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DELEGATING MARRIAGE GUARDIANSHIP TO THE BUYA: AN ISLAMIC LEGAL REVIEW OF TAUKIL WALI NIKAH IN KAYU ARO AMBAI VILLAGE, KERINCI

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ABSTRAK

Penelitian ini mengkaji praktik taukil wali nikah, yaitu pelimpahan kewenangan wali nasab untuk mengucapkan ijab, kepada buya di Desa Kayu Aro Ambai, Kabupaten Kerinci. Tujuannya adalah mendeskripsikan praktik tersebut, mengidentifikasi alasannya, dan menilai kesesuaiannya dengan konsep wakalah dalam fikih munakahat, Kompilasi Hukum Islam (KHI), dan Peraturan Menteri Agama Nomor 20 Tahun 2019. Penelitian lapangan kualitatif ini melibatkan 14 informan yang dipilih secara purposif, yaitu perangkat desa, pemangku adat, tokoh agama, dan warga. Data wawancara semi-terstruktur, observasi, dan dokumentasi dianalisis secara tematik dan normatif dengan triangulasi sumber. Wali nasab menyerahkan ijab kepada buya secara lisan pada hari akad, paling lama satu jam sebelum akad; buya juga membacakan khutbah nikah, sementara petugas pencatat nikah hadir dan mencatat pernikahan. Alasannya adalah kepercayaan kepada pengetahuan agama buya, kurangnya rasa percaya diri wali, permintaan calon mempelai perempuan, dan kebiasaan turun-temurun. Praktik ini dapat dibenarkan sebagai wakalah dan sejalan dengan Pasal 28 KHI selama kuasa berasal dari wali yang berhak, dinyatakan jelas, serta akad memenuhi rukun dan dicatat. Pembinaan bersama KUA dan buya direkomendasikan.

Keywords:
Buya; Compilation Of Islamic Law; Marriage Guardian; Taukil Wali Nikah; Wakalah

ABSTRACT

This study examines taukil wali nikah, the delegation of a lineage guardian's authority to pronounce the marriage offer (ijab), to a buya, a local religious leader, in Kayu Aro Ambai Village, Kerinci Regency, Indonesia. It describes the practice, identifies its reasons, and assesses it against wakalah in Islamic marriage jurisprudence, the Compilation of Islamic Law (KHI), and Minister of Religious Affairs Regulation No. 20 of 2019. This qualitative field study involved 14 purposively selected informants, namely village officials, customary leaders, a religious leader, and community members. Data from semi-structured interviews, observation, and documentation were analysed thematically and normatively with source triangulation. The guardian delegates the ijab to the buya orally on the wedding day, no more than one hour before the contract; the buya also delivers the marriage sermon, and the marriage registrar attends and records the marriage. The reasons are trust in the buya's religious knowledge, the guardian's lack of confidence in pronouncing the ijab, the bride's request, and inherited custom. The practice can be justified as wakalah and is consistent with Article 28 of the KHI, provided that the authority comes from the entitled guardian, is clearly expressed, and the contract fulfils its pillars and is registered. Joint guidance by the Religious Affairs Office and the buya is recommended.

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1. Introduction

Marriage in Islam is both a civil contract and an act of worship, so its validity depends on fulfilling the pillars (*arkān*) and conditions set by Islamic jurisprudence. Classical and contemporary works on marriage law list the groom, the bride, the guardian (*wali*), two witnesses, and the offer and acceptance (*ijab* and *qabul*) as the elements that make a marriage contract valid (al-Zuḥaylī, 2011; Muzammil, 2019; Sabiq, 2006). Among these elements, the guardian of the bride occupies a distinctive position. In the Shāfiʿī school, which shapes Indonesian practice, the guardian is a pillar of the contract, while the Ḥanafī school allows an adult woman to conclude her own marriage under certain conditions (Daud & Sururuie, 2021; Saputra, 2024). Indonesian law follows the former view. The Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) states that the marriage guardian is a pillar that must be fulfilled for a bride (Article 19) and arranges the guardians into lineage guardians (*wali nasab*) and judicial guardians (*wali hakim*) (Articles 20–23) (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991, 1991). Recent studies show that the authority of the guardian is no longer understood as unlimited but is tied to the consent of the woman and to the protective purposes of the law (Ali, 2016; Oktafiana, 2026).

A guardian does not always pronounce the *ijab* himself. Islamic law allows acts that can be represented to be carried out by an agent through *wakalah*, and the marriage contract is one of them. The delegation of the guardian's authority to pronounce the *ijab*, known in Indonesia as *taukil wali nikah*, therefore does not transfer guardianship as such but appoints a representative who acts in the name of the guardian (al-Zuḥaylī, 2011; Kosim, 2019). Article 28 of the KHI recognises this mechanism by stating that the marriage contract is carried out personally by the guardian concerned, although the guardian may delegate it to another person. Minister of Religious Affairs Regulation No. 20 of 2019 on Marriage Registration goes further. Article 12(4) allows the lineage guardian to delegate the *ijab* to the head of the Religious Affairs Office (*Kantor Urusan Agama*, KUA), a marriage officiant (*penghulu*), a registrar, or another person who meets the requirements, and Article 12(5) requires a guardian who cannot attend the contract to make a written delegation before the registrar of his domicile, witnessed by two people (Peraturan Menteri Agama Republik Indonesia Nomor 20 Tahun 2019, 2019). These provisions sit within the wider framework of the Marriage Law, which requires every marriage to be registered (Undang-Undang Republik Indonesia Nomor 1 Tahun 1974, 1974; Undang-Undang Republik Indonesia Nomor 16 Tahun 2019, 2019).

