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JEULAMEE ON ACEH PEOPLE'S MARRIAGE IN ISLAMIC LAW AND PHENOMENOLOGY PERSPECTIVE

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Abstract:

Jeulamee was the nickname of dowry in Aceh, it was just that the term *jeulamee* had an exclusive meaning, that gold is the only form of dowry that was traditionally recognized in Aceh. Another uniqueness was that gold was measured by the size of the *mayam*. One *mayam* alone was equivalent to 3.3 grams of gold. *Jeulamee* was a hot issue that repeatedly stuck out along with the holding of marriages in the community. When it was heard that a marriage was about to take place, the opinion of the *jeulamee* would follow him. The screams of the youth in Aceh, "*hana peng hana inong*" (no money, no wife) seemed to voice a cynical criticism that only men with the title of financial freedom could marry. This study aims to explain and analyze the concept of *jeulamee* in Acehese marriage from the perspective of Islamic Law. The type of research used was sociological legal research, with a phenomenological approach and the data analysis was descriptive-qualitative. Data was collected by using interview and observation techniques. The results showed that the obligation of gold as a marriage dowry in Peunaron sub-district did not conflict with Islamic Law, this was evidenced by the absence of the opinion of the four madhhab scholars who oblige and forbid it, there was even a hadith of the prophet Muhammad SAW that allowed his companions to marry with a gold dowry. There were two arguments for the preservation of *jeulamee*, namely: *first*, materialistic idealist, that *jeulamee* was a tradition that was created and had a good purpose, such as preventing divorce, motivating young people who want to get married to work hard, because wealth was a necessary provision to navigate life, and uplift and glorify women; *second*, normative formalistic, that *jeulamee* was a law of agreement from the community (becoming customary law) and did not deviate from the concept of dowry in Islam.

Keywords: *Jeulamee*, Acehese People, Islamic law

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INTRODUCTION

Indonesia is a country whose population consists of various ethnic groups. According to data from the Central Statistics Agency, the population in September 2020 was 270.20 million people.¹ Meanwhile, based on the 2010 survey, there were more

¹ Statistics Indonesia, "The 2020 Population Census," accessed August 4, 2022, <https://www.bps.go.id/pressrelease/2021/01/21/1854/hasil-sensus-penduduk-2020.html>.

than 1,300 ethnic groups in Indonesia.² From a tribal or ethnic group, have culture as their hallmark. In culture, there are elements of customs that include the system of values, culture, and norms that exist in a society that grow and develop into a habit which in this case is done repeatedly. Inherited customs will shape customary characters and habits as living and unwritten laws of society.

When we study further and explore cultural issues related to ethnicity, we often find something interesting, one of which is the customs of the Acehnese people in terms of marriage. For the people of Aceh, after the enactment of Law Number 11 of 2006 concerning the Government of Aceh after the Helsinki MoU between the Free Aceh Movement (Indonesian: Gerakan Aceh Merdeka, GAM; Acehnese: Geurakan Acèh Meurdèka) and the government of the Republic of Indonesia (RI), as well as a derivative of the Law in the form of the Aceh Qanun Number 09 of 2008 concerning the Guidance of Customs and Traditions and Aceh Qanun Number 10 of 2008 concerning Customary Institutions, as well as Aceh Qanun Number 8 of 2019 concerning the Aceh Customary Council, these are the elementary foundations for implementing and preserving customs that have lived and developed from time to time, including customs in marriage.

As is well known, humans will not develop without marriage, because marriage causes offspring and offspring to create families that develop into relatives and society. Marriage is an element of rigging that continues human life and society. A marriage contract itself is composed of conditions and pillars. In his phenomenal book, *Bidayah al-Mujtahid*³, Ibn Rushd includes dowry as a valid condition. Regarding the position of the dowry, there are differences of opinion among the scholars, some think that it is a pillar, a condition valid, and some think that it is not from both, but an obligatory gift from a husband to his wife because of a marriage contract.⁴

Dowry can be in the form of goods or services such as education, employment, and so on.⁵ Dowry is a special property belonging to a wife because other people and even her husband are not allowed to use it, except with the willingness or pleasure of the wife.⁶ Giving a dowry is actually not the price of a woman who will be married, but is an award from a man to the woman. Allah SWT explains the dowry through His words in Surah an-Nisa 'verse 4, namely:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

*“And give to the women (whom you marry) their Mahr (obligatory bridal money given by the husband to his wife at the time of marriage) with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allah has made it lawful)”.*⁷

² Statistics Indonesia, *Nationality, Ethnicity, Religion, and Daily Language of Indonesian Population* (Jakarta: Statistics Indonesia, 2011), 5.

³ Ibn Rusyd Al-Hafid, *Bidayah al-Mujtahid Wa Nihayah al-Muqtashid*, Juz 3 (Kairo: Dar al-Hadits, 2004), 45.

⁴ Muhammad Musthafa al-Zuhaili, *Al-Fiqh al-Islami Wa Adillatuh*, Juz 9 (Damaskus: Dar al-Fikr, n.d), 6761.

⁵ Abdul Rahman al-Ghazali, *Fiqh Munakahat* (Jakarta: Kencana, 2006), 86.

⁶ Taqiy al-Din Abu Bakr bin Muhammad bin Abd al-Mu'min bin Hariz bin Ma'la Al-Husaini, *Kifayah Al-Akhyar Fi Hill Ghayah al-Ikhtishar* (Damaskus: Dar al-Khair, 1994), 367.

⁷ Q.S al-Nisa' : 4.

