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The Gayonese Culture of Marriage System: the Islamic Law Perspective

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Abstract: This research explores the Gayonese culture of marriage through an analytical view of the Islamic law. There has been a shift in marriage system in the Gayonese society, in which the *Juelen* and the *Angkap*, the two formerly known systems shifted to *Kuso Kini*. This is an empirical research using the law historical approach to allow the author restropectively explore the construction of law and its shift from time to time. Data colection techniques are literature review and in-depth interviews with traditional leaders. The findings suggest that marriage systems are shifting and the Gayonese communities do not problematize this transformation. In fact, they are not in the position to force their children to adopt both the *Juelen* and the *Angkap* marriage system. This is so, since most communities in the present times prefer *Kuso Kini* marriage system to the other two. The *Kuso Kini* marriage system gives freedom for spouses to decide where they should stay, either with their parents or find their own living. This shift in marriage system is the result of cultural intermingled, in which some non-Gayonese migrated to the Gayonese Island and brought with them their own cultural values. The same is true to the Gayonese communities migrating to places beyond the Gayonese Island. It is therefore believed that a shift in marriage system is a must as the world today allow people across different cultural values to integrate with each other. The integration for sure gives changes to a certain cultural value. However, changes in cultural practices do not result in cultural-religious clashes. In fact, it is expected that the changes contribute to the family resilience and the marriage cultural system, the *Kuso Kini*, prevails.

Keywords: Marriage, Social Changes, Marriage System in the Gayonese Culture, the Islamic Law

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Abstrak: *Kajian ini membahas tentang sistem perkawinan adat Gayo yang ditelaah dari perspektif hukum Islam. Terjadi perubahan sistem perkawinan dalam adat Gayo pada masa lalu dikenal juelen dan angkap, saat ini muncul sistem kuso kini. Studi ini merupakan penelitian hukum empiris yakni menelaah hukum dalam realitas nyata, sedangkan pendekatan yang digunakan adalah sejarah hukum. Pendekatan sejarah hukum dilakukan dalam kerangka pelacakan sejarah lembaga hukum dari waktu ke waktu untuk memahami filosofi dan perubahan aturan hukum. Teknik pengumpulan data adalah kajian literatur dan wawancara mendalam dengan tokoh adat. Penelitian ini menyimpulkan bahwa bahwa sistem perkawinan dalam adat Gayo telah berubah. Masyarakat tidak lagi mempermasalahkan apakah anaknya kawin juelen atau tidak, bahkan kawin angkap pun mulai ditinggalkan. Masyarakat kini lebih banyak mempraktikkan sistem kuso kini yaitu pasangan bebas memilih untuk tinggal bersama orang tuanya atau tidak. Perubahan tersebut terjadi karena perubahan sosial dan perkembangan zaman, ketika arus manusia yang masuk ke tanah Gayo dengan membawa budayanya termasuk orang Gayo sendiri yang merantau dan berinteraksi dengan budaya lain. Perubahan perkawinan adat Gayo sebagai suatu keniscayaan sejarah karena perbedaan waktu, pelaku dan perubahan sosial. Dari perspektif sejarah hukum meskipun terjadi perubahan aturan hukum, tetapi tidak ada hal yang bertentangan dengan hukum Islam. Justru dengan perubahan ini, diharapkan dapat memperkuat ketahanan keluarga sehingga tujuan perkawinan dan sekaligus harapan adat dapat terwujud dalam pola hubungan perkawinan kuso kini.*

Kata Kunci: *Perkawinan, perubahan sosial, perkawinan adat Gayo dan hukum Islam.*

Introduction

Indonesia is a nation state consisting of many different cultural values, customs, languages and identities. For example, the Madura ethnicity in East Java adopts matrilocal system, in which after marriage the husbands are encouraged to stay in wives' houses, since husbands are considered as the guests in their wives' houses. However, the Madura communities do not adopt the matrilineal system, in which husbands are authorized to make a living, taking care of their wives and children.¹ Other ethnicity, such as the

¹Masthuriyah Sa'dan, "Tradisi Perkawinan Matrilokal Madura: Akulturasi Adat dan Hukum Islam," *Ibda: Jurnal Kebudayaan Islam* 14, No. 1 (2016), p. 129. Jamiliya Susantin <http://jurnal.arraniry.ac.id/index.php/samarah>

Mandailing ethnic in North Sumatera holds firmly on the patrilineal family system, in which surnames become their ethnic identity, and the surnames are generated from the fathers' side.²

Unlike these two ethnicities, the Minangkabau ethnicity of West Sumatra adopts the matrilineal family system, in which marriage system are twofold: Marriage patterns based on custom can be carried out in two ways, namely marriage according to female relatives, or marriage according to male relatives. However, women are still more prominent in their kinship system.³

The Palembang ethnic group in South Sumatra adheres to a patrilineal kinship as a part of the family unit, lineage and inheritance system. The father's lineage plays an important role in the Palembang society (*seduluran* or a descendant), for example in the marriage process, conflict resolution and other cultural practices.⁴

Meanwhile, the Bugis ethnic group also prioritizes the male lineage in their kinship system. However, the prominent issue in the marriage process is the issue of *kafaah* (suitability), *dui menre* and *sompa* that are provided by the male and female parties. Suitability is seen from the region (descent), social status, religious belief and education. In addition, the *dui menre* 'giving in the form of spending money for a wedding ceremony to a woman's family, and a *sompa* is a gift in the form of money or assets given to the prospective wife.⁵

In addition, the Gayonese ethnic group generally adheres to the patrilineal kinship system. However, in the past there were two kinds of marriage systems: the *Juelen* and the *Angkap*. The former is indicated by wives' place of stay, in this case, the wives stay in their husbands' house, on

dan Syamsul Rijal, "Tradisi Bhen-Ghiben Pada Perkawinan Adat Amdura: Studi Kasus di Kabupaten Sumenep-Madura," *Kabilah: Journal of Social Community* 5, No. 2 (2020), p. 49.