Recent empirical research shows that *taukil wali* has become common in many Indonesian communities and that its reasons often go beyond the classical justifications of distance or incapacity. In Aceh Singkil, residents transfer their guardianship to the village imam because of custom, limited religious knowledge, doubts about the guardian's moral fitness, the guardian's absence, illness, or unregistered marriages (Khairuddin, 2023). In Aceh Besar, guardianship is handed to a *teungku dayah* when the lineage guardian is considered unfit or impaired by old age (Maghfirah, 2023). In Bengkalis, delegation to the village *penghulu* was judged to be in tension with the concept of guardianship in Islamic

family law (Zakiyah et al., 2022). Studies in Bayan, North Lombok, and in Lamongan, East Java, attribute the practice to tradition, the guardian's anxiety and lack of confidence, limited understanding of the *ijab*, and trust in religious or professional officiants (Andriawan & Sainun, 2024; Arifianto et al., 2026). Research in Pinrang shows that Muhammadiyah and Nahdlatul Ulama differ in how strictly they prioritise the lineage guardian (Nur et al., 2024), and research in Barru classifies local *taukil* as valid custom (*'urf ṣaḥīḥ*) only when it follows the KHI and the 2019 regulation and its reasons are permissible (Usman, 2025).

A second body of research examines the administrative side of the practice. Studies of KUA offices have analysed proxy guardianship when the guardian lives far away (Irawan & Sholehuddin, 2023), when the guardian is old (Siregar & Rouf, 2023), or when the guardian attends but delegates because he is reluctant to marry off his daughter (Yunita & Sahera, 2022). Other studies have examined written and digital delegation under the 2019 regulation (Lingga et al., 2025; Reviko, 2023; Siregar, 2022; Vijaini et al., 2024), compared Indonesian and Malaysian rules on *tawkil al-wali* (Bisyri et al., 2025), and shown that *penghulu* combine religious authority, administrative records, and the new regulation when they assess guardianship, interpreting the requirement of written authorisation in different ways (Juliansyahzen et al., 2026). Research in Pekalongan has also shown that local custom can add requirements of its own, such as the guardian's departure from the ceremony after delegation, which residents regard as necessary for a valid marriage (Mundzir et al., 2024).

These studies leave three gaps. First, most of them concern delegation to KUA officials, village imams, or *kiai*, while delegation to a *buya*, the term used in Minangkabau and Kerinci for a respected religious teacher, has received little attention, even though the social authority of the *buya* is itself changing (Yulika et al., 2026). Second, many studies report the reasons for delegation but give less attention to the local rules that govern how and when the delegation is made, which are needed to judge whether the authorisation is clear. Third, few studies read the field data against the three normative layers that apply together in Indonesia, namely the fiqh of *wakalah*, the KHI, and the 2019 registration regulation. Without such a reading, it is difficult to distinguish what is required by Islamic law, what is required by the state, and what is added by local custom.

Kayu Aro Ambai Village in Tanah Cogok District, Kerinci Regency, Jambi Province, offers a suitable setting to address these gaps. In this village, the father of the bride commonly delegates the pronouncement of the *ijab* to a *buya*, and the practice has been handed down across generations. This study therefore asks three questions: how *taukil wali nikah* to the *buya* is carried out in Kayu Aro Ambai, why lineage guardians delegate the *ijab* to the *buya*, and to what extent the practice conforms to the concept of *wakalah* in Islamic marriage jurisprudence, the KHI, and Minister of Religious Affairs Regulation No. 20 of 2019. The unit of analysis is the practice of delegation as described by those who take part in it or observe it, namely guardians, the *buya* and other religious and customary leaders, village officials, and community members.

The study contributes to Islamic family law by placing a local practice of delegation within the three normative layers that govern it and by showing how a customary procedure can support or weaken the clarity of authorisation. The remainder of the article is organised as follows. Section 2 describes the research design, setting, informants, data collection, and analysis. Section 3 presents the results on the procedure of delegation, its reasons, and the informants' understanding of guardianship. Section 4 discusses these results against fiqh, the KHI, and the 2019 regulation and compares them with previous studies. Section 5 concludes the article.

2. Method

This study used a qualitative field research design combined with a normative juridical analysis. The field component was needed because the object of the study is a living practice whose procedures and reasons can only be known from those who carry it out, while the normative component was needed to assess the practice against the rules of Islamic law and Indonesian marriage law (Creswell & Poth, 2018). The study can be described as a single-site qualitative case study, in which one bounded practice in one village is examined in depth in its real-life context (Yin, 2018).

The research was conducted in Kayu Aro Ambai Village, Tanah Cogok District, Kerinci Regency, Jambi Province. The site was chosen because the delegation of the *ijab* to the *buya* is a recurring practice in the village and therefore matches the focus of the study. The researcher conducted the fieldwork directly, carrying out the interviews and observations in person, and acted as the main research instrument, which is usual in qualitative inquiry (Merriam & Tisdell, 2016). The interviews cited in this article were conducted between May and June 2024.

Informants were selected purposively on the basis of their experience, knowledge, or direct involvement in the practice. The fourteen informants included the village head, three *depati* (customary leaders), an adviser to the *depati*, the head of the customary council, a religious leader, a customary figure, a community figure, and five community members, among them fathers who had delegated the *ijab* for their daughters. The informants are listed in Table 1.