In Acehese society, the mention of the dowry itself is usually called *jeulamee*, *jinamee* or *jeunamee*.⁸ From a linguistic point of view, dowry and *jeulamee* are the same things. However, the term *jeulamee* has a specific meaning in terms of its meaning, that the dowry in Aceh must be in the form of gold, be it *an sich*, or with something additional such as money, a house, a car, a set of prayer tools, or others. The uniqueness of this *jeulamee* is from its form in which this *jeulamee* must be in the form of gold with a dose of *mayam*. One *mayam* itself is equivalent to 3.3 grams of gold. The dowry in each part of the Aceh region is different. In the western part of Aceh, the dowry in the form of gold is given according to the agreement, usually amounting to between a dozen to tens of *mayams*. Meanwhile, in the eastern part of Aceh, the dowry that is proposed is under a dozen *mayams* but uses additional money, which is called “peng ango” (*peng*-money, *ango*-scorched). The “scorched money” itself is used for expenses for the wedding reception.⁹

In initial observations at the Religious Affairs Office (KUA) of Peunaron Sub-district, in 2020, out of 82 couples who got married, there were only 2 *jeulamee* the lowest with a dowry value of 1 *mayam*, and the highest was 18 *mayam*. In 2021, there were 95 married couples, there were only 7 *jeulamee* the lowest with a value of 1 *mayam*, and the highest being 16 *mayam*. In 2022, until June, there were 32 married couples, only 1 *jeulamee*, the lowest with a dowry value of 1 *mayam*, and the highest 17 *mayam*. In a period of three years (2020-2022), the average value of the dowry in Peunaron District is 10 *mayam* and below.¹⁰

Jeulamee is a hot issue that repeatedly sticks out along with the holding of marriages in the community. When it was heard that a marriage was about to take place, opinions about the *jeulamee* would follow him. The screams of the youths in Aceh, “*hana peng hana inong*” (*no money, no wife*) seem to voice a cynical criticism that only men with the title of financial freedom can marry.¹¹ The continued soaring price of gold is accused of being the main reason why it is difficult for a young man to propose to a girl, because in Aceh, the only form of dowry that is traditionally recognized is gold.

In 2020, the Chairman of the Ulama Consultative Council (MPU) of West Aceh Regency, Teungku Abdurrani Adian, appealed to people in Aceh who were to marry their children so as not to burden the prospective groom with a high *jeulamee* value.

⁸ Aboe Bakar et al., *Kamus Aceh-Indonesia* (Jakarta: Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan, 1985).

⁹ Budaya Indonesia, “Jeulame,” accessed September 1, 2022, <https://budaya-indonesia.org/jeulame>.

¹⁰ “Buku Kehendak Nikah Kecamatan Peunaron 2020-2022,” KUA Kecamatan Peunaron.

Pure Gold price as of September 4, 2022 is Rp. 952,000.00.

1 *mayam* = 3.3 grams. Equivalent to Rp. 3,141,600.00. rounded up to Rp. 3,150,000.00.

10 *mayam* = Rp. 29,997,957.00.-

18 *mayam* = Rp. 56,548,800,000.- “Harga Emas Hari Ini,” accessed September 4, 2022, <https://harga-emas.org/>.

¹¹ Muhammad Zainuddin, “Tradisi *Jeulamee* Di Kecamatan Peunaron Dalam Pernikahan Suku Aceh Perspektif Mashlahah,” *Sakina: Journal of Family Studies* 4, no. 1 (n.d.): 31, accessed August 18, 2022, <http://urj.uin-malang.ac.id/index.php/jfs/article/view/437>.

"In connection with the current high price of gold, it certainly has an effect on the marriage contract in Acehese society. Because in Aceh there is a tradition that the higher the dowry, the more proud you are", said Teungku Abdurrani.¹²

According to Tgk. Abdurrani, the high dowry had an impact on young people in several areas in Aceh delaying wedding days and even cancelling them. This at first glance contradicts the Prophet's words:

حَدَّثَنَا عَفَّانُ، قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، قَالَ: أَخْبَرَنِي ابْنُ الطُّفَيْلِ بْنِ سَخْبَرَةَ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّ أَعْظَمَ التَّكَاحِ بَرَكَتَهُ أَيْسَرُهُ مُؤُونَةً.

"Affan taught us hadith, he said: From Aisha, he said: that the Messenger of Allah said: "The marriage with the greatest blessing is the one with the easiest dowry." (Hadith narrated by Ahmad no. 24.529, Baihaqi no. 6564)¹³

The above hadith, at first glance, indicates that giving excessive dowry is prohibited because it can make it difficult for young people who are about to get married. Making a marriage difficult can have bad implications, even personal and social damage.

Indonesian "Islamic Law Compilation" (KHI) mentions that the dowry should be easy:

Article 30 (Pasal 30)

"Calon mempelai pria wajib membayar mahar kepada calon mempelai wanita yang jumlah, bentuk dan jenisnya disepakati oleh kedua belah pihak". (The prospective groom is obliged to pay a dowry for the prospective bride whose amount, form and type are agreed upon by both parties).

Article 31 (Pasal 31)

"Penentuan mahar berdasarkan asas kesederhanaan dan kemudahan yang dianjurkan oleh ajaran Islam". (The determination of the dowry is based on the principles of simplicity and convenience recommended by Islamic teachings).¹⁴

Departing from the context of this research, *jeulamee* in Acehese marriages, especially in Peunaron District and generally in most areas of Aceh Province is a legal study that really needs to be investigated, both from the philosophical aspect,

¹² Israr Itah, "Emas Mahal, Ulama Aceh Minta Calon Pengantin Turunkan Mahar," *Republika Online*, accessed August 26, 2022, <https://republika.co.id/share/qejftd348>.

¹³ Ahmad bin Muhammad bin Hanbal bin Hilal bin Asad al-Syaibani, *al-Mausu'ah al-Haditsiyah Musnad al-Imam Ahmad bin Hanbal*, Juz 41 (Beirut: Muassasah al-Risalah, 2001), 75; Abu Bakar Ahmad bin Hasan al-Baihaqi, *Sy'ub al-Iman*, Juz 5 (Beirut: Dar al-Kutub al-Ilmiyah, 2000), 254.

¹⁴ Kementerian Agama RI, *Kompilasi Hukum Islam di Indonesia* (Jakarta: Dirjen Bimas Islam, Direktorat Bina KUA dan Keluarga Sakinah, 2018), 17, <https://simbi.kemenag.go.id/eliterasi/storage/perpustakaan/slims/repository/b5c07c0ce34195adb3cd15ad059b33f2.pdf>.

construction, and implementation because *jeulamee* is always a topic of conversation for the people of Aceh when they find someone who wants to get married. Therefore, this study seeks to examine the concept of *jeulamee* in Acehese marriages from the perspective of Islamic law.

RESEARCH METHODS

The type of research used is empirical research or sociological law, with a phenomenological approach and descriptive-qualitative data analysis. Data related to *jeulamee* were collected from interviews with traditional leaders in the Aceh Adat Council (MAA), religious leaders, the people of Peunaron District, and field notes related to the actual behaviour of *jeulamee* traditional actors through observation.

