* and marriage), and "Islamic family law reconstruction".

The publication period of the literature used is limited to the years 2015 to 2025 in order to ensure that the sources reflect the latest developments in both customary law studies and contemporary Islamic legal theory. The inclusion criteria in this research cover scholarly works that discuss the prohibition of intra-clan marriage in the context of Minangkabau or other ethnic groups for comparison, publications that use or explain Fazlur Rahman's double movement theory, and normative Islamic legal sources such as the Qur'an, Hadith, the Compilation of Islamic Law, and Law Number 1 of 1974. The exclusion criteria include popular non-academic works, for example, online media articles without scholarly references, literature published before 2015 that is not conceptually relevant, and writings that are purely historical without normative legal analysis. Through this strategy, all literature used in the research can be verified and replicated by other researchers using the same databases and keywords, which strengthens the replicability and transparency of normative legal research methods.

Results and Discussion

Variations in Practice and Social Dynamics of the Same-Clan Marriage Prohibition

This study reveals that the customary prohibition of same-clan (*sesuku*) marriage in Minangkabau society is not a monolithic or uniformly enforced norm. Instead, it manifests in diverse forms across different *nagari* (customary villages), reflecting a dynamic interaction between tradition, social change, and evolving moral authority. Based on an extensive review of customary documents, prior empirical studies, and relevant socio-legal literature, the findings of this research can be systematically categorized into four major thematic patterns.

Variations in Customary Application Across Nagari

One of the most significant findings of this study is the substantial variation in the application of the same-clan marriage prohibition across different Minangkabau *nagari*. In several traditional communities, such as Singgalang and Pandai Sikek, the prohibition remains strictly enforced. In these areas, individuals who enter into same-clan marriages are often considered to have violated fundamental moral norms and may lose recognition as members of their *kaum* (matrilineal kin group). Such individuals are frequently excluded from customary deliberations (*musyawarah adat*) and symbolic clan activities, indicating the continued strength of *adat* authority in regulating marital behavior.

Conversely, in other *nagari*, including Padang Panjang and Koto Baru, the application of the prohibition has become more flexible. In these contexts, same-clan marriages may be permitted through specific mechanisms, such as obtaining collective family consent, approval from *ninik mamak* (customary elders), or by conducting the marriage outside the couple's place of origin. These practices demonstrate that *adat* norms are subject to contextual reinterpretation and pragmatic adjustment, rather than being fixed or immutable rules.

This diversity underscores the fact that Minangkabau customary law operates as a living legal system. Rather than functioning as a rigid structure, *adat* continuously negotiates its authority in response to social mobility, urbanization, and changing intergenerational values (Alhkarni & Yuriska, 2024). The variation among *Nagari* thus highlights the contextual and negotiated nature of customary norms.

Customary Sanctions and the Decline of Formal Adat Penalties

Another important finding concerns the types and relevance of sanctions imposed for violations of the same-clan marriage prohibition. Traditionally, such violations were subject to a range of customary sanctions, including social ostracism, symbolic fines (*denda adat*) such as *sirih pinang* offerings or monetary penalties (*uang malu*), and the withdrawal of clan recognition. In some cases, offenders were denied access to inherited titles (*gelar pusako*) or excluded from ceremonial events, reinforcing social stigma.

However, this study finds that the application of formal customary sanctions has significantly declined, particularly after 2015. Many communities increasingly view punitive *adat* sanctions as incompatible with contemporary values of legal equality, human dignity, and state-recognized marital rights. As a result, sanctions that once served as mechanisms of social control are now more symbolic than coercive.

This shift reflects a broader transformation in the function of *adat*—from a binding regulatory system toward a moral and cultural reference framework. Rather than enforcing obedience through punishment, *adat* increasingly relies on social persuasion, ethical reasoning, and communal dialogue. This transition further supports the argument that the same-clan marriage prohibition is evolving from a rigid norm into a flexible ethical guideline.