Table 1. Informants of the study

No.	Informant	Position in the community
1	Esulwadi	Village head
2	Ali Hamzah	*Depati* (customary leader)
3	Deerman	*Depati* (customary leader)
4	Darwis	*Depati* (customary leader)
5	Harudin	Adviser to the *depati*
6	Arsad	Head of the customary council
7	Tengku Abdullah Jamal	Religious leader
8	Damanhuri	Customary figure
9	Zainal	Community figure
10	Ratna Dewi	Community member
11	Supadi	Community member (father who delegated the *ijab*)
12	Hendra	Community member
13	Hadi	Community member (father who delegated the *ijab*)
14	Pahmi	Community member

Source: Field data, Kayu Aro Ambai Village (2024).

Table 1 shows that the informants represent the three groups that matter for the practice: the village and customary leadership that maintains local rules, the religious leadership from which the *buya* come, and the families who decide to delegate. This composition allowed the accounts of the families to be compared with those of customary and religious leaders, which was necessary because the reasons for delegation are personal while the procedure is communal.

The study used primary and secondary data. Primary data were obtained through semi-structured interviews and observation. The interviews explored the reasons for delegating the *ijab* to the *buya*, how the delegation is made, the authority given to the *buya*, the role of the *buya* during the contract, and the informants' understanding of the rules on guardianship. Observation was used to understand the social and religious context of the practice as far as access in the field allowed. Documentation was used to collect supporting records relevant to marriage contracts, provided that they could be accessed lawfully and that the identities of the families concerned were protected. Secondary data consisted of legal materials and literature, including works of marriage jurisprudence, the KHI, the Marriage Law and its amendment, Minister of Religious Affairs Regulation No. 20 of 2019, and books and articles on guardianship and *wakalah*.

The data were analysed through data condensation, data display, and conclusion drawing (Miles et al., 2020). Interview transcripts, field notes, and documents were first coded and grouped into themes, namely the procedure of delegation, the reasons for delegation, the position of the *buya*, and the informants' understanding of guardianship, following the logic of thematic analysis (Braun & Clarke, 2022). The themes were then displayed in matrices to identify patterns across informants. In the normative stage, the findings were assessed against four conditions derived from the fiqh of *wakalah* and the relevant provisions of Indonesian law: the delegating guardian must be entitled, the

delegation must be clear, the agent must act within the mandate, and the contract must fulfil its pillars and be registered.

Trustworthiness was supported by source triangulation, in which the accounts of guardians, religious leaders, customary leaders, and community members were compared with one another, and by checking the interview data against documentation and the applicable legal provisions (Creswell & Poth, 2018). The research procedure is summarised in Figure 1.

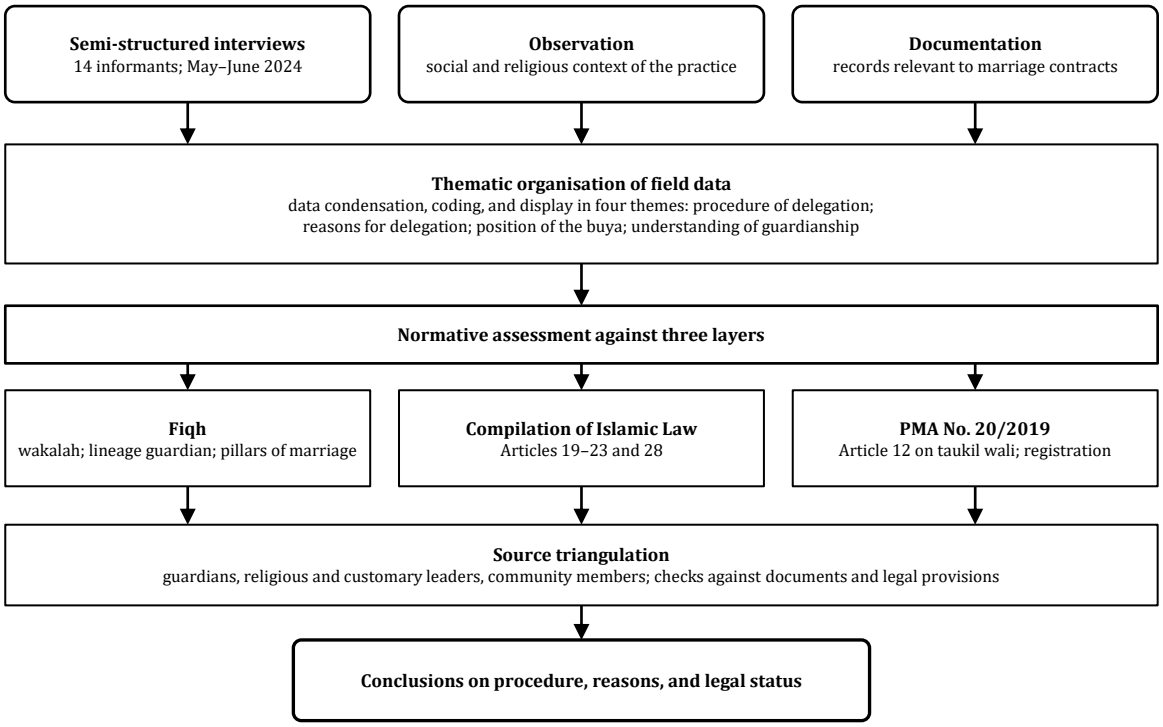


Figure 1. Research procedure of the field and normative analysis

Source: Author's elaboration (2024).

Figure 1 shows that the study moved from field data to normative assessment in four steps. The first step collected interview, observation, and documentation data from the fourteen informants. The second step organised these data into four themes. The third step assessed the themes against the fiqh of *wakalah*, the KHI, and the 2019 regulation, and the fourth step checked the results through triangulation before conclusions were drawn. The figure also shows that the normative sources were used as a framework of assessment rather than as a source of field data.

3. Results

3.1. The buya in the social life of Kayu Aro Ambai

All residents of Kayu Aro Ambai are Muslim, and the delegation of the guardian's role in marriage has been practised in the village for generations. According to a community member, the *buya* has long been regarded as a respected figure whom people consult on almost every matter in daily life:

> From the very beginning, the people of Kayu Aro Ambai have tended to make the buya a figure who is respected and honoured. The buya is also taken as a role model and a source of support in their daily activities, for example by asking his advice on every problem the community faces. (Ratna Dewi, personal communication, June 29, 2024)

This position explains why the *buya* is the person to whom the *ijab* is entrusted. In the researcher's observation, the handing over of the guardian's role to the *buya* has become so customary that residents treat it almost as if it were a required element of the marriage ceremony. The researcher's data collection also indicated that delegation to the *buya* is the habit of most residents of the village rather than the choice of a few families only.

3.2. The procedure of delegation to the buya

The person to whom the guardian's role is delegated in Kayu Aro Ambai is a *buya*. The process begins with a request from the parent of the bride, usually her father as lineage guardian, asking the *buya* to marry his daughter on his behalf. The request is usually made orally. Once the delegation has been agreed, the *buya* carries out the role of guardian on behalf of the father during the contract.

The head of the customary council described several local rules that govern this procedure. The guardian's representative is chosen on the wedding day itself and may not be chosen on any other day. The delegation must be pronounced no more than one hour before the contract. If the delegation is pronounced more than one hour before the contract, it is regarded as void, and the agreed representative is replaced by another person. According to the same informant, the choice of the representative has never had to be repeated in practice, because families usually prepare the delegation carefully. Besides acting as the guardian's representative, the *buya* also delivers the marriage sermon (*khutbah nikah*) (Arsad, personal communication, June 29, 2024).

Two fathers who had delegated the *ijab* stated that the marriage registrar (*Pegawai Pencatat Nikah*, PPN) of the KUA of Tanah Cogok District attended the contract and recorded the marriage (Hadi, personal communication, May 7, 2024; Supadi, personal communication, May 2, 2024). The procedure is summarised in Figure 2.

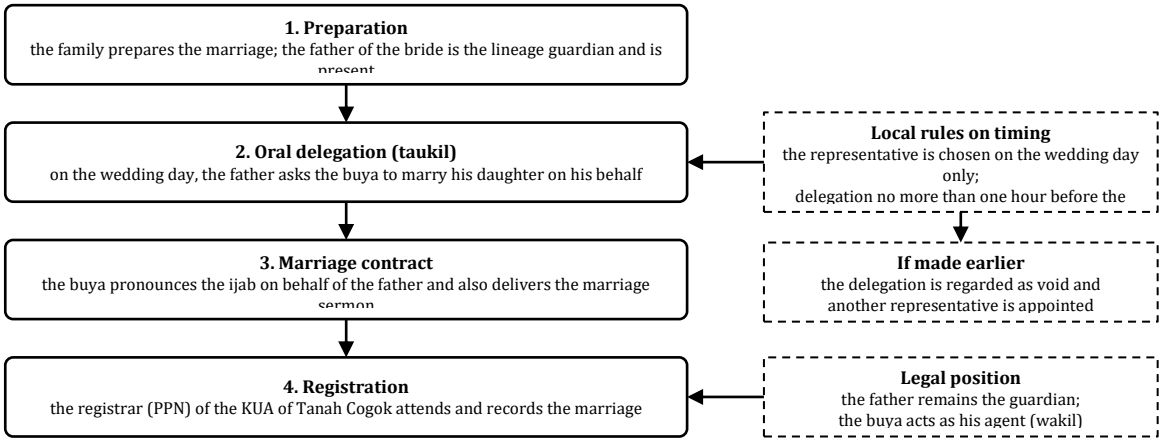


Figure 2. Procedure of *taukil wali nikah* to the *buya* in Kayu Aro Ambai

Source: Interviews with Arsad, Supadi, and Hadi (2024).

Figure 2 shows that the delegation in Kayu Aro Ambai is a short oral act that takes place on the wedding day and close to the contract. The local one-hour rule and the rule that the representative is chosen on the wedding day itself frame the delegation in time. The figure also shows that the lineage guardian remains present and initiates the delegation, while the registrar attends and records the marriage. The *buya* therefore acts in two capacities during the ceremony, as the guardian's representative for the *ijab* and as the preacher of the marriage sermon.

3.3. Reasons for delegating the ijab to the buya

The interviews revealed four reasons why lineage guardians delegate the *ijab* to the *buya*. The first reason is trust in the religious knowledge of the *buya*. Supadi, a father who delegated the *ijab* for his daughter, explained that he considered a religious leader more suitable than himself:

> I chose a religious leader as the marriage guardian for my daughter because a religious leader is more suitable to be my daughter's guardian than I am, since he knows more about religion than I do. I do not understand the words that have to be pronounced. Rather than having the marriage annulled, I preferred to delegate to the religious leader, because if the marriage is annulled it is not valid. In my view, my daughter's marriage is better if it is carried out by a religious leader. Even though I chose a religious leader as the representative guardian, the PPN of the KUA of Tanah Cogok District was present and recorded my daughter's marriage. (Supadi, personal communication, May 2, 2024)

This account shows that the informant knew something about guardianship in Islamic law but set this knowledge aside in favour of delegation, because he regarded the religious leader as more knowledgeable and more appropriate. The second reason, closely linked to the first, is the guardian's lack of confidence in pronouncing the *ijab*. The religious leader of the village confirmed that people prefer to delegate the contract because the guardian feels unable to carry it out himself (Abdullah Jamal, personal communication, May 7, 2024).

The third reason is the wish of the bride. Hadi, another father, delegated the *ijab* because his daughter asked for her former teacher to marry her:

> My daughter once studied at one of the Islamic boarding schools in Kayu Aro Ambai Village, and she wished that when she married, her guardian would be her teacher from the boarding school. As a parent, I followed my daughter's wish; besides, her choice was a good one. She chose the buya to be her guardian. (Hadi, personal communication, May 7, 2024)

The fourth reason is custom. The repeated statements of informants and the researcher's observation indicate that delegation to the *buya* is a habit shared by most families in the village. The four reasons are summarised in Table 2.

Table 2. Reasons For Delegating The *Ijab* To The *Buya*

Reason	Evidence from the field	Informants
Trust in the religious knowledge of the *buya*	The religious leader is regarded as more knowledgeable and more appropriate than the father to marry the bride	Supadi; Ratna Dewi
Guardian's lack of confidence	The father does not understand the words of the *ijab* and fears that a mistake would annul the marriage; guardians feel unable to carry out the contract themselves	Supadi; Tengku Abdullah Jamal
Request of the bride	A daughter who had studied at a local boarding school asked for her former teacher, a *buya*, to marry her	Hadi
Inherited custom	Delegation to the *buya* is practised across generations and by most families, framed by local rules on timing	Arsad; Ratna Dewi; researcher's observation

Source: Interviews and observation in Kayu Aro Ambai Village (2024).

Table 2 shows that the reasons for delegation are religious, psychological, relational, and customary rather than practical. None of the informants mentioned distance, illness, or the absence of the guardian, which are the situations for which written delegation is regulated. In every case reported, the guardian was available and chose to delegate. The table also shows that the reasons reinforce one another, because confidence in the *buya* grows from the same communal respect that sustains the custom.

3.4. The informants' understanding of guardianship

The interviews also show what the informants knew about guardianship. Hadi stated that, according to Islamic law, the person entitled to be the marriage guardian is the biological father; if the father is no longer alive, the guardianship passes to the father's brother or to the bride's full brother, and if none of them exists, the guardian is an official of the KUA. He did not, however, know the conditions that a guardian must fulfil (Hadi, personal communication, May 7, 2024). He also stated that the PPN of the KUA of Tanah Cogok attended to witness and record the marriage in accordance with the procedure.

These accounts indicate that the community is aware of the order of guardians and of the role of the KUA, yet still prefers to delegate the *ijab* because guardians lack confidence in their own ability to act as guardians for their daughters. Based on the accounts of the informants, delegation of the guardian's role to the *buya* is a general pattern of the marriages of daughters in Kayu Aro Ambai.

4. Discussion

4.1. Delegation to the buya as wakalah in Islamic marriage jurisprudence

The results show that the *buya* in Kayu Aro Ambai does not replace the lineage guardian but acts as his representative. In the terms of Islamic jurisprudence, the father is the principal (*muwakkil*), the *buya* is the agent (*wakīl*), and the pronouncement of the *ijab* is the act delegated. Classical and contemporary works agree that the marriage contract is

an act that may be performed through an agent and that the agent stands in the position of the principal within the limits of the mandate (al-Zuḥaylī, 2011; Kosim, 2019; Muzammil, 2019). The agency ends when the principal dies or revokes it, which is why the authority of the *buya* depends on the continuing will of the father. The father who delegates therefore remains the guardian, and the *buya* derives his authority from that delegation rather than from his standing as a religious leader. This distinction is important because informants sometimes describe the *buya* as the "guardian" of the bride. In legal terms, he is the guardian's agent.

Four conditions follow from this analysis. The guardian who delegates must be entitled to guardianship, the delegation must be clear enough to show that the agent acts on the guardian's will, the agent must act within the mandate, and the contract must fulfil the pillars of marriage. The first condition is supported by the results, because the delegation is made by the father of the bride, who is first in the order of lineage guardians. The second condition is supported by the oral request made on the wedding day and, in the cases reported, by the presence of the father at the ceremony. The third condition is supported by the description of the *buya* pronouncing the *ijab* on behalf of the father. The fourth condition cannot be fully assessed from the data, because the results describe the delegation and the presence of the registrar but do not document each element of the contract, such as the witnesses. On the evidence available, the practice in Kayu Aro Ambai can be justified as *wakalah*, provided that the other pillars are met in each marriage.

Two further aspects of *wakalah* deserve attention. The first is the qualification of the agent. Because the agent pronounces the *ijab* in place of the guardian, jurists require him to meet the conditions of a guardian, and Indonesian law expresses these conditions as being male, Muslim, of age, of sound mind, and upright (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991, 1991; Peraturan Menteri Agama Republik Indonesia Nomor 20 Tahun 2019, 2019). The *buya* is chosen precisely because of his religious standing, so the community's choice is consistent with these conditions, although the data do not record a formal check of them by the registrar. The second aspect is the form of the delegation. Fiqh does not require a particular wording or a written instrument for a delegation made in the presence of the agent; what matters is that the will of the principal and the scope of the mandate are clear (al-Zuḥaylī, 2011; Muzammil, 2019). An oral request by the father to the *buya*, made on the wedding day and close to the contract, satisfies this requirement. The mandate is also narrow, because it covers only the pronouncement of the *ijab* for one marriage, which reduces the risk that the agent acts beyond his authority.

These conclusions differ in emphasis from those of several earlier studies. The study in Bengkalis concluded that delegation to the *penghulu* was in tension with the concept of guardianship (Zakiyah et al., 2022), and the study in Bayan recommended *sadd al-dharī'ah* to prevent the spread of delegation to customary *kiai* because it weakens the value of guardianship (Andriawan & Sainun, 2024). The present findings suggest that the problem lies less in the legality of delegation than in its effect on the guardian's role. The same pattern of motives appears in Aceh Singkil, Lamongan, and Sukabumi, where guardians

delegate because of limited knowledge, anxiety about pronouncing the *ijab*, and respect for religious figures (Arifianto et al., 2026; Fahmi, 2023; Khairuddin, 2023). Unlike the case in Aceh Besar, where delegation to a *teungku dayah* was justified by the guardian's unfitness or impairment (Maghfirah, 2023), the guardians in Kayu Aro Ambai were not described as unfit. Their delegation is a matter of choice, which is allowed by *wakalah* but raises a question about the purpose of guardianship. The study in Pinrang is instructive here. Muhammadiyah gives priority to the lineage guardian and allows alternatives only when he is absent or unable, whereas Nahdlatul Ulama accepts any person who belongs to a category permitted by Islamic law (Nur et al., 2024). Measured against the stricter view, delegation by a guardian who is present and able would be discouraged; measured against the broader view, it is unproblematic. The practice in Kayu Aro Ambai thus shows that the validity of delegation is settled in fiqh, while its desirability remains a matter on which Indonesian Muslim organisations differ.

4.2. Conformity with the Compilation of Islamic Law and the 2019 regulation

The KHI provides the most direct statutory basis for the practice. Article 19 makes the guardian a pillar of marriage, Articles 20 to 23 determine who may act as lineage or judicial guardian, and Article 28 states that the contract is carried out by the guardian personally but may be delegated to another person (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991, 1991). Delegation to the *buya* in Kayu Aro Ambai falls under Article 28, not under the rules on the judicial guardian, because the lineage guardian is present and entitled. This distinguishes the practice from cases in which a guardian refuses to act and a judicial guardian is needed (Aswat & Hidayat, 2024; Yunita & Sahera, 2022).

Minister of Religious Affairs Regulation No. 20 of 2019 refines this basis. Article 12(4) allows the lineage guardian to delegate the *ijab* to KUA officials or to another person who meets the requirements, and Article 12(5) requires a written delegation before the registrar only when the guardian does not attend the contract (Peraturan Menteri Agama Republik Indonesia Nomor 20 Tahun 2019, 2019). Since the fathers in Kayu Aro Ambai attend the contract and delegate orally, the oral form of the delegation does not contradict the regulation. The presence of the registrar, who records the marriage, also satisfies the requirement of registration under the Marriage Law (Undang-Undang Republik Indonesia Nomor 1 Tahun 1974, 1974; Undang-Undang Republik Indonesia Nomor 16 Tahun 2019, 2019). The assessment of the practice against the three normative layers is summarised in Table 3.

Table 3. Assessment of delegation to the *buya* against fiqh and Indonesian law

Requirement	Normative basis	Evidence from Kayu Aro Ambai	Assessment
Delegating guardian is entitled	Order of lineage guardians in fiqh; KHI Arts. 20–21	Delegation is made by the father of the bride	Fulfilled
Delegation is clear	*Wakalah*: clear will and scope; KHI Art. 28	Oral request on the wedding day, no more than one hour before the contract; father present	Fulfilled, but not documented
Agent is qualified and acts within the mandate	Conditions of a guardian; PMA No. 20/2019 Art. 12(2) and 12(4)	The *buya* pronounces the *ijab* on behalf of the father and delivers the sermon	Fulfilled as reported; no formal check recorded
Written delegation when the guardian is absent	PMA No. 20/2019 Art. 12(5)	Guardian attends the contract	Not applicable
Contract fulfils its pillars and is registered	Pillars of marriage; KHI Art. 14; Marriage Law Art. 2(2)	Registrar of the KUA attends and records the marriage	Registration fulfilled; other pillars not documented in the data

Source: Author's analysis of field data against fiqh, the KHI, and PMA No. 20/2019.

Table 3 shows that the practice in Kayu Aro Ambai meets the conditions that can be assessed from the data and that the remaining uncertainty concerns documentation rather than legality. The local one-hour rule has no basis in fiqh or in the KHI, but it does not conflict with them. In practice, it functions to keep the delegation close to the contract, which makes it clearer who is acting for whom. Studies of KUA practice show that registrars interpret the requirement of written authorisation differently and combine religious authority with administrative records when they assess guardianship (Juliansyahzen et al., 2026; Siregar, 2022). Other studies show that the regulation has not yet been fully adapted to community realities, especially when guardians live far away (Irawan & Sholehuddin, 2023), and that digital or written delegation raises new questions of verification (Lingga et al., 2025; Reviko, 2023; Vijaini et al., 2024). In this light, a short written note of the oral delegation in the marriage records would strengthen legal certainty in Kayu Aro Ambai without changing the custom. A comparison with Malaysia shows that Indonesia regulates *tawkil al-wali* through more detailed procedural rules (Bisyri et al., 2025), which makes such documentation consistent with the direction of national law.

4.3. Custom, religious authority, and the role of the guardian

The practice in Kayu Aro Ambai shows how custom shapes the way a fiqh institution is carried out. In the theory of Islamic law, custom (*'urf*) may be taken into account when it does not contradict the rules of the sharia (Kamali, 2017). Delegation to the *buya* can be

classified as valid custom (*'urf ṣaḥīḥ*), because it follows the KHI and the 2019 regulation and its reasons are permissible, which matches the conclusion reached for a similar practice in Barru (Usman, 2025). The one-hour rule and the rule that the representative is chosen on the wedding day are local additions to this custom. They resemble the rule in Pekalongan that the guardian must leave the ceremony after delegation, which residents consider necessary for validity although it is not required by fiqh (Mundzir et al., 2024). The difference is that the rules in Kayu Aro Ambai concern the timing of the delegation rather than the physical presence of the guardian, and they do not make the validity of the marriage depend on an act that the sharia does not require.

The central position of the *buya* reflects the religious authority that local religious leaders hold in many Muslim communities of Sumatra. Studies of Minangkabau society show that the authority of the *buya* has historically combined Islamic teaching with customary practice, although this authority has weakened as the surau has lost its function (Yulika et al., 2026). In Aceh, *dayah* scholars continue to shape local religious practice and to command the trust of the community (Syafieh et al., 2022). Research on Minangkabau marriage traditions also shows that religious and customary leaders seek a balance between custom and sharia in family life (Alhkarni & Yuriska, 2024). Research on local Muslim marriage also shows that marriage remains embedded in communal obligations rather than being a purely private affair (Wardatun, 2024), and studies of legal pluralism describe arrangements in which Islamic law, custom, and state law are negotiated by local actors rather than imposed by one system on the others (Yusuf et al., 2026). The Kayu Aro Ambai case fits this pattern. The *buya* acts within fiqh, the registrar applies state law, and customary leaders maintain the rules of timing.

This arrangement also has a cost. Several studies warn that frequent delegation turns the guardian into a provider of formal legality rather than an active participant in the marriage of his daughter (Andriawan & Sainun, 2024; Arifianto et al., 2026). The statement of Supadi that he did not understand the words of the *ijab* and feared that the marriage would be annulled shows the same risk. When delegation is chosen because the guardian believes that his own *ijab* might invalidate the marriage, the custom may preserve a misunderstanding rather than correct it. Contemporary readings of guardianship emphasise that the role of the guardian is oriented towards the protection of the bride and towards her consent (Ali, 2016; Oktafiana, 2026). The request of Hadi's daughter for her former teacher to act shows that delegation can also express the bride's own wishes, which is consistent with this orientation. Comparable studies of lived fiqh in Indonesian villages, such as the division of inheritance by family agreement in Jember, show that communities often adapt classical rules to preserve harmony and that legal education needs to respect local deliberation (Maftuh & Zaeni, 2026), while doctrinal work on the marriage gift shows how the KHI can mediate between classical fiqh and custom (Mahendra et al., 2026). The relationships among fiqh, state law, and local practice are summarised in Figure 3.

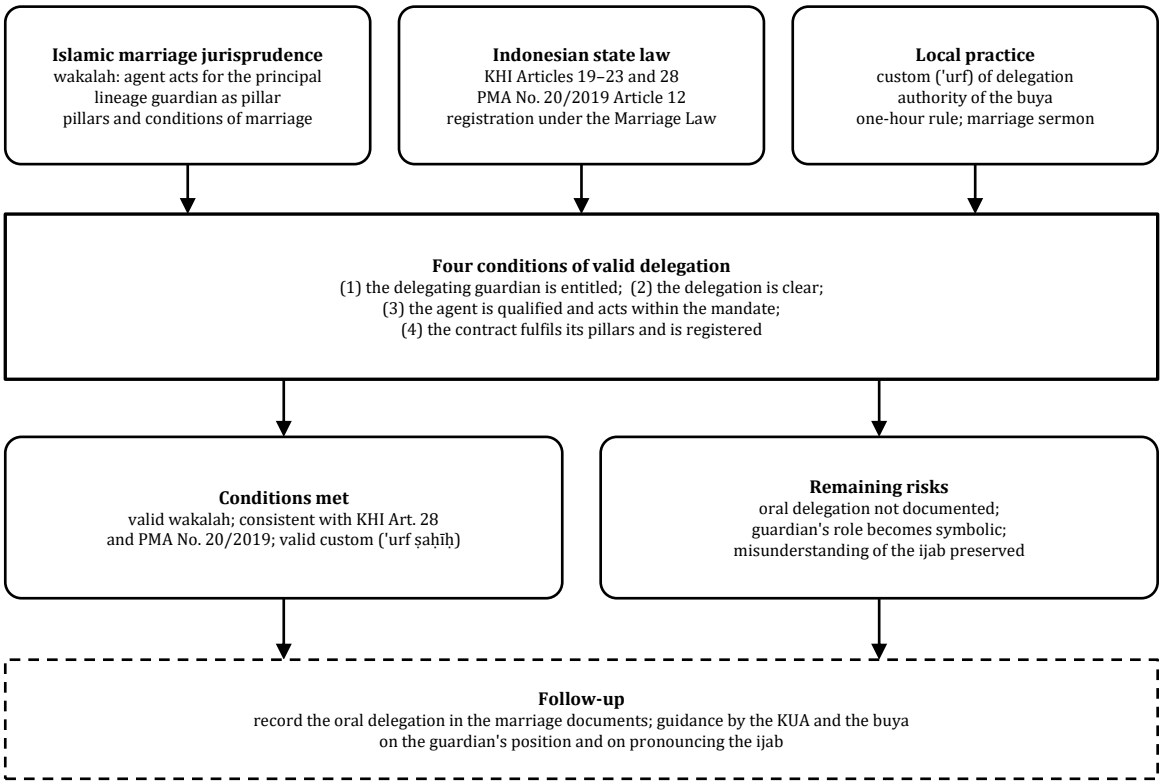


Figure 3. Conceptual Model Of The Validity Of Delegation To The *Buya*

Source: Author's elaboration based on the field data and the normative analysis (2024).

Figure 3 shows that the validity of delegation to the *buya* is judged by four conditions that draw on all three normative sources. When these conditions are met, the practice is a valid form of *wakalah* and a valid custom. When the authorisation is not documented or the guardian delegates because he misunderstands his own role, the practice remains lawful but carries risks for legal certainty and for the meaning of guardianship. The figure therefore points to two forms of follow-up, namely recording the delegation and strengthening the guardian's understanding of his position.

4.4. Implications and limitations

The findings have practical implications for the KUA, the *buya*, and customary leaders. Studies in Pinrang and Sukabumi recommend that the KUA educate the community about the procedure of delegation and coach guardians during the contract (Fahmi, 2023; Nur et al., 2024). In Kayu Aro Ambai, such guidance could be given in pre-marriage counselling and in religious gatherings led by the *buya*, whose authority makes them effective teachers of family law. Research on Islamic outreach shows that religious leaders can adapt their teaching to the media and settings of their communities (Fatmawati et al., 2026). Approaches that move learners from understanding to feeling and then to practice, such as the *ngerti–ngrasa–nglakoni* sequence used in a recent educational intervention, suggest a way of designing such guidance so that guardians not only know the rules but also gain the confidence to pronounce the *ijab* themselves when they wish (Sinaga et al., 2026). The KUA could also record the oral delegation in the marriage

documents, which would make the authorisation verifiable without changing the custom. Customary leaders also have a role. Because they already maintain the rules on when the delegation must be made, they are well placed to ensure that the father pronounces the delegation in front of the registrar and the witnesses, so that the moment of delegation becomes part of the public record of the ceremony. Such a step would keep the authority of the custom while giving the state's registration a clear trace of who acted for whom. It would also allow guardians who wish to pronounce the *ijab* themselves to do so without social pressure, since the custom would then be understood as an option permitted by the law rather than as a requirement of the marriage.

The study has several limitations. It was conducted in one village, so the findings describe the practice in Kayu Aro Ambai and cannot be generalised to Kerinci as a whole. The reasons for delegation are drawn mainly from the accounts of fathers and religious and customary leaders, and the voices of brides and grooms are limited to what their fathers reported. The data do not document each element of the contracts, such as the witnesses, so the fulfilment of all the pillars of marriage could not be assessed for each case. Future research could compare villages in Kerinci, examine marriage records at the KUA, and include the experiences of brides, guardians who choose to pronounce the *ijab* themselves, and the *buya* who receive the delegation.

5. Conclusion

This study examined the delegation of the guardian's authority to pronounce the *ijab* to the *buya* in Kayu Aro Ambai Village, Kerinci. The main conclusions are as follows: (1) the delegation is made orally by the father of the bride on the wedding day, no more than one hour before the contract, under local rules maintained by customary leaders, and the *buya* also delivers the marriage sermon while the registrar of the KUA attends and records the marriage; (2) guardians delegate because they trust the religious knowledge of the *buya*, lack confidence in pronouncing the *ijab*, follow the wishes of their daughters, and follow an inherited custom, rather than because of distance or incapacity; (3) the *buya* acts as the agent of the lineage guardian and not as a guardian in his own right, so the practice can be justified as *wakalah* in Islamic marriage jurisprudence and as valid custom; and (4) the practice is consistent with Article 28 of the KHI and Article 12(4) of Minister of Religious Affairs Regulation No. 20 of 2019, because the entitled guardian is present and delegates to a qualified person, although the oral delegation is not documented and its validity in each case depends on the fulfilment of the other pillars of marriage. The study suggests that local custom can give a fiqh institution a clear procedure, but it can also preserve a misunderstanding of the guardian's role. In the future, the KUA and the *buya* could record oral delegations in the marriage documents and offer guidance that helps guardians understand their position, while further research could compare several villages in Kerinci, examine marriage records, and include the experiences of brides and of guardians who pronounce the *ijab* themselves.

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