²Aguswita Wahyuni, Nurma S, "Dampak Perkawinan Adat antar Etnis Mandailing dengan Etnis Minangkabau terhadap Kekerabatan dan Hak Waris Anak di Kabupaten Pasaman," *Journal of Civic Education* 2, No. 5 (2019).

³Asmaniar, "Perkawinan Adat Minangkabau," *Jurnal Binamulia Hukum* 7, No. 2, (2018), p. 131. Mohammad Sabri bin Haron dan Iza Hanifuddin, "Harta dalam Konsepsi Adat Minangkabau," *Jurnal Juris* 11, No. 1, (2012), p. 3.

⁴Muhammad Syawaluddin, "Kontribusi Teori Fungsionalisme Struktural Parsons: Pengelolaan Sistem Sosial Marga di Sumatera Selatan," *Jurnal Sosiologi Reflektif* 10, No. 1 (2015), p. 192. Frawita Sari, "Sistem Kekerabatan Sosial Masyarakat dalam Penggunaan Gelar kebangsawanan "Yang" dan "Abang" di Kota Muntok Kepulauan Bangka (1734-1816)," *Jurnal Criksetra* 4, No. 8 (2015).

⁵Eliza Meiyani, "Sistem Kekerabatan Orang Bugis di Sulawesi Selatan (Suatu Analisis Antropologi-Sosial)," *Jurnal al-Qalam* 16, No. 26 (2010), p. 181. A. Dian Fitriana dan Khaerun Nisa', "Shifting Endogamy Marriage System of Bugis Ethnic Society," *Jurnal al-Qalam* 26, No. 1 (2020), p. 71. Rusdaya Basri dan Fikri, "Sompa and Dui Menre' in Wedding Traditions of Bugis Society," *Ibda: Jurnal Kajian Budaya Islam* 16, No. 1 (2018), p. 1.

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the other hand, the latter is represented by the fact that the husbands stay the wife's house. However, in the present times, the *Kuso Kini* marriage system becomes more popular.⁶

In this context, every ethnicity and community has its own characteristics and identity, which differentiate one ethnicity from the others. However, Islam is a religion of peace containing comprehensive teaching that bridge differences among ethnicities. Islam provides spaces for dialogue between ethnic and religious values, which link the Islamic teaching and the cultural and ethnic values. These differences allow integration between Islamic and ethnic values.

Marriage is a necessity and a religious command, and thus it should be well regulated by Islam. Marriage is a sacred bond between two individuals from different social and ethnic backgrounds. The marriage couple will live their lives together and raise their children. However, their different backgrounds will definitely shape their outlooks

Cultural values views marriage as not only a social event but also a legal consequence within certain communities. The process of marriage follows certain steps, starting from the process of exploration and proposal, which then leads to marriage bound by cultural and religious values.⁷ Therefore, marriage is not only a medium of strengthening social and cultural ties but also has a religious dimension and legal consequences between husband and wife and between their extended families..

All people together with their respective partners are responsible to create a happy harmonious household both physically and mentally. In terms of marriage, it is often mentioned as *sakinah mawaddah wa rahmah* (calm, happy and comfortable). The marriage journey is regulated through series of responsibilities under the principles of religious and cultural values as well. This is so because religious and cultural values are inseparable; they are connected with each other and thus the two values intersect to create a certain rule and regulation practiced in certain communities.

To understand the culturally-based marriage system, an in-depth study of the marriage system in the Gayonese society is needed. This study is an empirical legal research which examines the law according to the reality, while the approach used in the study is legal history. The legal history

⁶Robi Efendi Batubara, *Tradisi Pernikahan Angkap Pada Masyarakat Muslim Suku Gayo*, Medan: Tesis Pascasarjana IAIN Sumatera Utara, 2014. Asmidin, *Komunikasi Masyarakat Gayo Luwes dalam Upacara Pernikahan (Studi kasus tentang Proses Komunikasi Antarbudaya dala Upacara Pernikahan Juelen Adat Suku Gayo pada Desa Kutelintang Kecamatan Blangkejeren Kabupaten Gayo Lues*, Medan: Tesis Universitas Sumatera Utara, 2015, p. 32.

⁷Hilman Hadikusuma, *Hukum Perkawinan Adat*, Bandung: Alumni, 1977, p. 28.
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approach is carried out within the framework of tracking the history of legal institutions over time to understand the philosophy and changes in the rule of law.⁸ Data collection techniques are literature review and in-depth interviews with community leaders. It is expected that this study will present a relationship between the reality and the rule of law in custom that is relevant and has changed in the present and in the future.

Marriage System in the Islamic Law Perspectives

Islam as a religion regulates the marriage system very neatly and precisely. Islam regulates households' obligations, the procedures for the marriage, the marriage contract and the *walimah* (wedding ceremony). If the couple no longer loves each other, Islam provides a solution through regulated divorces. Islam however, honors couples who seek to maintain their household in a sustainable manner to the old ages or separated by death. Marriage in Islamic law states several legal conditions such as the presence of a prospective brides and grooms, consent *qabul*, dowry, witnesses and guardians.⁹

The pattern of husband and wife relations in the Islamic teachings is built in the spirit of mutual trust, which leads to healthy communication between husbands and wives. Both of them collaboratively organize their households' matters. In addition, the Islamic teaching does not specifically determine work division between husbands and wives; they in fact work together to fulfill households' needs. However, this work division occurs because of traditional practices passed down from generation to generation, where wives take care of the house and the husbands make a living. Nevertheless, Islam recognizes husbands to be privileged as the family leadership.

According to Amir Syarifuddin, the obligation of a husband to his wife can be divided into two: material obligation such as the fulfillment of daily needs for livelihoods and non-material obligations as in the following obligations:¹⁰

1. Regular Intercourse with wives properly
2. Protect ones' wives from everything that may involve an act of sin and immoral.

⁸Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2014, p.166. Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2014, p. 44.

⁹Abdul Aziz Dahlan, et.al., *Ensiklopedi Hukum Islam*, Jakarta: Ichtiar Baru Van Hoeve, 2006, p. 1331-1332.

¹⁰Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Jakarta: Kencana, 2011, p. 161.
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3. Enforcing the happy family life leading to happy marriage, known as *sakinah, mawaddah, warahmah*.

As for the wife's obligations towards her husband, none of them are in direct material form, which is only in non-material obligation, such as¹¹

1. Having an intercourse with her husband kindly;
2. Providing a sense of calm in the household for her husband; give love and affection;
3. Obeying and submitting herself to her husband as long as the husband does not command immorality and sin;
4. Safeguarding herself and her husband's assets when the husband is not at home;
5. Abstaining from all actions that are displeased by her husband;
6. Abstaining from showing unpleasant faces and voices.

There are three obligations of husbands and wives according to Dakwatul Chairah;¹²

1. Mutual rights and obligations-mutual love, mutual inheritance and mutual secrecy.
2. The rights of the wife which are the material obligations of the husband are the fulfillment of clothing, shelter and food (basic needs) in accordance with the husband's ability to fulfill; the non materials includes spiritual sustenance and a proper education.
3. The rights of the husband as the obligation of the wife is the obedient to husbands as long as one does not command immorality and violation of Allah's commands.

Islam determines that the relationship between husbands and wives as partner; it is a partnership relationship. The hadiths and verses of the Qur'an introduce the word *azwaj* (pair) which means that husbands and wives are actually partner to each other. The partnership functions if both sides; husbands and wives are collaborating in their attempts to organize households. For that reason, Islam positions both husbands and wives equally in the household. Both of them determine the nature of responsibilities and obligations respectively under the guidance of the Islamic principles.

For example, a husband is happened to be a chef (cook) at a famous restaurant, and it is for sure the husband's cooking is much tastier than the wives'. At the same taken, wives are professional trainers in the electronic devices, and in this case, wives should take that particular role. With this in

¹¹Amir Syarifuddin, *Hukum Perkawinan Islam*, p. 162-163.

¹²Dakwatul Chairah, *Hukum Perkawinan Islam di Indonesia*, Surabaya: UIN Sunan Ampel Press, 2014, p. 75.

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mind, the work divisions at home should be based on consensus between husbands and wives by considering the Islamic principles

By contrast, Islam stipulates that the obligation to provide a living falls to husbands' responsibility. It is husbands who are responsible for providing clothing, food, and shelter for wives and families. However, cultural intersection, interaction and integration shape new customs within the communities; both husbands and wives are pursuing their respective careers, from which they earn a living and support each other's needs. For that reason, work division should be decided with the consensus of both sides.

Marriage Customs and System in the Gayonese community

To understand the marriage system in a particular community, one should start from understanding cultures and customs exercised in those particular communities. According to Ratno Lukito, customs are shaped through the influence of traditional values and practices recorded through stories and literature.¹³

According to customary law, marriage is a form of a civil and customary, kinship and social agreement. Marriage bond is not only a matter of developing relationship with husbands-wives, children and parents but also beyond those close relatives. In addition, marriage is a legal institution responsible for shaping children's behaviors and attitudes; it is also a place, in which husbands and wives teach their children's religious knowledge and principles.

The following information explains some important issues related to the marriage process in the Gayonese custom:

1. The process of proposing

The married proposal starts from exploring the candidates by the so called '*telangke*' who actually close relative of both sides. If the agreement is reached, the marriage process begins. In this case the prospective grooms' families organize a "*Pakat Sara Ine*" meeting. The meeting begins with consuming a certain type of traditional food and then a both families discuss issues regarding to the dowry, scheduling and other important issues related to marriage ceremony.¹⁴

Having organized family meetings, the prospective grooms' families consulted the prospective brides' families regarding dowry, marriage goods accompanied dowry and other important issues. The process is coordinated

¹³ Ratno Lukito, *Tradisi Hukum Indonesia*, Yogyakarta: Teras, 2008, p. 24

¹⁴ Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan Etnis-Etnis Aceh*, Banda Aceh: Indatu Bookstore, 2011, p. 124
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with the *Reje* (Village Head) and the *Imem* (community leaders of each village). The meeting should reach a consensus regarding the engagement process, known as “*mango reje / imem bei*”. *Reje* and *Imem* were honored and invited to the ceremony of presenting dowry (*golden mujule*).¹⁵

2. Presenting the dowry (*tarum caram/mujule emas*)

The concensus regarding the *tarum caram/mujule emas* or presentation of drowry should be reached prior to stepping to the next phases, including the wedding schedule. The next step is the ceremony of submitting the batil, the traditional symbol of giving supervised by the *reje* (head of village or community leader). In addition, the next step is transferring the dowry, *turun caram*. Followed by the *sara opat* (community leaders and officials of the village) and close relatives.¹⁶

The dowry in the Gayonese tradition is usually in the form of golded earring and bracelets, all of which will belong to the brides after marriage. The amount of dowry in the Gayonese community ranges from 10-25 grams of gold. If the drowry is not affordable, the prospective grooms and their families are permissible to reach a concensus, known as *dusun*, involving both parties, including the *telangke*. Apart from dowry, there is also the term *teniron* or request and gift from grooms to brides.¹⁷

In 1968 the Central Aceh government through its regulation no. 10 regulated the *teniron* issue. *Teniron* is still maintained up to the recent times as a form of local wisdom in the Gayonese community. The *teniron* system however, was organized wisely to accommodate some sensitive issues. There are two types of *teniron*. The first type of the *teniron* is in the form of objects such as gold (earrings and bracelet), plantations and rice fields. This object is usually rewarded by the grooms' parents as a provision for their (the husbands and wives) life in the future. If the spouses are divorced, the earring is divided into two, in which each gets their share. However, if the husband deceased, the earring remains belongs to the wives, while if the wives passed away, the earring becomes the inheritance of the husbands and children. The second type of *teniron* is in the form of money and household goods. Nevertheless the fulfillment of this type of *teniron* depends on the the affordability of the grooms to provide. At the present time however, *teniron* is no longer the main

¹⁵Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 125

¹⁶Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 126.

¹⁷Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 128.

Indra Setia Bakti, Khairul Amin dan Fakrurrazi, “Ruang Sakral dan Rual Ritual Prosesi Adat Pernikahan Sinte Mungerje Pada Masyarakat Gayo Lot,” *Jurnal Ilmu Sosial dan Ilmu Politik Malikussaleh (JSPM)* 1, No. 2 (2020), p.168-188.

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prerequisite in the marriage system, it is the consensus between the two sides instead.¹⁸

3. The gift to teachers

There is a strong Islamic value implemented in the process of pre-marital ceremony, known as *serahen ke guru* or presenting a gift to the teacher. The prospective grooms and brides make themselves available to learn religious principles from *sara opat*, *reje* and *imam*. They learn religious issues related to worshipping, faith, family life and other important issues that support their future life.¹⁹

4. Marriage Ceremony and Presenting *Rempele*

The marriage ceremony starts with the departure of the groom's entourage (*rempele*) to the wedding venue carrying a dowry (*jeuname*); some money, and various other things required in the wedding. The groom is picked up at his house "mah baby" or from the *meunasah* the praying place, at the same time the bride is also picked up at her house.²⁰

In the wedding venue, the groom or *aman banyak* was handed over to the village *Reje* and to the community leaders. The guardian of the bride or *inem banyak* and groom's parents and those who are authorized to do so, start the marriage contract. After the marriage contract, the bridegroom do what well known as "*mat Jari Malem*", in which the bridegroom receive greeting from the marriage facilitators, parents from both sides, relatives, community leaders and other guests.²¹

After the marriage procession in the Gayonese custom, the place where the bridegroom lives depends on the marriage models they hold on: *Juelen*, *Angkap* or *Kuso Kini*, these three models of marriage are influenced by the kinship system practiced in the Acehnese society.

The Gayonese customary system was grouped by Bushar Muhammad into the category of a patrilineal system as adhered to by the Batak, Palembang or termed the Temenggung customs to distinguish it from the matrilineal system adopted in Minangkabau, West Sumatra. In the patrilineal system, a married girl will be tied to her husband's clan. The customary rules of her

¹⁸Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 128.

¹⁹Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 133.

²⁰Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 133.

²¹Badruzzaman Ismail dan Syamsuddin Daud, *Romantika Adat Pernikahan...*, p. 135.

husband apply to her because she has become a new member of the customary system adhered to in her husband's clan.²²

In addition, a patrilineal clan is also known as the fatherly clan, meaning that the clan is generated through the line of fatherhood. This marriage model persists up to the recent times. For that reason, it is culturally recommended that the grooms offer certain amount of gift to the brides as compensation, since the brides are leaving their own clan to join the grooms' clan. The gift however is not an obligatory.²³

Having received the gifts from grooms, brides bind themselves into the grooms' families, and this usually related to grooms' customary law. After marriage, wives in all their legal actions must be based on the husbands or their relatives' consents. In short, the wives should always communicate with their husbands on certain issues. They should also consult their relatives on households' issues or social relations. In conclusion, the Temenggung/patrilineal systems follow the husbands' clans unlike the matrilineal system, in which wives are more detrimental on households' matters.

In a matrilineal system, wives play more significant roles in the family matters, while husbands are significant guests, in which they are given limited roles. The matrilineal kinship system is drawn from the mother's lineage. Children associate themselves with their mothers (based on female lineage). Children in this kinship system also unilaterally connect with their mother's relatives based on the female lineage. The arrangement of the matrilineal kinship system applies to the Minangkabau community.²⁴

While the Gayonese customary system is the *Temenggung* where husbands play more important roles, and this case wives accompany their husbands in carrying out households' matters. For that reason, husbands play important leadership roles. However, wives are also involved in the decision-making process. There are two marriage systems recognized in the community: the exogamy systems in which husbands play more roles than

²² Bushar Muhammad, *Pokok-Pokok Hukum Adat*, Jakarta: Prandya Paramita, 1995, p. 19-22.

²³ Ibn Rusyd, *Bidayatul Muftahid*, Jilid II, Semarang: Asyifa, 1989, p. 406-407. Drowry is a religious obligation, yet Ibn Rusyd states there should be drowry and gifts. Meaning that within the drowry, there is a certain portion of the parents. In his opinion, the Muslim clerics are in distinctive views between in regard with this particular issue; Abu Hanifah and his followers see it permissible. Imam syafii discourages this act Imam Malik depending on its announcement, if it is announced before marriage, it belongs to the brides, if it is announced after marriage, it belongs to the father. In conclusion, gift for parents is permissible.

²⁴ Soepomo, *Bab-bab Tentang Hukum Adat*, Jakarta: Pradnya Paramita, 2003, p. 51. <http://jurnal.arraniry.ac.id/index.php/samarah>

wive do, while in the endogamy system, wives play more important roles than their husbands do

Jeulen, Angkap and Kuso Kini Marriage

There were only two types of marriage system: the *Juelen* and *Angkap*. The former is known as the system where brides stay in their grooms' family; the *Juelen* marriage system where brides stay in the grooms' families. This suggests prospective wives become the responsibility of grooms. The latter is the marriage system, in which grooms stay in brides' families. These marriage systems lasted in the late 1970s.²⁵

In the *juelen* marriage process, bride families make a marriage proposal to the brides' family (*munginte*), if this process is accepted then it is continued by discussing the dowry and other requests such as; room furniture and the gift, in which the Gayonese custom is called *munelah*. Having completed this process, it is continued by delivering the request that was decided during the *munelah*, namely the *mujule emas* (dowry). After the determination of the *mujule emas*, then the marriage process starts with marriage contract and *walimah*, is immediately known and will be carried out according to the predetermined time.

Unlike the *Juelen* marriage system, the *Angkap* marriage system in the Gayonese community occurs if: first, prospective grooms are unable to fulfill the *unyuk* (dowry); second, prospective brides are usually the only child in the family who does not want to be away from the child. This has legal implications, especially in the matter of inheritance; during the marriage the husband is required to live in the wife's house; second, if there is a divorce, the joint property status belongs to the wife. However, if the wife dies (*cere kasih*), the husband only has use rights, not property rights. In this context, the line system in the family is more matrilineal.²⁶

Meanwhile, the process of *Angkap* marriage system is different from that of the *Juelen*. It is a system, in which prospective grooms stay in their brides' families. This is because on the one hand, a prospective bride is the only daughter in the family whom the family loves so much, while on the other, a prospective groom is seen to have a great attitude and charm. He also comes from underprivileged family. Moreover, it is also common that the

²⁵Asmidin, *Komunikasi Masyarakat Gayo Luwes dalam Upacara Pernikahan (Studi kasus tentang Proses Komunikasi Antarbudaya dalam Upacara Pernikahan Juelen Adat Suku Gayo pada Desa Kutelintang Kecamatan Blangkejeren Kabupaten Gayo Lues*, Medan: Tesis Universitas Sumatera Utara, 2015, p. 32.

²⁶Robi Efendi Batubara, *Tradisi Pernikahan Angkap Pada Masyarakat Muslim Suku Gayo*, Medan: Tesis Pascasarjana IAIN Sumatera Utara, 2014. Asmidin, *Komunikasi Masyarakat Gayo Luwes dalam Upacara Pernikahan...*, p. 32.
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prospective groom is a distant relative of the prospective brides. In this case, the *Angkap* marriage is expected to reunite the brotherhood with the distant relatives.²⁷

In the *Angkap marriage* system, prospective brides are given special assets. These assets can be in the form of rice fields, houses, and farms. The assets can be benefitted by the husbands for the family's needs. *Anak angkap* in Gayonese customary terms is called "*penurip murip, penanom mate*" that is the status of the *Angkap* child is the backbone of the family and who is responsible for the livelihood in the family.

By contrast, in the 1970s and 1980s, there has developed a new marriage system, known as *Kuso-Kini* (there and here), and the term used in *impit mungenal lues* (narrow broadly). The *Kuso-Kini* system does not recognize the *Juelen* or the *Angkap* marriage system, since in the present times brides and grooms may live according to their circumstances and preferences. For example, the couple lives overseas (Banda Aceh, Jakarta, Medan and other places). Alwani Nurdin stated that nowadays it seems that the previously popular marriage systems were no longer applicable in the present times as life systems also changing.²⁸ As a result, the family institution is not tied up with the marriage system that has long existed in the Gayonese society.

In spite of their lack of popularity in the current times, both the *Juelen* and the *Angkap* are still used as references in the marriage system. The marriage process is now organized by Office of Religious Affairs (KUA),²⁹ in which there are some marriage advices given by the officer (*beguru*) or (learning) in the Gayonese culture). This process is carried out in two types: it is conducted by the family on a limited basis; and the handover from the family to the village head to be accepted by the contract and *walimah* ceremony. For this reason, *Reje* will give advice on how to live in the society, usually before the arrival of the bridal party.

In that position, the couples will always follow what is outlined by custom. In the Gayonese community, in household or marital life, the obligations of each partner should be recognized. This has been determined by the Gayo custom. A husband is the leader of the household; In general, the

²⁷Interview with Abdurahman, *Reje* (village head) Kampung Kedelah Kecamatan Pegasing, March 27, 2021.

²⁸Interview with Alwani Nurdin, *Petue* (traditional figure) Kampung Tingkem Asli Kecamatan Bukit Bener Meriah, March 20, 2021.

²⁹Currently, marriage guidance has been applied for couples who are about to get married, which is carried out at the District Religious Affairs Office (KUA), usually two weeks before the marriage contract. At the time of the marriage ceremony, the marriage sermon was held again.

policies and direction to be achieved by the family are always dominated by husbands, in which wives follow their husbands' commands. This is a relationship that has been built traditionally.

In addition, the wife's participation in household life, especially in seeking the necessities of life, is also determined by the husband; such as, going to the fields and farmers, looking for firewood, and so on. However, this condition has changed over time and the social conditions of the community. The Gayonese people of the past depended more on rice fields and farms. Currently, rice fields have begun to decrease, replaced by (mainly) coffee plantations, and now the community income no longer focuses on rice fields and coffee plantations but has also changed by planting a variety of crops. Nowadays many people have become government employees, teachers, polices or soldiers and others. Changes in conditions to some extent affect new relationships and responsibilities in family life in the Gayonese community. This is interesting because the Gayonese community is located in remote areas of Aceh, in which changes do not occur as fast as it does in other part of areas in Aceh.

Responsibilities and Relationship in Marriage

The relationship in the marriage system is usually shaped by cultural values. In the view of the *Juelen*, for example, the husbands are more dominant, and wives stay with their husbands' family. Unlike that of the *Juelen*, the *Angkap* marriage system gives wives bigger portion and they are more dominant.

Bushar Muhammad stated that the pattern of husbands and wives relationship should follow the customary patterns they adhere to. He referred to the marriage model of the Minangkabau community in West Sumatra, where wives usually follow customs in a matrilineal system. However, in the present times the Minangkabau people are known to have spread to many parts of the world do not adhere to the culturally based-marriage system.³⁰

Faqiuddin Abdul Qadir states that the relationship between husbands and wives is manifested in a culture, and thus cultural differences in people's lives are a necessity. Women should have a role in their lives. It should not be ignored that they have such great potential. In fact, in the present times, women excel in many academic fields. In fact, the hadith in the Bukhari suggests that women do not only take care of certain matters related to household activities but must also be given a significant role to engage in the communities. This change allows flexibility in spouse relationship in the

³⁰ Bushar Muhammad, *Pokok-Pokok Hukum...*, p. 20
<http://jurnal.arraniry.ac.id/index.php/samarah>

community, as both husbands and wives are not regulated under the strict customary rules.³¹

It is obvious that in this contemporary time, the relationship in the household has been shifting. Therefore, the divisions of roles and responsibilities within the household have also changed. Cleaning the house, cooking, washing clothes and other domestic tasks seem to be the wives' "job". However, things are changing for the people living in the present. The role of technology is important; the presence of a Rice-cooker, a washing machine also makes the job easier and replaces the tasks, usually assigned for women.

In addition, Irwan Abdullah suggested three types of relationship in marriage: first, domestic and public dichotomy; this determines one party to be subordinated and others to be superior. Second, there are social, cultural, economic and political processes, which have caused the domestic-public dichotomy to strengthen and be preserved without critical questions of its existence, and third, there has been indication for the exposure of domestic affairs to public due to globalization.³²

Changes in Marriage Customs in the Perspective of the Islamic Law

In the traditional marriage system, the bride and grooms are under the control of parents because they are considered as newly wed. While in the present times, the *Juelen* and the *Angkap* marriage system are hardly found within the Gayonese community, especially in Bener Meriah and Central Aceh districts. There is a tendency to adopt the *Kuso Kini* marriage system among the contemporary Gayonese youth. This shift occurs due to definition shifting in the nature of marriage.

As time changes, there are also changes in the newly wed's economic condition, in which nowadays most newly couples are more economically and educationally independent. Most of them have improved their social status and thus they become an important part of a society because of their economy and education. According to Abdurrahman, *Reje* in Kampung Kedelah, Pegasing *Aceh Tengah* suggests that the *Angkap* marriage system is no longer popular

³¹ Faqihuddin Abdul Qadir, *Memilih Monogami: Pembacaan Atas al-Quran dan Hadits Nabi*, Yogyakarta: LKiS Pelangi Aksara, 2005. KH Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai Atas Wacana Agama dan Gender*, Yogyakarta, LKiS, 2007, p. xxxviii-xxxix.

³² Rasyidah, dkk, *Maskulinitas di Masyarakat Aceh*, Banda Aceh: PSW UIN Ar-Raniry, 2016, p. 115-116.
<http://jurnal.arraniry.ac.id/index.php/samarah>

due to the lack of commitment of the heirs to fulfill the rights of the *Angkap* children after their parents deceased.³³

In addition, they no longer live in the society where they were born or where their parents live, but they have mingled and live in the wider societies. They do not live with their kinship anymore. For example, couples A & B come from villages K and B, and then they move to village C because of their workforces and some other commitments.³⁴

The responsibilities towards each partners family also began to change. In the early days, the husbands' family took advantage over the *Juelen* marriage system or the wives' family took advantage over the *angkap* marriage system. However, the presently adopt marriage systems is the fact households' responsibilities are shared between the couple.³⁵ This condition shows that most new couples are economically independent and thus they are responsibility to also take care of their parents and relatives. These young couples improve their economic status de to their education.

In the social community structure, people who are well educated and financially independent are seen as respectable citizens. For that reason, new couples whose education is well established and financially capable receive respects from the community, and thus they would reach a high social status. This shift is feasible as human is social being, in which interactions among communities are necessary. Samir Aliyah, quoting Ibn Khaldun's opinion, the tendency to change in humans is great because as social creatures, interaction is inevitable. In addition, as social being, human follow the course of shifting societies and thus public perceptions on certain issues easily take place.³⁶

Referring to the foregoing discussion, according to the Islamic law there has been no significant change because the requirements of marriage or the *rukun* of marriage have not been violated. The terms and pillars of marriage in the context of law still refer to the Compilation of Islamic Law (KHI) and Islamic jurisprudence, in which the Article 14 KHI mentions the following pillars: a prospective husband, a prospective wife, a marriage guardian, two witnesses and consent granted.³⁷ Although the dowry is not

³³Interview with Abdurrahman, *Reje* (village head), Kampung Kedelah Pegasing, February 27, 2021.

³⁴Interview with Tgk. Iskandar, Imum Mukim, Simpang Tiga Kecamatan Bukit Aceh Tengah, Tanggal, February 15, 2021.

³⁵The responsibility for maintenance is clearly stated in the Qur'an and the Sunnah of the Prophet, namely the responsibility to his wife, parents, relatives and so on.

³⁶Samir Aliyah, *Sistem Pemerintahan Peradilan & Adat Dalam Islam*, Jakarta: Khalifa, 1997, p. 172-173.

³⁷Amir Syarifuddin, *Hukum Perkawinan dalam Islam...*, p. 61. Dakwatul Chairah, *Hukum Perkawinan Islam...*, p. 52.
<http://jurnal.arraniry.ac.id/index.php/samarah>

stated as a pillar of marriage, the Article 30 states that the prospective groom is obliged to give a dowry to the prospective bride, the amount; form and type are mutually agreed upon.³⁸

In many societies, included in the Gayonese customs, the dowry is an important component to be agreed upon from earlier on. In fact, in the stage of proposing the prospective brides, the amount of dowry has been discussed. The request of the dowry, known as *teniron* was in fact, regulated by the local government regulation in 1968. The other important activity in the process of the marriage is an activity, known as the *tarum caram/mujule emas* (delivering the dowry).

These changes however, are only limited to customs taking place in the society. The marriage process is still adhered to the Islamic principles. In the present times, marriage process is more flexible and is not necessary always adopt the strict rules of the customary laws of certain societies. The implementation of the marriage contract also becomes more flexible and efficient. It is important to note that customary values, which are not against the Islamic laws are still preserved, and that the ulama and imem are still playing important roles in the marriage process. In fact, the Gayonese customs are indeed in line with the Islamic law, including the marriage system.³⁹

In fact, the *Angkap* marriage system was considered as not relevant to the Islamic law, since it may disadvantage the *Angkap* children as they are not inherited when their parents deceased as suggested by Abdurrahman, the *Reje* in Pegasing.⁴⁰ In response to this injustice acts, in the 70-80s there was a change in the system of marriage, in which the *Kuso Kini* marriage is now more widely used because it is more flexible in choosing where the bride and groom will stay, whether in the house of the groom, or the woman or in other areas.

Changes occurred in the Gayonese traditional marriage system, have also occurred in other communities. For example in the Minangkabau society, in the past, the grooms' side does not have any dominant role, however, nowadays the husband has started to play a role and be responsible for their families' needs.⁴¹ Likewise, the Bugis community used to marry their relatives (*assailing marola*) to be their spouses prioritizing the *wija* (descent and social

³⁸Instruksi Presiden No. 1 tahun 1991 tentang Kompilasi Hukum Islam. Ahmad Rofiq, *Hukum Islam di Indonesia*, Yogyakarta: Gama Media, 2001.

³⁹Sri Astuti A. Samad dan Munawwarah, "Adat Pernikahan dan Nilai-Nilai Islami dalam Masyarakat Aceh Menurut Hukum Islam," *el-Usrah: Jurnal Hukum Keluarga* 3, No. 2, (2020), p. 289.

⁴⁰ Interview with Abdurrahman, *Reje* (village head), Kampung Kedelah Pegasing, Aceh Tengah, February 27, 2021.

⁴¹Asmaniar, *Perkawinan Adat Miangkabau...*, p. 131.
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status), which is commonly called endogamy, now it changes towards exogamy.⁴²

In the legal history perspectives, changes in customary practices are something in common. For that reason, the *juelen* and *angkap* marriage systems have transformed into the *Kuso Kini* marriage system, including the rules regarding dowry and *teniron* which are enforced by the Central Aceh government. These changes do not contradict the rules of Islamic law either in *fiqh* or in *KHI*, which means that the marriage system in the Gayonese tradition is still in accordance with Islamic law.

Conclusion

Marriage in the Gayonese customs has been transformed from the *Juelen* and *Angkap* into *Kuso Kini* marriages. These changes, which were not strictly bound by the customs of the past, could no longer be avoided because social conditions had changed. In the past, the community lived in one area consisting of several villages. All people might know each other, meet and do business to a certain extent. Although the marriages were carried out in the *Juelen* and the *Angkap* customs, the community knew that the couple was within their reach. This means that the couple is still in the same area as their parents and relatives. In contrast to the current *Kuso Kini*, the couples choose to live in different place from their villages; if for certain reason, they have to live in the same area as the parents; they will certainly live in a different houses or places of residence. The above changes occurred due to social changes and the times, when the flow of people who entered and brought their culture, including the Gayonese people themselves, migrated and interacted with other cultures, and thus changes in traditional Gayonese marriages are historical necessities due to differences in time, actors and social changes. In the perspectives of legal history, although there have been changes in the rule of law, there is nothing against the Islamic law. Precisely with this change, it is hoped that it can strengthen family resilience so that the purpose of marriage and at the same time cultural expectations can be realized in the pattern of the *Kuso Kini* marriage relationship.

Reference

Book and Journals

- Ali, Zainuddin, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2014.
Aliyah, Samir, *Sistem Pemerintahan Peradilan dan Adat Dalam Islam*, Jakarta: Khalifa, 1997.

⁴² A. Dian Fitriana dan Khaerun Nisa', *Shifting Endogamy Marriage...*, p. 71.
<http://jurnal.arraniry.ac.id/index.php/samarah>

- Asmaniar. "Perkawinan Adat Minangkabau", *Jurnal Binamulia Hukum* 7, No. 2, (2018).
- Asmidin, *Komunikasi Masyarakat Gayo Luwes dalam Upacara Pernikahan (Studi kasus tentang Proses Komunikasi Antarbudaya dala Upacara Pernikahan Juelen Adat Suku Gayo pada Desa Kutelintang Kecamatan Blangkejeren Kabupaten Gayo Lues*, Medan: Tesis Universitas Sumatera Utara, 2015.
- Bakti, Indra Setia, Khairul Amin dan Fakrurrazi, "Ruang Sakral dan Rual Ritual Prosesi Adat Pernikahan Sinte Mungerje Pada Masyarakat Gayo Lot," *Jurnal Ilmu Sosial dan Ilmu Politik Malikussaleh (JSPM)* 1, No. 2 (2020).
- Batubara, Robi Efendi, *Tradisi Pernikahan Angkap Pada Masyarakat Muslim Suku Gayo*, Medan: Tesis Pascasarjana IAIN Sumatera Utara, 2014.
- Chairah, Dakwatul, *Hukum Perkawinan Islam di Indonesia*, Surabaya: UIN Sunan Ampel Press, 2014.
- Dahlan, Abdul Aziz, et.al., *Ensiklopedi Hukum Islam*, Jakarta: Ichtiar Baru Van Hoeve, 2006.
- Hadikusuman, Hilman, *Hukum Perkawinan Adat*, Bandung: Alumni, 1977.
- Haron, Mohammad Sabri bin dan Iza Hanifuddin, "Harta dalam Konsepsi Adat Minangkabau," *Jurnal Juris* 11, No. 1, (2012).
- Instruksi Presiden No. 1 tahun 1991 tentang Kompilasi Hukum Islam.
- Ismail, Badruzzaman dan Syamsuddin Daud, *Romantika Adat Pernikahan Etnis-Etnis Aceh*, Banda Aceh: Indatu Bookstore, 2011.
- Lukito, Ratno, *Tradisi Hukum Indonesia*, Yogyakarta: Teras, 2008.
- Marzuki, Peter Mahmud, *Penelitian Hukum*, Jakarta: Kencana, 2014.
- Muhammad, Bushar, *Pokok-Pokok Hukum Adat*, Jakarta: Praditya Paramita, 1995.
- Muhammad, Bushar, *Pokok-Pokok Hukum Adat*, Jakarta: Prandya Paramita, 1995.
- Muhammad, Husein, *Fiqh Perempuan: Refleksi Kiai Atas Wacana Agama dan Gender*, Yogyakarta: LKiS, 2007.
- Qadir, Faqihuddin Abdul, *Memilih Monogami: Pembacaan Atas al-Quran dan Hadits Nabi*, Yogyakarta: LKiS Pelangi Aksara, 2005.
- Rasyidah, dkk, *Maskulinitas di Masyarakat Aceh*, Banda Aceh: PSW UIN Ar-Raniry, 2016.
- Rofiq, Ahmad, *Hukum Islam di Indonesia*, Yogyakarta: Gama Media, 2001.
- Rusyd, Ibn, *Bidayatul Mujtahid*, Jilid II, Semarang: Asyifa, 1989,
- Sa'dan, Masthuriyah, "Tradisi Perkawinan Matrilokal Madura: Akulturasi Adat dan Hukum Islam," *Ibda: Jurnal Kebudayaan Islam* 14, No. 1 (2016).

- Samad, Sri Astuti A. dan Munawwarah, "Adat Pernikahan dan Nilai-Nilai Islami dalam Masyarakat Aceh Menurut Hukum Islam," *el-Usrah: Jurnal Hukum Keluarga* 3, No. 2, (2020).
- Sari, Frawita, "Sistem Kekerabatan Sosial Masyarakat dalam Penggunaan Gelar kebangsawanan "Yang" dan "Abang" di Kota Muntok Kepulauan Bangka (1734-1816)," *Jurnal Criksetra* 4, No. 8 (2015).
- Soepomo, *Bab-bab Tentang Hukum Adat*, Jakarta: Pradnya Paramita, 2003.
- Susantin, Jamiliya dan Syamsul Rijal, "Tradisi Bhen-Ghiben Pada Perkawinan Adat Madura: Studi Kasus di Kabupaten Sumenep-Madura," *Kabilah: Journal of Social Community* 5, No. 2 (2020).
- Syarifuddin, Amir, *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Jakarta: Kencana, 2011.
- Syawaluddin, Muhammad, "Kontribusi Teori Fungsionalisme Struktural Parsons: Pengelolaan Sistem Sosial Marga di Sumatera Selatan," *Jurnal Sosiologi Reflektif* 10, No. 1 (2015).
- Wahyuni, Aguswita, Nurma S, "Dampak Perkawinan Adat antar Etnis Mandailing dengan Etnis Minangkabau terhadap Kekerabatan dan Hak Waris Anak di Kabupaten Pasaman," *Journal of Civic Education* 2, No. 5 (2019).

Interviews

- Interview with Alwani Nurdin, *Petue* (traditional figure) Kampung Tingkem Asli Kecamatan Bukit, Bener Meriah, March 20, 2020.
- Interview with Abdurrahman, *Reje* (village head), Kampung Kedelah Pegasing, Aceh Tengah, February 27, 2021.
- Interview with Tgk. Iskandar, Imum Mukim, Simpang Tiga Kecamatan Bukit Aceh Tengah, Tanggal, February 15, 2021.

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