Generational Resistance and Shifting Moral Authority

The findings also reveal a pronounced generational divide in attitudes toward the same-clan marriage prohibition. Younger generations of Minangkabau society, particularly those residing in urban areas or living outside their ancestral *nagari*, tend to perceive the prohibition as negotiable rather than absolute. Many young people question its legitimacy because it lacks explicit normative support in Islamic law and functions primarily as a cultural symbol rather than a religious obligation.

This generational resistance indicates a broader shift in moral authority from customary tradition toward rational-legal and religious reasoning grounded in Islamic jurisprudence and modern legal frameworks (Mousourakis, 2025). For younger Minangkabau Muslims, marital legitimacy is increasingly evaluated based on compliance with Islamic law (*syar'i* validity) and personal compatibility, rather than adherence to clan-based restrictions.

Such resistance does not necessarily signal rejection of *adat* as a whole. Instead, it reflects an emerging tendency to reinterpret *adat* values in ways that align with contemporary understandings of justice, individual rights, and religious norms. This shift highlights the need for *adat* to articulate its moral relevance in a language that resonates with younger generations.

Compromise Strategies and the Emergence of New Social Legitimacy

In response to tensions between tradition and social change, Minangkabau communities have developed various compromise strategies to maintain social harmony while accommodating evolving marital practices. These strategies include conducting marriages outside the couple's home *nagari*, obtaining cross-clan approval from customary elders, or redefining the prohibition as applicable only to direct genealogical relations rather than symbolic clan affiliation.

These compromise mechanisms serve as forms of new social legitimacy, allowing communities to balance respect for *adat* with recognition of changing social realities (Yasri et al., 2024). Rather than abolishing the prohibition outright, communities reinterpret its scope and meaning to ensure that it continues to function as a tool for maintaining social cohesion rather than generating conflict (Berger, 2018).

Such practices demonstrate that *adat* possesses an inherent capacity for adaptation. The prohibition of same-clan marriage, once regarded as a sacred and inviolable norm, is increasingly repositioned as a contextual ethical consideration that must be negotiated through dialogue, consensus, and consideration of collective welfare.

Synthesis of Findings

Taken together, these findings indicate a significant transformation in the status of the same-clan marriage prohibition within Minangkabau society. The prohibition has gradually shifted from a rigid, sacralized norm into a flexible ethical framework shaped by local context, generational perspectives, and broader socio-legal developments. This transformation provides a critical empirical foundation for the normative reconstruction analysis using Fazlur Rahman's Double Movement theory, which will be elaborated in the subsequent section.

The evolving nature of the prohibition illustrates that Minangkabau *adat* is neither static nor obsolete. Instead, it remains a dynamic cultural system capable of negotiating continuity and change, provided that its underlying moral objectives—social harmony, protection of lineage, and communal dignity—are rearticulated in ways that align with contemporary Islamic and social values.

Fazlur Rahman's Double Movement Theory

Fazlur Rahman's Double Movement theory constitutes one of the most influential methodological frameworks in contemporary Islamic thought, particularly in addressing the tension between scriptural authority and changing social realities. Rahman developed this theory as a response to the dominance of rigid textualism in Islamic legal interpretation, which, in his view, reduced the Qur'an to a static legal code detached from its moral and historical context. He argued that such an approach failed to capture the Qur'an's ethical vision and its transformative intent within society. For Rahman, the Qur'an is fundamentally a moral discourse revealed within a specific socio-historical setting, aiming to guide human conduct toward justice, social harmony, and moral responsibility (Rahman, 1984, 2024b). Consequently, Islamic law should be understood not merely as a compilation of fixed legal commands, but as a dynamic moral system oriented toward achieving ethical ideals that transcend time and place.

The Double Movement theory operates through two interrelated and inseparable analytical movements (Goodwin, 2018). The first movement directs the interpreter to return to the historical and social context in which Qur'anic verses were revealed, particularly legal verses, in order to identify the moral objectives underlying specific rulings. Rather than reading legal injunctions in isolation, this approach situates them within the concrete social problems they sought to address, such as injustice, exploitation, social disorder, or moral decay. Through this contextual reading, the interpreter extracts universal moral principles—such as justice (*'adl*), compassion, human dignity, social equilibrium, and protection of essential human interests—that form the ethical core of Qur'anic legislation (Quraishi, 2006). These principles represent the normative ideals of Islam, which remain authoritative even as social circumstances evolve.