With a phenomenological approach, researchers look for the meaning and reasons why *jeulamee* in Acehese life in Peunaron District is still maintained. Researchers collect data regarding concepts, opinions, stances, attitudes, assessments, and giving meaning to situations or experiences in Acehese society because the purpose of phenomenological research is to seek or find meaning from the essential things about an event.¹⁵

RESEARCH RESULT

1. The concept of *Jeulamee*

The marriage stage in Peunaron District starts from the stages of *cah ret* (looking for a partner), *jak meulakee* (applying), *ranub kong haba/jak ba tanda* (fiance), *meugatib* (wedding contract), *intat linto baroe* (delivering the groom), *tueng dara baroe* (bride reception).¹⁶ *Jak meulakee* is performed by *seulangkee* (the intermediary of the men and women in a series of marriages), *ureung chik si agam* and *aneuk dara* (parents of the groom and bride), and *ureung tuha gampong* (village elders). The things that are commonly discussed in this process are:

- a) Determine the value of *jeulamee*
- b) Determine the time for the *ba tanda* procession (fiance)
- c) Determine how many groups are present to accompany the *ba tanda* time.

Jeulamee and dowry are synonymous terms. *Jeulamee* is the nickname of dowry in Aceh, it's just that the term *jeulamee* has an exclusive meaning, that gold is the only form of dowry that is traditionally recognized in Aceh.¹⁷ Similar to the legal standing of *jeulamee* in Islam which is an obligation due to a marriage contract, it is also an obligation in Acehese customs.

There are several patterns or types of giving *jeulamee* in various regions of Aceh. In Sigli or the western part of Aceh, the value of *jeulamee* is very extreme, it can reach 20 or even 100 *mayam*. However, it is customary there for the girl's parents to build a house

¹⁵ O. Hasbiansyah, "Pendekatan Fenomenologi: Pengantar Praktik Penelitian dalam Ilmu Sosial dan Komunikasi," *Mediator: Jurnal Komunikasi* 9, no. 1 (June 10, 2008): 163–164.

¹⁶ Muhammad Arief, *Interview* (Peunaron, 16 Mei 2022).

¹⁷ Tgk. Subki, *Interview* (Peunaron, 13 Mei 2022).

for their child and it will become their initial provision for the two of them in their domestic life. Meanwhile, in Peunaron sub-district, the value of *jeulamee* is below 10 *mayam*, but the girl's parents do not give anything to those who are getting married.¹⁸

The people of Aceh do not know the term *scorched money*. Because in practice, *jeulamee* which is not accompanied by *scorched money* and *asoe kama* (*room contents*) is also used for the sake of the wife's family reception fee, but with the wife's permission. The wife can determine the form of the reception. The simpler the form of the reception, the less it will cost and the rest of the *jeulamee* depends on the reception being held. So the value of *jeulamee*, which looks like a lot of it, will only remain a few *mayam* after the wedding processions are over. That is the reason why the levels of *jeulamee* at first glance appear to be in extreme numbers.

Along with the development of the times, the form of *jeulamee* of the Acehnese people shifted by separating the reception fee and other expenses from the *jeulamee*. This is what underlies the birth of the terms "*scorched money*", "*uang kasih sayang* (*affection money*)", and "*room contents*". Not without reason, the separation is intended so that parents do not interfere with using *jeulamee*, which *jeulamee* is an absolute property of the wife.¹⁹

The practice of "*scorched money*" is a new element in the marriage customs in Aceh, which was previously unknown in the original custom, at which time the marriage ceremony took place in mutual cooperation with the spirit of kinship. The variation between pure *jeulamee* and *jeulamee* along with the *scorched money* gives a skewed impression to people who cannot distinguish between the definition of dowry and gifts, and to people outside Aceh. Many think that *jeulamee* or Aceh's dowry is very expensive.²⁰ Actually, the value of *jeulamee* is a natural thing because when compared to other customs when calculated as a whole, the dowry value is not much different, some even exceed the dowry of Aceh. Even so, in practice, there are still some people who even though they have used *scorched money*, still set a high level of *jeulamee*.²¹

The quality of the value of *jeulamee* in Peunaron District is usually below 10 *mayam*, but what is known as *peng angoh* (*scorched money*) and *asoe kama* (*room contents*) in Peunaron District is enforced. *Asoe kama* also varies such as cupboards, beds, and so on.

Researchers see that there are various factors that influence the value of *jeulamee*, including:

1) Religious Insights

That is the spiritual depth of both the male and female families. If the male family has the breadth of knowledge and understanding that the substance and essence of marriage is worship, they will not be too concerned about the material aspects of the *jeulamee*, but will look at the philosophical content of the *jeulamee*. However, they also did not rule out completely.²²

¹⁸ Tgk. Subki, *Interview* (Peunaron, 13 Mei 2022).

¹⁹ Tgk. Mas'ud, *Interview* (Peunaron, 02 Juni 2022).

²⁰ Tgk. Subki, *Interview* (Peunaron, 13 Mei 2022).

²¹ Marsudi, *Interview* (Peunaron, 20 Mei 2022).

²² Tgk. Mas'ud, *Interview* (Peunaron, 02 Juni 2022).

2) Morals and Physical

The good manners of the girl greatly affect the value of the *jeulamee*. Not only that, physical aspects, such as beauty, height, and others, also affect the material aspect of *jeulamee*.²³

3) Profession

The profession in question is that women have a job. A woman who has worked is considered to have a higher social class than a woman who has not worked. The argument is that work is a means to make a life fulfilled.²⁴

4) Education

It means the education of the woman who will be applying for. Education is considered a supporting factor in making it easier to get a job. Because of this assumption, women who have taken higher education will have a different quantity of *jeulamee* value than women with low education.²⁵ Besides that, society also has the perception that educated women can think more in solving problems. With this perception, parents who have highly educated children ask for high *jeulamee* scores as a form of pride in their children's education.²⁶

5) Equation

For the people of Peunaron District, *jeulamee* is a symbol of the honour of the female family and the dignity of the male family. In determining the value of *jeulamee*, it is the woman's family who decides. The guardian of the girl will usually consider other things related to the whereabouts of her other sister so as not to become a problem in the future. Usually, his sister will have the same dowry as other sisters, or his mother, neither raised nor lowered because the dowry is also seen as a symbol of honour and family dignity.²⁷

It is known that several factors cause fluctuations in the value of *jeulamee*, including religious insight, beauty, education, heredity and others. *Jeulamee* is also used as a symbol of refusal, the women who peg the value of *jeulamee* above 100 *mayam*, usually it is a symbol of subtle rejection.²⁸ The people of Aceh believe in the myth that refusing an application is taboo, if a woman refuses an application three times, it can be ascertained that a mate will not come again. So it takes very subtle ethics in refusing an application, namely by setting a fairly high dowry level. It is hoped that the men will step back and give up their intentions. However, sometimes this value is considered a challenge which if not fulfilled it is considered a shame for the family, so that family members will work together to fulfill the value of the dowry.

Jeulamee, which is required to be in gold form, has its own philosophical foundation. The requirement for gold as a *jeulamee* is a representation of the glory and honour of both men and women. For the male side, it is an honour for him because he is considered ready and responsible for being able to present the *jeulamee* value

²³ Tgk. Husin Muhammad, *Interview* (Idi, 25 Mei 2022).

²⁴ Khairun Nisa, *Interview* (Peunaron, 03 Mei 2022).

²⁵ Cut Ayu Lestari, *Interview* (Peunaron, 15 Mei 2022).

²⁶ Indirwan Winanda, *Interview* (Peunaron, 15 Mei 2022).

²⁷ Siti Aisyah, *Interview* (Peunaron, 15 Mei 2022).

²⁸ Marhabansyah, *Interview* (Peunaron, 02 Mei 2022).

determined by the female side.²⁹ On the other hand, the woman will feel honored for the award, where her request can be granted. More than that, *jeulamee* is also a measure of the readiness of the man who will become the backbone of the family where he is obliged to provide for his wife and children after the marriage contract.

2. Arguments from the Endurance of the Jeulamee Tradition

As explained by the concept of *jeulamee*, that *jeulamee* and dowry are the same terms, it's just that *jeulamee* has exclusive elements that make it different from dowry in general.³⁰ Similar to the legal standing of *jeulamee* in Islam, which is an obligation due to a marriage contract, *jeulamee* is also an obligation in adat, especially in Peunaron and generally in Aceh. Gold is the only dowry that is traditionally recognized in Peunaron and generally in Aceh. Not without reason, because gold for the people of Aceh is part of a lifestyle that has been firmly entrenched from time to time. This is evidenced by the presence of *Mayam* scales that are exclusively applicable in Aceh. The people of Aceh use *Mayam* to measure the gold content, not only for gold in terms of *jeulamee*, but also for gold in general, such as buying and selling transactions. One *Mayam* is equivalent to 3.3 grams of gold. It is not known for certain since when the term *Mayam* was used, what is certain is that *Mayam* is evidence that gold and the people of Aceh have a very close relationship.³¹

There are various patterns or types of sizes and ways of giving *jeulamee* in various regions of Aceh.³² In Sigli or western Aceh, the value of *jeulamee* is very extreme, it can reach 20 to 100 *Mayam*. However, it is customary there for the girl's parents to build a house for their child and it will become their initial provision for the two of them to navigate domestic life. Meanwhile, in Peunaron Subdistrict, the value of *jeulamee* is below 10 *Mayam*, but the girl's parents do not give anything to those who are getting married. The high value of *jeulamee* also functions as a preventive measure to reduce divorce. *Jeulamee* is also an effort to elevate and glorify women.³³

The original *jeulamee* of the Acehnese do not know the term *scorched money*. Because in practice, *jeulamee* which is not accompanied by *scorched money* and *asoe kama* (room contents) is also used for the sake of the wife's family reception fee, but with the permission of the wife. The wife can determine the form of the reception to be held. The simpler the form of the reception, the less it will cost and the rest of the *jeulamee* depends on the reception being held. So the *jeulamee* which looks like a lot of it will be left only a few *Mayam* after the wedding processions are finished. That's the reason why the value of *jeulamee* seems at first glance an extreme number.

Along with the development of the times, the form of *jeulamee* of the Acehnese people shifted by separating the reception fee and other expenses from the *jeulamee*. This is what underlies the birth of the terms "*scorched money*", "*uang kasih sayang* (*affection money*)", and "*room contents*". Not without reason, the separation is intended so that parents do not interfere with using *jeulamee*, which *jeulamee* is an absolute property of the wife.³⁴

²⁹ Tgk. Abd. Manaf, *Interview* (Idi, 25 Mei 2022).

³⁰ Tgk. Abdul Manaf, *Interview* (Idi, 25 Mei 2022).

³¹ Tgk. Husin Muhammad, *Interview* (Idi, 25 Mei 2022).

³² Saiful, *Interview* (Idi, 23 Mei 2022).

³³ Tgk. Subki, *Interview* (Peunaron, 13 Mei 2022).

³⁴ Tgk. Mas'ud, *Interview* (Peunaron, 02 Juni 2022).

The practice of “*scorched money*” is a new element in the marriage customs in Aceh, which was previously unknown in the original custom, at which time the marriage ceremony took place in mutual cooperation with the spirit of kinship. The variation between pure *jeulamee* and *jeulamee* along with the *scorched money* gives a skewed impression to people who cannot distinguish between the definition of dowry and gifts, and to people outside Aceh. Many think that *jeulamee* or Aceh’s dowry is very expensive.³⁵ Actually, the value of *jeulamee* is a natural thing because when compared to other customs when calculated as a whole, the dowry value is not much different, some even exceed the dowry of Aceh. Even so, in practice, there are still some people who even though they have used *scorched money*, still set a high level of *jeulamee*.³⁶

The people of Aceh are no strangers to *narit maja* (the proverb) “*hana peng, hana inong*”, which is a symbol containing the spirit, that to enter family life, it is impossible for humans not to prepare provisions for life and family support.³⁷ In order to get a partner in accordance with the wishes, then he must try to create his own.³⁸ These principles can be related to the concept of *kafa’ah*. A young man should build his own standard of ability so that he can be equal to his potential partner, so as not to make a fuss about *jeulamee* which is the glory of Aceh’s customs, not looking for ways to lower the customary standard of *jeulamee* value, let alone abolish it.

People’s views on the reasons why *jeulamee* are still maintained in marriage in Peunaron Sub-District can be grouped into several typologies, while what is meant by typology in this study are the classifications of thoughts obtained from the informants and classified based on the equation of thought. Some of these typologies are as follows:

Table 1. Typology of Arguments People Still Preserve *Jeulamee*

No.	Argument	Typology
1	That <i>jeulamee</i> is a tradition that was created and has a good purpose, such as preventing divorce, motivating young people who want to get married to work hard, because wealth is a necessary provision to navigate life, and uplift and glorify women.	Materialistic Idealist
2	That <i>jeulamee</i> is a law of agreement from the community (becoming customary law) and does not deviate from the concept of dowry in Islam.	Normative Formalistic

DISCUSSIONS

1. The form and value of *Jeulamee*

As has been explained in the research findings that the negotiation of *jeulamee* values is carried out by *seulangkee* (intermediary between the two parties), the families of both parties, and *ureung tuha gampong* (village elders) at the time of *jak meulakee*

³⁵ Tgk. Subki, *Interview* (Peunaron, 13 Mei 2022).

³⁶ Marsudi, *Interview* (Peunaron, 20 Mei 2022).

³⁷ Samin Alam Tanoga, *Interview* (Peunaron, 09 Mei 2022).

³⁸ Tgk. Salim, *Interview* (Peunaron, 05 Mei 2022).

(proposal) or usually also during *duek pakat* (deliberation both families). *Jeulamee* is the nickname for dowry in Aceh, it's just that the term *jeulamee* has an exclusive meaning, that gold is the only form of dowry that is traditionally recognized in Peunaron District and in Aceh.

Regarding this matter, in Islamic law, there are no texts from the Qur'an or hadith that require gold objects as a dowry in marriage. Although there are no texts that oblige, there is also no text that prohibits gold objects as dowry. In the literature of the scholars of the four schools of thought (*mazahib al-arba'ah*), they are more focused on the study of something that can be used as a dowry or the conditions for a dowry in general rather than a specific study of the form of dowry objects.

Hanafiyah argues, the condition for the object that can be used as a dowry is every property that has a known price that can be given up.³⁹ So it is valid if the dowry is in the form of gold or silver, whether in the form of money or jewellery, and the like, whether in the form of debt or cash, money or financial documents, whether in the form of measurements or scales, whether in the form of animals or buildings or selling goods, such as clothing and others.⁴⁰ Hanafiyah added a note that these conditions are valid if the value is equivalent to 10 Dirhams or more.

Meanwhile, according to Malikiyah, the dowry can be in the form of goods or services, provided that the value is equal to or exceeds 3 Dirhams. The dowry is valid, it can be in the form of tangible objects, such as gold, silver, commercial objects, livestock, houses, and so on.⁴¹

In line with Malikiyah, scholars among the Shafi'iyah and Hanabilah also confirmed that the conditions for the object that can be used as a dowry could be in the form of a commercial object or a service that contains benefits, only that they do not limit its value. Everything that can be used as a price, whether its implementation is in the form of cash or in instalments, work or benefits that can be known, even though the value is small, can be used as a dowry.⁴²

³⁹ Ibn Abidin Muhammad Amin bin Umar bin Abdul Aziz Abidin al-Dimasyqi Al-Hanafi, *Radd al-Mukhtar 'ala al-Durr al-Mukhtar*, Juz 3 (Beirut: Dar al-Fikr, 1992), 102.

⁴⁰ That their argument is in Surah al-Nisa' verse 24:

... وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم ... النساء: ٢٤

"Our evidence is the word of Allah SWT: "... (Thus hath Allah ordained Prohibitions against you: Except for these), all others are lawful, provided ye seek (them in marriage) with gifts from your property,..."

According to Hanafiyah, according to this verse, Allah SWT requires that the dowry is in the form of wealth. Grain and *daniq* are not considered treasures and do not deserve to be used as a dowry.

شرط سبحانه وتعالى أن يكون المهر مالا. والحبة والدانق ونحوهما لا يعدان مالا فلا يصلح مهرا.

Read: al-Kasani al-Hanafi, *Badai' al-Shanai' fi Tartib al-Syarai'*, Juz 2, 276.

⁴¹ قال رحمه الله تعالى: "ويجوز عرضاً ومنفعة" يعني أنه يجوز أن يكون الصداق عرضاً، وهو كل ما يمكن تقويمه من عروض التجارة إذا كان يساوي ثلاثة دراهم فأعلى. إن المهر يصح أن يكون عيناً من ذهب أو فضة أو عرض تجارة أو حيوان أو دار أو نحو ذلك.

"Imam Malik r.a said: "Mahar may be in the form of objects and benefits", namely everything from commercial objects that can be valued, provided that it must be equal to or exceed 3 Dirhams. The dowry can be in the form of tangible objects, such as gold, silver, merchandise, livestock, houses, and so on".
Read: Al-Kasynawi, *Ashal al-Madarik :Syarh Irsyad al-Masalik fi Madzhab Imam al-Aimmati Malik*, Juz 2, 106.

⁴² They argue that: كل ما يتمول وجاز أن يكون ثمناً لشيء أو أجرة جاز أن يكون صداقاً
"Every valuable item that can be used as a means of payment or rent can be used as a dowry". Read: Abu Zakarya Muhyi al-Din Yahya bin Syarf Al-Nawawi, Abu al-Hasan Taqiy al-Din Ali bin Abd al-Kafi Al-Subki,

The opinions above prove that the form of *jeulamee* which is traditionally required to be gold as a dowry in marriage, there are no school of law scholars who oblige and also prohibit the use of gold in its implementation. Therefore, it is not against Islamic law. There is even a hadith of the Prophet that allowed his friend to marry using gold as his dowry, as follows:

حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا حُمَيْدٌ، عَنِ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: «قَدِمَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفِ الْمَدِينَةِ، فَأَخَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَهُ وَبَيْنَ سَعْدِ بْنِ الرَّبِيعِ الْأَنْصَارِيِّ، وَكَانَ سَعْدٌ ذَا غِنَى، فَقَالَ لِعَبْدِ الرَّحْمَنِ: أَقْسِمُكَ مَا لِي نِصْفَيْنِ وَأَزْوَاجِكَ، قَالَ: بَارَكَ اللَّهُ لَكَ فِي أَهْلِكَ وَمَالِكَ، دُلُّونِي عَلَى السُّوقِ، فَمَا رَجَعَ حَتَّى اسْتَفْضَلَ أَقِطًا وَسَمْنًا، فَأَتَى بِهِ أَهْلَ مَنْزِلِهِ فَمَكَّنَّا يَسِيرًا، أَوْ مَا شَاءَ اللَّهُ، فَجَاءَ وَعَلَيْهِ وَصْرٌ مِنْ صُفْرَةٍ، فَقَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَهَيْمٌ، قَالَ: يَا رَسُولَ اللَّهِ، تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ، قَالَ: مَا سَفَّتَ إِلَيْهَا، قَالَ نَوَاءٌ مِنْ ذَهَبٍ، أَوْ وَزْنِ نَوَاءٍ مِنْ ذَهَبٍ، قَالَ: أَوْلِمُّ وَلَوْ بِشَاةٍ.»

"Ahmad bin Yunus taught us hadith, Zuhair taught us hadith, Humaid taught us hadith, from Anas R.a said: "Abdurrahman bin Auf R.a arrived in Medina, then the Messenger of Allah made him with Sa'ad bin ar-Rabi al-Ansari as brothers. At that time Sa'ad was a rich man, then he said to Abdurrahman: "I will divide half of my wealth for you and give you in marriage". Abdurrahman said: "May Allah bless your family and wealth. Please show me the market". Then he did not return until he brought cheese and samin oil and then he took it for his family and stayed for a while or as Allah willed. Then she came in a dress full of fragrance. Then the Prophet (saw) asked him: "Are you married?" He replied: "O Messenger of Allah, I am already married to an Ansar woman". The Prophet asked again: "With what dowry do you do the marriage contract?" He replied: "With jewels the size of a piece of gold, or a piece of gold". Then the Prophet SAW said to him: "Have a wedding reception even with a goat". (Hadith narrated by Bukhari no. 2049)⁴³

Marriage and dowry are included in the contract category.⁴⁴ If it relates to the rules of Ushul Fiqh, the hadith above is also in accordance with the rules:

dan Muhammad Najib Al-Muthi'i, *al-Majmu' Syarh al-Muhadzdzab*, Juz 16 (Jeddah: Maktabah al-Irsyad, n.d), 326-27; Syams al-Din 'Abu al-Farh Abd al-Rahman bin Muhammad bin Ahmad bin Qudamah Al-Maqdisi, *al-Syarh al-Kabir (al-Mathbu' ma' al-Muqni wa al-Inshaf)*, Juz 21 (Kairo: Hajr li al-Thiba'ah wa al-Nasyr wa al-Tauzi' wa al-I'lan, 1995), 85.

⁴³ Muhammad bin Ismail Abu Abdullah al-Bukhari Al-Ju'fi, *al-Jami' al-Musnad al-Shahih al-Mukhtashar min Umur Rasulillah wa Sunanih wa Ayyamih: al-Jami' al-Shahih*, Juz 3, 53.

⁴⁴ The type of 'aqd (contract) in terms of its relationship to assets:

- (a) Financial contracts (*'aqdun maliyyun*), namely contracts involving certain assets or objects. Both for the *haqiqi* (real) nature, such as buying and selling and *salam* contracts as well as *hukmi* (legal) ones, such as *ijarah* (lease/benefit).

الأصل في الأشياء الإباحة حتى يدل الدليل على التحريم

"The original law of all activities is permissible until there are arguments that forbid it".⁴⁵

الأصل في العقود رضا المتعاقدين.

"The original law of the contract is the mutual agreement of the two people who make the contract".⁴⁶

Based on the above principles, it is very clear that the form of *jeulamee* which requires gold as a dowry in marriage in the Peunaron sub-district in particular, and generally in Aceh is perfectly permissible and does not conflict with Islamic law.

Based on the data, the value of *jeulamee* content in Peunaron District is generally below 10 *mayam*. But not only that, based on the results of the interview, they apply what is called *scorched money*, *affection money*, there are also gifts that must be given such as cupboards, beds, refrigerators, and so on.

Regarding the value of *jeulamee*, based on data in the field, it is implied that there is a minimum standard of *jeulamee* value, which is 1 *mayam*. In the perspective of the scholars of the four schools of thought, there is also a dispute regarding the minimum level of dowry.

Hanafiyah is of the opinion that the minimum value of the dowry is 10 Dirhams or something that is worth it,⁴⁷ if someone gives his wife less than 10 Dirhams of dowry, the contract is valid but the wife is entitled to 10 Dirhams.⁴⁸ Their evidence is the hadith of the Prophet SAW:

أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْحَافِظُ، حَدَّثَنَا أَبُو الطَّيِّبِ مُحَمَّدُ بْنُ عَلِيٍّ الْحَيَّاطُ، حَدَّثَنَا سَهْلُ بْنُ عَمَّارٍ، حَدَّثَنَا أَبُو مُعَاوِيَةَ عَبْدُ الرَّحْمَنِ بْنُ قَيْسٍ، حَدَّثَنَا دَاوُدُ بْنُ يَزِيدَ قَالَ: سَمِعْتُ الشَّعْبِيَّ يُحَدِّثُ قَالَ: قَالَ عَلِيُّ رَضِيَ اللَّهُ عَنْهُ: لَا صَدَاقَ دُونَ عَشْرَةِ دَرَاهِمٍ.

(b) Non-financial contract (*ghairu maliyyin*), which is a contract that is only related to actions without any specific compensation. Like the *hudnah* contract (peace treaty).

(c) The contract is on the one hand *maliyyun* and on the other hand *ghairu maliyyin*. Such as marriage contracts, dowry, *khulu'*, *shulh*, *jizyah* and so on.

Read: al-Zarkasyi Badr al-Din Bahadir, *al-Mantsur fi al-Qawa'id al-Fiqhiyyah* (Kuwait: Wuzarah al-Awqaf al-Kuwaitiyah, 1985), 402; Ali Haidar Amin Khawajah Afandi, *Durar al-Hikam fi Syarh Majallah al-Ahkam*, Juz 1 (n.p: Dar al-Jail, 1991), 110.

⁴⁵ Muhammad Musthafa al-Zuhaili, *al-Qawa'id al-Fiqhiyyah wa Tathbiqatuha fi al-Madzahib al-Arba'ah*, Juz 1 (Damaskus: Dar al-Fikr, 2006), 190.

⁴⁶ al-Zuhaili, *al-Qawa'id al-Fiqhiyyah*, Juz 2, 818.

⁴⁷ al-Kasani, *Badai' al-Shanai' fi Tartib al-Syarai'*, Juz 2, 276.

⁴⁸ 1 Dirham is equivalent to 2,975 grams of pure silver. The price of pure silver as of September 5, 2022 is Rp. 14,892.30/g. So 10 Dirhams (29.75 grams of silver) today is equivalent to Rp. 443,045,925,-. "Harga Perak Hari Ini," accessed September 5, 2022, <https://harga-emas.org/perak/>.

"Abu Abdillah has told us the hadith, Ali R.a said: "There is no dowry less than 10 dirhams". (Hadith narrated by Baihaqi no. 14503, Daruquthni no. 3605)⁴⁹

In addition to the hadith above, Hanafiyah also makes an analogy for the dowry to the size of the theft, namely the minimum limit for stolen goods that makes the thief's hand cut off. According to them, the standard measure of theft is 1 Dinar or 10 Dirhams. They also argue that the minimum standard is to glorify the status of women. So the determination of the dowry with the husband's property has an important value. While the hadith has a long editorial about the dowry in the form of a ring made of iron:

أَخْبَرَنَا أَبُو مُصْعَبٍ، قَالَ: حَدَّثَنَا مَالِكٌ، عَنْ أَبِي حَازِمٍ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَاءَتْهُ امْرَأَةٌ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ، فَقَامَتْ قِيَامًا طَوِيلًا، فَقَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، زَوَّجْنِيهَا إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَلْ عِنْدَكَ مِنْ شَيْءٍ تُصَدِّقُهَا بِهَا؟ فَقَالَ: مَا عِنْدِي إِلَّا إِزَارِي هَذَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنْ أَعْطَيْتَهَا إِيَّاهُ جَلَسَتْ لَا إِزَارَ لَكَ، فَالْتَمَسَ شَيْئًا، فَقَالَ: مَا أَجِدُ شَيْئًا، قَالَ: الْتَمَسَ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ، فَالْتَمَسَ، فَلَمْ يَجِدْ شَيْئًا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟ قَالَ: نَعَمْ، سُورَةٌ كَذَا وَسُورَةٌ كَذَا، سُورِ سَمَاهَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: قَدْ زَوَّجْتَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ.

"..... seek (dowry) even if it is just a ring made of iron". (Hadith narrated by Imam Malik no. 1477)⁵⁰

Hanafiyah interprets the above hadith as an accelerated delivery of dowry because the custom of the Arabs (the time of the Companions) used to give priority to the surrender of part of the dowry before intercourse, as in the case of the Prophet Muhammad saw when forbidding Companions Ali Ra to have sex with Fatimah R.a until he gave something to her.

حَدَّثَنَا كَثِيرُ بْنُ عَبْدِ الْحَمِيدِ، حَدَّثَنَا أَبُو حَيَّوَةَ، عَنْ شُعَيْبِ بْنِ يَعْنِي ابْنِ أَبِي حَمْزَةَ، حَدَّثَنِي غِيْلَانُ بْنُ أَنَسٍ، حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، عَنْ رَجُلٍ، مِنْ أَصْحَابِ النَّبِيِّ صَلَّى

⁴⁹ Abu Bakr Ahmad bin al-Husain bin Ali Al-Baihaqi, *al-Sunan al-Kubra li al-Baihaqi*, Juz 14 (Kairo: Markaz li al-Buhuts wa al-Dirasat al-'Arabiyyah wa al-Islamiyyah, 2011), 506; Abu al-Hasan Ali bin Umar bin Ahmad Al-Daruquthni, *Sunan al-Daruquthni*, Juz 4 (Beirut: Muassasah al-Risalah, 2004), 359.

⁵⁰ Malik bin Anas, *Muwaththa' Malik Riwayah Abi Mush'ab al-Zuhri*, Juz 1 (Beirut: Muassasah al-Risalah, 1991), 572.

اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ عَلِيًّا لَمَّا تَزَوَّجَ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَرَادَ أَنْ
يَدْخُلَ بِهَا، فَمَنَعَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى يُعْطِيَهَا شَيْئًا، فَقَالَ: يَا رَسُولَ اللَّهِ
لَيْسَ لِي شَيْءٌ، فَقَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْطِهَا دِرْعَكَ، فَأَعْطَاهَا دِرْعَهُ، ثُمَّ دَخَلَ
بِهَا

"Katsir bin 'Ubaid al-Himshi has taught us the hadith, from someone who is a Companion of the Prophet SAW, that the Companion Ali R.a when he married Fatimah, the daughter of the Prophet Muhammad, when he wanted to have sex with Fatimah, the Messenger of Allah saw forbade it until Ali R.a gave something to Fatimah. Ali R.a said: "O Messenger of Allah, I do not have anything", the Messenger of Allah replied: "Give him your iron vest." Then Ali gave the vest and then had intercourse with Fatimah. (Hadith narrated by Abu Dawud no. 2126)⁵¹

In the hadith it is explained that the Messenger of Allah has forbidden Companion Ali Ra to have intercourse with Fatimah Ra until he gives her something. Therefore, Companion Ali said, "O Messenger of Allah, I have absolutely nothing". Then the Messenger of Allah Saw said, "Give him your iron vest". Then Companion Ali gave him his iron vest.

According to the Malikiyah, the minimum value of the dowry is 1/4 Dinar or 3 Dirhams of pure silver that is free from counterfeit, or with sacred items, regardless of najis which is comparable to 1/4 dinar or 3 dirhams, such as goods, animals, or objects that are not movable (building) which is legally purchased, useful according to the *syara'*, the value and type are clear to be handed over to the wife.⁵² The argument used by Malikiyah is actually almost the same as that used by Hanafiyah, which is both equating the dowry with the minimum limit (*nishab*) of theft. However, there are differences of opinion regarding the *nishab* for theft, according to Malikiyah, it is 1/4 dinar or 3 dirhams, while according to Hanafiyah it is 10 Dirhams.⁵³

⁵¹ Abu Dawud Sulaiman bin al-Asy'asy Al-Sijistani, *Sunan Abi Dawud*, Juz 2 (Beruit: al-Maktabah al-'Ashriyyah, 1431), 240.

⁵² According to Yusuf Qardhawi's opinion, which was followed by the World Islamic Mint (WIM), Gerai Dinar Indonesia, Wakala Induk Nusantara, Kelantan Kingdom of Malaysia, set 1 dinar equivalent to 4.25 grams of pure gold. The price of pure gold as of September 4, 2022 is Rp. 952,000.00/g.

1 Dinar today is equivalent to Rp. 4.046.000,-. 1/4 dinar = Rp. 1.011.500,-. "Gold Dinar," *Wikipedia*, n.d., accessed August 31, 2022, https://en.wikipedia.org/w/index.php?title=Gold_dinar&oldid=1109855005; "Harga Emas Hari Ini"; Abu al-Abbas Ahmad as-Shawi as-Shawi al-Maliki, *Hasyiyah Ash-Shawi 'ala Asy-Syarh Ash-Shaghir Li al-Syaikh al-Dardir*, Juz 2 (n.p: Dar al-Ma'arif, n.d), 429.

⁵³ ولا خلاف عندنا أن أقل الصداق ربع دينار شرعي، أو ثلاثة دراهم شرعية، أو ما يقوم مقام ذلك من العروض، اعتباراً بأقل ما تقطع به يد السارق، وهو اعتبار صحيح. قال رحمه الله تعالى: "لا حد لأكثر الصداق، وأقله نصاب القطع" يعني لا حد لأكثر ما يدفع للمرأة من الصداق، ولا أقل منه على ما يوجب قطع يد السارق، ويسمى نصاب القطع هو ربع دينار أو ثلاثة دراهم.

"There is no difference of opinion for us (malikiyah) that the minimum dowry value is 1/4 dinar or 3 Dirhams the size of Syara', or something equivalent to that value. The analogy is based on the minimum value of cutting the hands of thieves. And the analogy is valid.... Imam Malik said: "There is no maximum limit to the value of the dowry, but the minimum is the size of the hand cut". Read: Abu Bakr bin Hasan

According to Syafi'iyah, there is no minimum limit for the value of the dowry but there are standards that must be met, namely everything that is legal to sell or something that has a valid value to be a dowry. If a marriage contract uses a dowry in the form of something that has no value, such as wheat germ, then the dowry is invalid and will automatically turn into a *mitsil* dowry.⁵⁴ They recommended that it should not be less than 10 Dirhams, get out of differences of opinion with the Hanafiyah, and not exceed 500 Dirhams. However, if the value of the dowry exceeds 500 Dirhams, then there is no problem (*la ba'sa bih*).⁵⁵

Their arguments are as follows:

...فَنَصْفُ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْفُونَ ...

"Then pay half of the dowry that you have determined, unless your wives forgive (willingly)".⁵⁶

أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْحَافِظُ وَأَبُو بَكْرِ أَحْمَدُ بْنُ الْحَسَنِ الْقَاضِي قَالَا: حَدَّثَنَا أَبُو الْعَبَّاسِ مُحَمَّدُ بْنُ يَعْقُوبَ، حَدَّثَنَا الْحَسَنُ بْنُ عَلِيِّ بْنِ عَفَّانَ، حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ قَيْسِ بْنِ الرَّبِيعِ، عَنْ عُمَيْرِ بْنِ عَبْدِ اللَّهِ الْحُتَمِيِّ، عَنْ عَبْدِ الْمَلِكِ بْنِ الْمُغِيرَةِ الطَّائِفِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْبَيْلَمَانِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أَنْكِحُوا الْأَيَامَى مِنْكُمْ". قَالُوا: يَا رَسُولَ اللَّهِ، فَمَا الْعَلَاتِقُ بَيْنَهُمْ؟ قَالَ: "مَا تَرَاضَى عَلَيْهِ أَهْلُوهُمْ".

"Abu Abdillah al-Hafizh and Abu Bakr bin Hasan al-Qadhi reported the hadith to us..... The Messenger of Allah (saw) said: "Marry those who are single among you (i.e. men who do not have wives and women who do not have husbands)". The companions asked: "O Messenger of Allah, what is meant by al-'Alaiq?". Then the Prophet SAW said:

bin Abdullah Al-Kasynawi, *Ashal al-Madarik: Syarh Irsyad al-Masalik fi Madzhab Imam al-Aimmati Malik*, Juz 2 (Libanon: Dar al-Fikr, n.d), 105.

⁵⁴ al-Bujairami, *Tuhfah al-Habib 'ala Syarh al-Khatib: Hasyiyah al-Bujairami 'ala al-Khatib*, Juz 3, 444.

⁵⁵ وليس لأقل الصداق حد عندنا، بل كل ما يتمول وجزا أن يكون ثمنا لشيء أو أجرة جاز أن يكون صداقا، وبه قال عمر رضى الله عنه وابن عباس وابن المسيب والحسن وربيعه والأوزاعي والثوري وأحمد وإسحاق رضى الله عنهم قال القاضى أبو القاسم الصيمري: ولا يصح أن يكون الصداق نواة أو قشرة بصلة أو قمع باذنجان أو ليطة أو حصة. هذا مذهبا.

"In our opinion, the dowry does not have a minimum value limit, even any valuable item that can be used as a means of payment or rent can be used as a dowry. That is what Umar bin Khathab, Ibn Abbas, Ibn al-Musayyab, al-Hasan, Rabi'ah, al-Auza'i, al-Tsauri, Ahmad, and Ishaq said. Al-Qadhi Abu al-Qasim al-Shaimuri said: "it is not valid for a dowry in the form of a date palm, onion skin or coconut shell, sugarcane skin or gravel. This is our school's opinion". Read: Abu Zakarya Muhyi al-Din Yahya bin Syarf Al-Nawawi, Abu al-Hasan Taqiy al-Din Ali bin Abd al-Kafi Al-Subki, dan Muhammad Najib Al-Muthi'i, *al-Majmu' Syarh al-Muhadzdzab*, Juz 16 (Jeddah: Maktabah al-Irsyad, n.d), 326-27.

⁵⁶ Q.S al-Baqarah: 237.

"Al-'Alaiq is a dowry agreed upon by the family". (Hadith Baihaqi no. 14491, Daruquthni no. 3600)⁵⁷

أَخْبَرَنَا أَبُو بَكْرِ بْنُ الْحَارِثِ، أَخْبَرَنَا أَبُو مُحَمَّدