

Overview of traditional law in the use of *Mayam* as Mahar in Aceh traditional marriage

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ABSTRACT

Customary law is the law that regulates individuals or groups that regulate social order and the behavior of life in an indigenous community. This study aims to find out the customary rules regarding the understanding of dowry contained in the Aceh Pidie community and to find out the causes and consequences of increasing the value of the dowry in the mayam count. The method in this study used a descriptive analytical qualitative research method. To answer these questions, the analysis technique used by the researcher is descriptive analysis and uses data collection techniques using observation, documentation, and interviews. The results of the study show that the dowry in Acehese traditional marriages in Pidie Regency has a negative influence. A prominent factor is where men and women are hampered because of the high demand for dowry which must be adjusted to the changing times regarding the price of gold which is calculated in mayam units. The factors causing the increase in dowry in Acehese traditional marriages in Pidie Regency are seen in terms of lineage, beauty, and the level of education of prospective women.

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Introduction

Indonesia is a pluralistic country consisting of various ethnic groups, races, nations, religions, and diverse local wisdom. The existence of indigenous peoples in Indonesia is recognized by 1945 Constitution of that "The state recognizes and respects customary community units and their traditional rights as long as they are still alive and following community development and state principles". Unity of the Republic of Indonesia as regulated by law". Within the scope of indigenous peoples, there are rules and value orders that must be adhered to and guided together, namely customary law (Arliman, 2018). The existence of indigenous peoples is a historical fact that the government cannot deny or deny. Indigenous peoples are a natural and essential segment of Indonesian society (Ismail, 2012; Pratama & Rahmat, 2018). In indigenous peoples, marriage is a civic engagement and a customary engagement and, at the same time, an engagement of kinship and neighborhood (Hadikusuma, 2003; Olwig, 2005).

Customary law reflects the personality and spirit of the nation. It can admit that customary law is still relevant as an ingredient in shaping the Indonesian legal system. Customary law also has a flexible and dynamic nature (Abubakar, 2013; Joireman, 2008). Customary law also related principle issues how customary law is made, recognized applied; who are bound by the law and how they can be bound; and whether the law should be recognized, and if so, how should the law be recognized, to what extent and on what basis (Webber, 2010)

Customary law in Indonesia also discusses the issue of customary marriage. Marriage is an act that contains sacred values, so marriage should not deviate from religion or religious law because it determines whether a marriage is valid or not. Religion is an important cultural factor that influences the transition to marriage (Muliaz, 2019; Rosenbaum-Feldbrügge & Debiasi, 2019). There are several rituals and prerequisites in the marriage procession before carrying out a legal marriage. Generally, the implementation of Indonesian marriage ceremonies is influenced by the form and system of customary marriages concerning the community structure or kinship maintained by a certain community. In all its forms and procedures, marriage is generally carried out from submission of application, engagement, traditional marriage ceremonies, religious ceremonies, and finally, the ceremony of visiting the bride and groom to the in-laws' place (Hadikusuma, 2003). Marriage is an inner bond between a man and a woman as husband and wife to form a happy and eternal family or household based on the offspring of the Almighty (Ghozali, 2014). For indigenous peoples, marriage is a problem that concerns the entire alliance of indigenous peoples.

The enactment of Law Number 1 of 1974 concerning Marriage ended the pluralism of customary marriage law. Thus, it can be said that there has been the codification of marriage law in the field of marriage law. However, Hazairin said that the unification of marriage law is a unique unification because it still recognizes the application of various religious legal systems (Sembiring & Christina, 2014). Marriage is an institution not just discovered by society but is constructed through laws recognized by society, including religion (Grossi & Pepe, 2009). The influence of religion on customary law has been recognized since Snouck Hurgronje researched Indonesian customary law. It is clearly and unequivocally stated in Article 2 paragraph (1), which stipulates that marriage is legal if carried out according to the laws of each religion. It can be said that the source of the formation of the Marriage Law is customary law and Islamic law (Abubakar, 2013).

For indigenous peoples, marriage is a problem that concerns the entire alliance of indigenous peoples. Marriage is a family problem in areas with parental order, and marriage is a family, lineage, and clan issue, especially in indigenous peoples who adhere to matrilineal and patrilineal lineages (Arliman, 2018). According to Santoso (2016), marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on God Almighty. Therefore, many cultures and rules affect marriage, so there are also many marriage rules in people's lives. However, one thing becomes the identity of traditional marriages, namely its nature, which still carries magical and sacred values (Sembiring & Christina, 2014). Every culture that belongs to a society, especially Aceh has certain values. Values are very influential for humans because values are the basic reason for human life or motivation in all actions (Rafiq et al., 2020)

Various rules in Islamic law and customary law regarding marriage, one of which is the issue of dowry. Dowry is an obligatory gift from a prospective husband to his wife as the sincerity of a prospective husband to create a sense of love for a wife to her future husband. The concept of dowry is an essential part of marriage. Without a dowry, it is not stated that the marriage has been carried out correctly. The dowry must be determined before the wedding (Astuti et al., 2015).

The verse informs that the provision of dowry is a mandatory gift for a prospective husband to his prospective wife. Many terminologies describe the issue of dowry, but Indonesian marriage law does not specify the amount and amount of dowry. Islamic Compilation Law article 31 states, " the dowry's determination is based on the simplicity and convenience recommended by Islamic teachings. The rules of marriage order have existed since a simple society maintained by community members and traditional community leaders and/or religious leaders. The rules of conduct continue to develop forward in a society with governmental power and within a country (Santoso, 2016). The obligation to give a dowry is an illustration of a husband's willingness and responsibility to fulfill the

necessities of life in the household because it is his nature that men provide for the household, while a woman's job is to take care of the household, especially educating children

It is known that the indigenous people of Aceh are influential in holding traditions in their implementation, so that sometimes they differ in their application. It is also evident in the practice of determining dowry to the community in Pidie District, which was previously normative and must refer to people who still follow a very strong traditional pattern. The dowry in the community in Pidie District must be pure gold with the *Mayam* (gold) count, which is a unit of gold count in Acehnese society. If measured in grams, then one *Mayam* (gold) weighs 3.33 grams.

Thus, in Acehnese wedding customs, especially in Paya Village, the dowry given by the groom to a prospective bride is calculated in the *Mayam* (gold) count. Not in a set of prayer utensils or figures containing neatly arranged money, but the groom carries a ring as a form of bonding. From the results of initial observations made in Paya Village, the researchers concluded from interviews conducted with lovers who are getting married in Paya Village, the issue of dowry is the main problem for marriage because the dowry used must be in the form of *Mayam* (gold).

Interviews researchers conducted with lovers in Paya Aceh Pidie Village, from the male side, they said that the dowry was a frightening specter for most young people who were about to get married. Because most of the prospective wives of Acehnese women will set a price that is quite high and fantastic when measured by the size of the community, which is dominated by the lower economic class. From the background of the problem above, the researcher sees a gap between guidance and implementation. Some events require an answer between the dowry provisions in Acehnese society, especially Paya Village, Pidie District, Pidie Regency, so on this basis, the research is interested in examining it.

Method

The approach chosen in this study is a qualitative approach with a descriptive-analytic method. There is also what is meant by qualitative research, namely research that intends to understand the phenomena experienced by the subject directly in the field. This research has a characteristic that lies in its purpose: describing special needs by understanding the meaning and symptoms or constructing the data obtained into an easy-to-understand layout. So the method used in this study is qualitative focuses more on the attention of the study on general principles and the manifestation of symptom units that exist in human/society life (Sugiyono, 2017). In this approach, social reality is holistic/comprehensive, complex, dynamic, and full of meaning (Creswell, 2014). According to Creswell (2018), qualitative research is a method for exploring and understanding the meaning that some individuals or groups of people ascribe to social or humanitarian problems.

In line with this explanation, Sugiyono (2009) also explains that qualitative research methods are used to examine the condition of natural objects (as opposed to experiments) where the researcher is the key instrument, data collection techniques are carried out manually. Triangulation (combined), data analysis is inductive, and qualitative research results emphasize meaning rather than generalization. The location of this research was carried out in Paya Village, Pidie District, Pidie Nanggroe Aceh Darussalam Regency. Data collection techniques in this study were observation, interviews, and documentation. Furthermore, the researcher analyzed the data by systematically searching and compiling the data obtained from the results of observations, interviews, field notes, and documentation by organizing the data into a descriptive form and carried out with several components, namely: reducing data, presenting data, and withdrawing data (Creswell, 2014).

The target of this research is the prevailing and striking patterns based on the manifestations and symptoms that are directly observed in the community. So this approach is a research procedure

that produces descriptive data in the form of written or spoken words from young people who want to get married by interviewing the bride's family and local indigenous people.

Result and Discussion

Acehnese Traditional Marriage Ceremony

The rules of customary marriage law in several regions in Indonesia are different due to the nature of the people, customs, religion, and beliefs of the Indonesian people (Setiady, 2015). Aceh is one of Indonesia's regions with an exciting variety of cultures, especially ceremonies, dances, crafts, and celebrations/feasts. In the province of Nanggroe Aceh Darussalam, there are eight ethnicities: Acehnese, Aneuk Jame, Kluet, Semeulu, Singkil, Gayo, Alas, and Tamiang. In general, Acehnese culture and traditional traditions are the same, especially in terms of marriage. The difference is only in pluses and minuses adapted to each region's conditions, but have the same customs and customs (Ismail, 2012).

Acehnese traditional marriages in Pidie Regency consist of several stages before, during, and after the marriage ceremony. The first stage is engagement: *Cah Rot* (leading the road), *Meulake* (asking), and *Peukong Haba* (talking). The second stage is the wedding ceremony: *Meungatib* (married) and *Intat Linto* (escort the groom). The last stage is after the marriage, namely: *Teung Dara Baro* (picking up the bride) and *Jak Meuturi* (getting acquainted with the family).

Every wedding is usually accompanied by a wedding reception which is held according to the customs and habits of the local community. The culture of wedding reception forces people to do it, so that people, especially parents who want to marry off their children but are not accompanied by a wedding reception, will get social sanctions (Eviana & Alwi, 2020)

As the Head of Paya Village, Sulaiman Daud, who is also a member of the Aceh Traditional Council, said that usually, those who were present at the time of delivering the proposal were *Seulangke* (matchmaker), *Keuchik* (headman), *Tuha Peut* (traditional head), *Imaum Meunasah* (mosque imam), and community and family leaders from both parties. Everyone presents will talk about:

1. Number of *Mayam* or dowry
2. Amount of Peng Hangos (Scorched Money)
3. Marriage Scheduled. Furthermore, the witnesses that might happen in the future.

According to Mrs. Rahmah, the people of Paya Village, the agreements and agreements made by the two prospective families are not made in written form but only verbally between the two families of the prospective bride and groom.

Jeuname is a term used to describe dowry in Acehnese culture in Pidie District, Pidie Regency. *Jeuname* is a marriage condition that needs to be agreed upon before a series of wedding ceremonies. In Acehnese customs. *Jeuname* which uses the *Mayam* unit, must be fulfilled by the prospective husband to the prospective wife in a predetermined number and form. Handing over *Jeuname* of *Mayam* as wedding gold, whitening, and a set of traditional clothes had been agreed from the start.

The determination of the amount of dowry in *Gampong Paya* constantly changes according to the times and circumstances. The higher the education, the more comprehensive the insight about everything, and the lower the education of a person, the insight is not as broad as those with higher education. Customary traditions in determining the amount of dowry cannot be abandoned. Because for them, it is not about the height and the lace of the dowry, but the most important thing is the tradition.

Not all people aim to get much dowry in marriage. With the receipt of a high dowry, it will be a matter of pride to the parents of the prospective woman and from the man's side also feel proud of being able to fulfil the wishes of the woman's family and if the man objected to the amount of dowry proposed by the woman, the problem could be solved by way of deliberation with the aim of not disappointing both parties.

Based on the results of the interview, it was obtained that the dowry set in the Gampong Paya community, Pidie District, Pidie Regency, namely:

1. The lowest dowry is 3-8 *Mayam*.
2. The highest dowry is 18-30 *Mayam*.
3. Average 10-25 *Mayam*.

Rules in Determining Dowry

Before determining the dowry, it is usually done first at the *jak meulake* stage, which is a procession of applications but not yet an official application. Usually, the men visit the prospective woman to discuss how to proceed in determining the amount of dowry, after that the wedding party, *tueng linto baro* (receiving the groom), *tueng dara baro* (receiving the bride). *Jeuname* or dowry is given through two ceremonies, namely engagement and marriage.

As Nur Aida said: "*Meunye jak meulake*, the candidate for *linto baro* invites the candidate for virgin *baro enteuk na seulangke* who asks questions about *jeulame*, in the procession of *jak meulake ken* only the determination of the *Mayam* but the determination of the exposure to *neuk jak ba Tandaum Ureng yang jak wate ba Tanda*" (When going to apply, the male candidate goes to the female candidate's house later there will be someone who bridges between the male and female parties who wonder about the dowry problem, in the procession of applying it is not only the determination of the *Mayam* but there is a determination of when the *jak ba sign* and several people *who jak ba sign*). Usually, the father is on the male side and *ureung tuha gampong* (village elders). They're going to talk about is:

1. Determine how much *Mayam* will be given.
2. When is a good time to do the sign process.
3. How many groups will go with the sign.
4. Several deliveries have been agreed upon as warmers in the *jak ba sign* procession.

Therefore, determining *jeuname* or dowry in the Paya Village community is a symbol of honor that does not concern only one person, in this case, a prospective wife, but also all members of his family. The next event was the delivery of luggage in the form of a dowry, materials for prayer equipment, women's equipment, and others which were given by the *Keuchik* (village elder) of the guest group to the *Keucik* (*gampong* elder) of the host and said that the delivery was a sign of engagement from the male party to the host women's side. The event ended with eating a meal that the woman had prepared, and after that, both parties parted to prepare all the event's needs.

The dowry given in this engagement procession is usually a ring-shaped *Mayam* known as a rattan split ring intended so that anyone who sees it can know that the woman has been owned or engaged. For example, a girl is proposed to with 15 *Mayam*, she had received a ring of 4 *Mayam*, so when on the day of the marriage contract, the gold handed over by the man was only 11 *Mayam* left. But there is also a custom where the engagement ring is not included in the *jeulame* or dowry. Furthermore, this depends on the agreement and policy of both parties.

The results of interviews that researchers conducted with correspondents generally said that the determination of the high dowry for women was caused by factors such as the status of the woman's rich parents had high education or had a beautiful face, such as 8 *Mayam* to 15 *Mayam*, there were also 17 to 22 *Mayam* according to rank. Furthermore, positions are held by the bride and groom. The more educated the woman married, the higher the dowry demanded from the woman's family to the male family. Suppose the prospective bride is from a family whose economy is middle to lower. In that case, the amount of dowry requested is usually relatively small. The higher the level of education of a woman, the greater the amount of dowry requested.

The size of the dowry is greatly influenced by the level of education and the position of the prospective bride. Suppose a woman's education is only up to high school. In that case, she usually only asks for 3-5 *Mayam* or adjusts to the woman's face. If she is a graduate or has a position, for example, in a government or private agency, the dowry will be higher. As Sumitra's mother said, it is natural to ask for a high dowry because she has sent her daughter to graduate school. Actually, there is another reason for asking for a high dowry. The prospective husband does not easily divorce his wife and is responsible for his future needs.

The amount of dowry is determined by the family between 7 to 15 *Mayam*, so the market is usually 17 to 20 and even 27 *Mayam*, because the amount of dowry can vary according to the agreement of both parties. The suitability provides a provision according to the position and rank.

Factors That Cause the Dowry Value of Acehese Women to Increase

The factor that causes the value of Aceh's dowry to be expensive is the personality of the prospective wife itself, both in terms of religion, education, intelligence, independence, appearance, and social status. Another factor that causes the high dowry in Acehese customs is that the woman's family provides feedback and returns (gifts after separation) to newly married couples. The woman's family has prepared *aso kama* (the content of the room) or a plot of land for the two husbands, according to the ability of the woman's parents.

For example, the dowry given to the woman from the male side is less than 15 *Mayam*. According to customary law, *linto baro* (groom) is not entitled to a house from his in-laws. After marriage, *linto baro* (groom) lives independently with his wife, apart from his family, and does not depend on his parents. However, if the dowry exceeds 15 *Mayam*, according to custom, *Linto Baro* (groom) should get a room from his father-in-law. As for the husband's status as a guest at his wife's house, *Linto Baro* (groom), his living expenses with his wife will be borne by his mother-in-law for a year or two years.

Based on the description above, it can be said that a high dowry has an impact on the prospective bride and groom so that it is because of the low currency and employment opportunities for the prospective bride and groom so that a marriage process is hindered, the amount of the dowry is even up to a very high number, which sometimes young people cannot afford. Moreover, sometimes it becomes a debt that ends up burdening the bride and groom.

The level of dowry in Aceh varies, following the determination of the woman's family, according to the ethnic customs of each region. In Aceh, there are 8 ethnicities or tribes with cultural and artistic diversity, including traditional marriage culture.

Conclusion

Jeuname is a term used to describe dowry in Acehese culture in Pidie District, Pidie Regency. Dowry is a marriage condition that needs to be agreed upon before a series of wedding ceremonies. In Acehese customs. The jeuname used is the *Mayam* unit and is a condition that the prospective husband must fulfill to the prospective wife in a predetermined number and form. Handing over

jeuname in the form of Mayam as wedding gold, whiting, and a set of traditional clothes that had been agreed upon from the start. The determination of the dowry in the community in Paya Village has a negative effect on marriage. Almost 40% of the population of Paya Village are unmarried because of the high dowry setting so that both men and women are prevented from getting married. With a very high number of Mayam, marriages are decreasing, and some men choose to marry at a later age. The local people say that the dowry given to the prospective bride is Mayam.

The factors that cause the value of the dowry in Pidie Regency are the personality of the prospective wife, both in terms of religion, intelligence, obedience, beauty, and social position. As a result, young people mostly cancel weddings due to the high number of Mayam requested by the prospective bride's family, which makes them think that they cannot fulfill a large amount of dowry, and on average, they choose to postpone the wedding.

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