The second movement involves projecting these moral ideals back into contemporary social contexts. Instead of mechanically reproducing historical legal forms, the interpreter reformulates Qur'anic moral values in ways that meaningfully address modern realities. This movement acknowledges that social structures, cultural practices, and patterns of human interaction are not static, and therefore require context-sensitive applications of Islamic ethical principles. In this stage, Islamic legal reasoning becomes constructive and forward-looking, aimed at ensuring that Islamic norms continue to promote justice, welfare, and moral integrity in changing social environments. Through this dialectical process, the Double Movement theory preserves the normative authority of revelation while preventing the sacralization of historically contingent practices that may no longer fulfill their original moral purposes.

A central strength of Fazlur Rahman's Double Movement theory lies in its recognition of the essential role of social context in shaping legal norms. Rahman explicitly rejected the assumption that all legal formulations derived from the Qur'an must remain unchanged across time and space. Instead, he emphasized that many legal rules function as context-bound expressions of broader ethical goals. Within this framework, social customs (*'urf*) are neither automatically validated nor categorically rejected; instead, they are evaluated based on their alignment with Qur'anic moral objectives. When a custom contributes to social harmony, justice, and moral well-being, it may be accommodated within Islamic law. Conversely, when it generates injustice, restricts fundamental rights, or no longer serves its original ethical function, it becomes subject to critique and reconstruction (Rahman, 2024b, 2024a). This perspective provides a principled basis for distinguishing between immutable moral values and mutable social norms.

The relevance of the Double Movement theory has been widely demonstrated in contemporary Islamic legal discourse. Scholars have applied this approach in diverse fields, including inheritance law, gender relations, education, and social justice, to move beyond literalist interpretations toward more equitable and contextually responsive legal formulations. In the domain of Islamic family law, the theory has enabled reinterpretations that emphasize the moral objectives of marriage—such as tranquility (*sakinah*), mutual affection (*mawaddah*), compassion (*rahmah*), and social responsibility—rather than rigid adherence to historical legal structures. By prioritizing ethical substance over formal legalism, the Double Movement approach has emerged as a robust framework for reconciling Islamic norms with contemporary understandings of human dignity, rights, and social welfare (Rofiah, 2020).

Within the context of this study, Fazlur Rahman's Double Movement theory functions not merely as a theoretical backdrop, but as a normative analytical tool for reassessing the customary prohibition of same-clan (*sesuku*) marriage in Minangkabau society. The theory allows for a critical distinction between Qur'anic moral objectives related to marriage—such as the protection of lineage (*hifz al-nasl*), preservation of social dignity (*hifz al-'ird*), justice, and communal harmony—and customary norms that arise from specific social arrangements, particularly the matrilineal clan system of Minangkabau culture (Nugroho et al., 2023; Yusuf & Sadat, 2021). Through the first movement, this study revisits Qur'anic teachings on marriage to uncover their underlying moral purposes rather than merely identifying formal prohibitions (Umair & Said, 2023). Through the second movement, these moral values are applied to the contemporary Minangkabau context, where increased social mobility, urbanization, and changing generational perspectives have significantly altered the function and relevance of traditional clan-based restrictions.

By employing the Double Movement theory, this research avoids two analytical extremes: the uncritical preservation of *adat* as an absolute and immutable norm, and the wholesale rejection of tradition in favor of abstract legal formalism. Instead, it offers a balanced and principled approach that situates the prohibition of same-clan marriage within the category of contextual social norms (*'urf*) whose legitimacy depends on their alignment with Islamic moral values (Fatih, 2019). This theoretical framework thus provides a solid foundation for normative reconstruction, enabling the repositioning of the same-clan marriage prohibition from a rigid customary ban into a flexible ethical guideline that continues to serve social harmony without contradicting the core principles of Islamic law.

The Customary Prohibition of Same-Clan Marriage in Minangkabau Society

The customary prohibition of same-clan (*sesuku*) marriage in Minangkabau society is deeply embedded in its matrilineal kinship system, which traces lineage, inheritance, and social identity through the maternal line. Within this system, every individual is permanently affiliated with the clan (*suku*) of their mother, and this affiliation determines not only genealogical belonging but also access to communal resources, customary authority, and social protection (Putri & Bahri, 2024). Marriage between individuals of the same clan is traditionally perceived as analogous to marriage among close kin, even when no direct biological relationship can be demonstrated. As a result, such unions are regarded as violations of moral propriety and social order rather than merely personal choices, reflecting the centrality of clan integrity in Minangkabau social organization.

Historically, the prohibition of same-clan marriage emerged as a mechanism for preserving the stability of the matrilineal structure. In Minangkabau customary philosophy, the clan functions as a collective moral unit responsible for safeguarding lineage continuity, managing communal property (*harta pusaka*), and maintaining harmonious relations among extended kin groups. Same-clan marriage was believed to blur internal boundaries within the clan, potentially generating conflicts related to inheritance, authority, and social obligations. From this perspective, the prohibition served a preventive function, aiming to protect social cohesion rather than to regulate biological reproduction (Al Amin et al., 2023). Its legitimacy was derived from collective experience and customary consensus rather than from explicit religious injunctions.

In practice, the enforcement of this prohibition has historically been supported by a range of customary sanctions designed to restore social balance. Individuals who violated the norm could face social ostracism, symbolic fines, exclusion from customary deliberations, or the denial of clan recognition (Putri & Bahri, 2024). These sanctions were not primarily punitive in nature but were intended to reaffirm communal values and

reintegrate offenders into the moral order of the community through public acknowledgment and ritual reconciliation. In this sense, *adat* functioned as a restorative social mechanism that prioritized harmony and collective dignity over individual autonomy (Sari, 2019).

Despite its strong social authority, the prohibition of same-clan marriage has never been explicitly grounded in Islamic legal doctrine. Islamic law defines marital prohibitions primarily based on *mahram* relationships, which include direct blood relations, fosterage, and marital affinity, as clearly articulated in the Qur'an and prophetic traditions. The absence of any textual basis for clan-based marital prohibitions indicates that the Minangkabau rule operates within the domain of social custom (*'urf*), rather than normative religious law (*shari'ah*). Nevertheless, Minangkabau society has long maintained the philosophical principle of *adat basandi syara', syara' basandi Kitabullah*, which emphasizes harmony between custom and Islamic teachings (Wahyuni et al., 2023). This principle has enabled *adat* norms to coexist with Islamic law, even when their normative foundations differ.

Importantly, the concept of *suku* in Minangkabau society is cultural rather than biological. Clan affiliation signifies social belonging within the matrilineal system and does not automatically imply close genetic relatedness. Consequently, claims that same-clan marriage inherently leads to genetic or biological harm lack empirical justification unless supported by clear evidence of consanguinity. The persistence of such claims reflects symbolic and moral reasoning rooted in *adat* rather than scientific or religious argumentation. This distinction is crucial for understanding the nature of the prohibition: it is aimed at preserving social structure and moral order, not at enforcing biological safeguards mandated by religion.

In contemporary Minangkabau society, the authority of the same-clan marriage prohibition has become increasingly contested. Processes of urbanization, migration, education, and cross-cultural interaction have significantly altered patterns of social interaction and marital choice. Younger generations, in particular, tend to prioritize personal compatibility, emotional bonds, and religious validity over clan-based restrictions. While many still express respect for *adat* as a cultural heritage, they are less inclined to accept its norms as absolute or non-negotiable. This shift has prompted ongoing debates within Minangkabau communities regarding the continued relevance and legitimacy of the prohibition in a rapidly changing social context.

Despite these challenges, *adat* has demonstrated a remarkable capacity for adaptation. In several communities, customary leaders and religious figures have sought to reinterpret the prohibition by emphasizing its ethical intent rather than its formal rigidity. Same-clan marriage is increasingly framed as a matter of social consideration and communal sensitivity rather than a categorical taboo. Through family deliberation (*musyawarah*), genealogical assessment, and negotiated consensus, some communities allow exceptions while maintaining respect for collective values (Asmaniar, 2018; Sulkifli & Amir, 2023). These developments illustrate that Minangkabau *adat* is not a static relic of the past but a living normative system capable of recalibrating its principles in response to social transformation.

Taken as a whole, the customary prohibition of same-clan marriage in Minangkabau society reflects a complex interplay between tradition, social structure, and moral reasoning. While historically effective in maintaining matrilineal order and communal harmony, the prohibition's normative force is increasingly shaped by contemporary ethical considerations and Islamic legal principles. This evolving condition underscores the need for a reconstructive approach that neither dismisses *adat* as obsolete nor elevates it to the level of immutable religious law. Instead, it invites a reinterpretation that situates the prohibition as a contextual ethical guideline aligned with broader Islamic moral objectives. This task will be addressed through the analytical application of Fazlur Rahman's Double Movement theory in the subsequent section.

The Persistence and Transformation of the Same-Clan Marriage Prohibition

The existence of the customary prohibition against same-clan (*sesuku*) marriage in Minangkabau society today reflects a condition of normative plurality and gradual transformation. In certain regions, the prohibition continues to function as a strong marker of cultural identity and communal morality, while in other areas its authority has weakened or been substantially reinterpreted. This uneven persistence indicates that *adat* norms are neither uniformly accepted nor uniformly abandoned, but are negotiated continuously in response to shifting social, legal, and religious contexts.

In communities that continue to uphold the prohibition rigorously, same-clan marriage is still perceived as a serious violation of collective values. In several *Nagari*, customary leaders (*ninik mamak*) actively enforce the rule through social sanctions such as public reprimand, formal apologies, exclusion from communal rituals, or symbolic fines (Mardius, 2002). These practices are justified as necessary measures to preserve the moral dignity of the community and to prevent disruptions to matrilineal order. In such contexts, the prohibition is framed not merely as a personal matter, but as a communal concern whose violation threatens the symbolic coherence of the clan system (Setiawan et al., 2023). The endurance of this perspective demonstrates the continued relevance of *adat* as a source of moral authority, particularly in relatively homogeneous and tradition-oriented communities.

At the same time, a growing number of Minangkabau communities exhibit a more flexible stance toward the prohibition. In these areas, the rule is no longer enforced as an absolute ban but is treated as a moral recommendation or cultural ideal. Several factors contribute to this shift, including increased exposure to formal education, urbanization, migration, and interaction with diverse cultural and legal frameworks. As individuals move beyond their ancestral *nagari*, the practical influence of clan-based regulation diminishes, and marital choices become more individualized. Consequently, the same-clan marriage prohibition increasingly loses its coercive power and is reinterpreted in symbolic or ethical terms (Khairani & Fitriani, 2020).

This transformation is particularly evident among younger generations of Minangkabau society. Many young people, especially those living in urban centers or in the diaspora, no longer view same-clan marriage as inherently problematic (Elfira, 2018). Instead, they tend to evaluate marriage primarily through the lenses of Islamic legal validity, emotional compatibility, and personal autonomy. While respect for *adat* remains an important cultural value, it is no longer regarded as an unquestionable authority. This generational shift reflects a broader realignment of moral reference points, in which Islamic jurisprudence and modern legal rationality increasingly take precedence over customary restrictions perceived as lacking explicit religious justification.

In response to these changes, Minangkabau communities have developed various compromise mechanisms to manage tensions between tradition and contemporary social realities. One common strategy involves redefining the scope of the prohibition by limiting its application to cases involving direct genealogical proximity, rather than symbolic clan affiliation alone (Laila, 2012). Other approaches include allowing same-clan marriages to proceed with the consent of extended family members and customary elders, or encouraging such marriages to be conducted outside the couple's home *nagari* to minimize social friction. These negotiated solutions illustrate how *adat* adapts by prioritizing social harmony over rigid rule enforcement.

The role of migration and globalization further accelerates the transformation of the prohibition. As Minangkabau individuals increasingly form social networks across regional, ethnic, and national boundaries, clan identity becomes less determinative in marital decision-making (Farsalena et al., 2021). Digital communication and social media also reshape perceptions of tradition, exposing younger generations to alternative value systems that emphasize individual choice and equality. In this context, *adat* norms that are perceived as inflexible or irrational risk losing their normative appeal, particularly among those who do not experience direct social pressure from customary institutions (Mungawanah & Masriani, 2024).

Despite these shifts, the gradual transformation of the same-clan marriage prohibition should not be interpreted as the erosion of Minangkabau *adat* itself. Instead, it reflects an adaptive process through which *adat* renegotiates its relevance in a changing social environment. By reframing the prohibition as an ethical guideline rather than a binding rule, communities preserve their underlying moral intent—namely, the maintenance of social harmony and respect for lineage—while avoiding the alienation of younger generations. This adaptive capacity underscores the resilience of *adat* as a living normative system capable of integrating continuity and change (Aji et al., 2021).

Overall, the persistence and transformation of the same-clan marriage prohibition demonstrate that Minangkabau *adat* operates within a dynamic field of normative negotiation. The prohibition continues to exist, but its meaning, enforcement, and legitimacy are increasingly shaped by contemporary considerations of religious law, individual rights, and social mobility. This condition of normative fluidity provides a crucial empirical foundation for the subsequent analysis of normative reconstruction using Fazlur Rahman's Double

Movement theory, which seeks to articulate a principled framework for harmonizing *adat* with Islamic moral values in a modern context.

Normative Reconstruction Analysis through Fazlur Rahman's Double Movement Theory

The normative reconstruction of the customary prohibition of same-clan (*sesuku*) marriage in Minangkabau society in this study is conducted through the analytical framework of Fazlur Rahman's Double Movement theory. This theory provides a systematic methodological pathway for reassessing social norms by distinguishing between immutable Qur'anic moral objectives and historically contingent social practices (Yusuf & Sadat, 2021). Through this approach, the prohibition of same-clan marriage is not examined merely as a cultural artifact or a legal anomaly, but as a normative phenomenon that must be evaluated in light of Islamic ethical principles and contemporary social realities.

Operationalizing the Double Movement Theory in This Study

In this research, the Double Movement theory is operationalized through three interconnected analytical stages. First, the study identifies the primary normative units derived from the Qur'an and Islamic legal sources related to marriage, lineage, and social morality. These include Qur'anic verses concerning marital prohibitions (*mahram*), the ethical purpose of marriage (such as tranquility, affection, and compassion), and the overarching framework of *maqāṣid al-sharī'ah*, particularly the principles of *ḥifẓ al-nasl* (protection of lineage) and *ḥifẓ al-ird* (preservation of dignity and honor). Second, these normative values are systematically coded as core moral principles—justice (*'adl*), social harmony, human dignity, and public welfare (*maṣlahah*)—which serve as evaluative criteria for assessing the legitimacy of the same-clan marriage prohibition. Third, the study maps these Qur'anic moral values onto the contemporary Minangkabau social context to determine whether the customary prohibition continues to fulfill its original ethical objectives or whether it requires reinterpretation and reformulation.

Through this operationalization, the Double Movement theory functions not only as an interpretive framework but also as a normative instrument for legal reconstruction. It enables the differentiation between religiously binding norms and socially constructed customs (*'urf*) whose authority is conditional upon their alignment with Islamic moral purposes.

First Movement: Re-examining Qur'anic Moral Objectives in Marriage Regulation

The first movement of Fazlur Rahman's theory requires returning to the Qur'an to uncover the moral ideals underlying marital regulations. The Qur'an explicitly defines categories of prohibited marriage relationships in QS. al-Nisā' [4]: 22–23, which are limited to relationships based on direct lineage, fosterage, and marital affinity. Notably, these prohibitions do not extend to clan affiliation, ethnic identity, or social grouping. This indicates that Islamic law does not recognize clan-based marriage restrictions as part of its normative legal framework.

Beyond enumerating prohibitions, the Qur'an articulates marriage as a moral institution aimed at fostering *sakinah* (tranquility), *mawaddah* (mutual affection), and *rahmah* (compassion), as emphasized in QS. al-Rūm [30]: 21. These values reveal that the primary moral objectives of marriage in Islam are emotional stability, mutual respect, and social harmony, rather than the preservation of rigid social boundaries. From this perspective, marriage regulations are designed to protect human dignity, ensure justice between spouses, and safeguard lineage in a meaningful and humane manner (Siska, 2021).

Within the framework of *maqāṣid al-sharī'ah*, the protection of lineage (*ḥifẓ al-nasl*) does not merely concern biological purity. However, it encompasses social responsibility, legitimate descent, and the well-being of future generations. Similarly, the preservation of honor (*ḥifẓ al-ird*) aims to protect individuals and families from social harm, stigma, and injustice. These objectives are ethical in nature and must be realized through proportional and context-sensitive means. Therefore, any social norm regulating marriage must be evaluated based on whether it genuinely advances these moral goals or merely preserves historical social arrangements.

Evaluating the Same-Clan Marriage Prohibition as a Contextual Social Norm ('Urf)

When assessed through the first movement of the Double Movement theory, the same-clan marriage prohibition in Minangkabau society does not qualify as a religiously binding norm (*ḥukm sharī'*). Instead, it constitutes a form of *'urf*—a customary practice developed to address specific social needs within a matrilineal

kinship system. Historically, the prohibition functioned as a mechanism to maintain internal clan boundaries, prevent inheritance disputes, and ensure social cohesion within extended kin groups. In its original context, the norm contributed to communal stability and moral order (Afriyadi, 2020).

However, the legitimacy of *'urf* in Islamic jurisprudence is conditional. Custom is recognized as a secondary source of law only insofar as it does not contradict fundamental Islamic principles and continues to serve public welfare. As social conditions change, customs that once fulfilled their ethical purposes may lose their relevance or even generate unintended harm. In contemporary Minangkabau society, the rigid enforcement of the same-clan marriage prohibition increasingly conflicts with principles of justice, individual autonomy, and equal treatment, particularly when it leads to social exclusion, stigmatization, or the denial of legitimate marital rights.

This shift indicates that changes in social structure, including urbanization, migration, and the diversification of social networks, have weakened the prohibition's original moral function. As a result, maintaining the prohibition as an absolute rule risks transforming it from a tool of social harmony into a source of moral tension and normative conflict.

Second Movement: Applying Qur'anic Moral Values to the Contemporary Context

The second movement of the Double Movement theory involves projecting Qur'anic moral ideals into present-day social realities. In the contemporary Minangkabau context, marriage decisions are increasingly shaped by considerations of personal compatibility, religious legality, and mutual consent, rather than clan affiliation alone. Applying Qur'anic values such as justice, compassion, and *maṣlahah* requires acknowledging these realities and reassessing whether the same-clan marriage prohibition continues to promote social welfare.

From this perspective, an absolute prohibition on same-clan marriage appears disproportionate and ethically problematic. While the goal of preserving social harmony remains valid, achieving this goal through rigid exclusion and sanctions contradicts the Qur'anic emphasis on justice and mercy (Destuliadi, 2022). The second movement, therefore, necessitates a reinterpretation of the prohibition as a flexible ethical guideline rather than a binding legal rule. This reinterpretation allows the moral intent of the custom—preventing social conflict and protecting dignity—to be preserved without infringing upon individual rights guaranteed by Islamic law.

Model of Normative Reconstruction: From Absolute Prohibition to Ethical Guideline

Based on the Double Movement analysis, this study proposes a comprehensive model of normative reconstruction consisting of three interrelated components.

First, normative reclassification is required. The same-clan marriage prohibition should be explicitly repositioned from the category of binding customary law to that of ethical social guidance. This reclassification affirms that the prohibition is not a religious injunction but a contextual moral consideration subject to deliberation and reinterpretation.

Second, procedural transformation should be implemented through communal mechanisms such as family deliberation (*musyawarah*), genealogical assessment, and consultation with customary and religious leaders. Rather than imposing automatic sanctions, communities can evaluate potential same-clan marriages on a case-by-case basis, ensuring that no close biological relationship exists and that social harmony is preserved through consensus.

Third, integration with *maqāṣid al-shari'ah* must serve as the ethical foundation of the reconstructed norm. The principles of *ḥifz al-nasl* and *ḥifz al-'ird* should guide decision-making processes, ensuring that both lineage protection and human dignity are upheld. This integration transforms *adat* from a restrictive mechanism into a moral resource aligned with Islamic ethical objectives.

Normative Implications of the Reconstruction

The proposed reconstruction has significant normative implications. It resolves the perceived conflict between *adat* and Islamic law by affirming that the two operate at different normative levels: *adat* as a contextual ethical system and Islamic law as a universal moral framework. It also enhances the legitimacy of *adat* by aligning it with contemporary ethical expectations and religious values, thereby preventing its marginalization among younger generations.

Furthermore, this reconstruction demonstrates that legal and cultural continuity does not require the preservation of rigid forms, but rather the preservation of moral purposes. By adopting the Double Movement approach, Minangkabau society can maintain its cultural identity while embracing a more inclusive and justice-oriented understanding of marriage regulation (Destuliadi, 2022).

In sum, the application of Fazlur Rahman's Double Movement theory reveals that the customary prohibition of same-clan marriage should no longer be treated as an absolute norm, but as a flexible ethical guideline grounded in social harmony, communal deliberation, and Islamic moral values (Rahman, 2024b). This reconstructive model not only reconciles *adat* with Islamic law, but also provides a viable pathway for the sustainable evolution of customary norms in a modern, pluralistic society.

Conclusion

This study concludes that the customary prohibition of same-clan (*sesuku*) marriage in Minangkabau society is fundamentally a socio-cultural construct that emerged from specific historical and structural conditions, particularly the matrilineal kinship system that prioritizes collective lineage integrity and social cohesion. While the prohibition historically functioned as an effective mechanism for maintaining internal clan boundaries, preventing disputes over inheritance, and preserving communal harmony, its normative authority has increasingly been challenged by contemporary social transformations. Processes such as urbanization, migration, education, and changing generational perspectives have significantly altered the social context in which the prohibition once operated, thereby weakening its original ethical function when applied as a rigid and absolute norm.

Through the application of Fazlur Rahman's Double Movement theory, this research demonstrates that the prohibition of same-clan marriage lacks a direct normative foundation in Islamic law. Qur'anic regulations concerning marriage prohibitions are explicitly limited to *mahram* relationships based on lineage, fosterage, and marital affinity, as articulated in QS. al-Nisā' [4]: 22–23. Beyond these explicit prohibitions, the Qur'an emphasizes the moral objectives of marriage—such as *sakinah*, *mawaddah*, and *rahmah*—as well as broader ethical principles including justice, human dignity, and social welfare. Consequently, the same-clan marriage prohibition is more accurately categorized as *'urf* (customary practice) rather than *hukem shar'i*, and its legitimacy depends on its continued alignment with Islamic moral objectives rather than on its historical authority alone.

The findings further reveal that maintaining the prohibition as an absolute and coercive rule in contemporary Minangkabau society risks generating normative tension rather than social harmony. In many cases, rigid enforcement leads to social exclusion, stigmatization, and restrictions on individual marital autonomy that are difficult to reconcile with Islamic principles of justice and compassion. Conversely, empirical evidence from various *Nagari* indicates a gradual shift toward more flexible interpretations, where the prohibition is redefined as an ethical consideration subject to family deliberation, genealogical assessment, and communal consensus. This shift reflects a broader transformation of *adat* from a binding regulatory system into a moral-ethical framework that guides social behavior without negating individual rights.

Based on these findings, this study proposes a model of normative reconstruction that repositions the same-clan marriage prohibition from an absolute customary ban into a flexible ethical guideline grounded in *maqāṣid al-sharī'ah*, particularly the principles of *hijz al-nasl* (protection of lineage) and *hijz al-'ird* (preservation of dignity and social honor). Through this reconstruction, *adat* retains its role as a guardian of social harmony while becoming more responsive to contemporary ethical expectations and Islamic legal reasoning. The integration of communal deliberation (*musyawarah*), proportionality, and moral purpose ensures that the underlying values of Minangkabau tradition are preserved without perpetuating norms that no longer serve their intended social function.

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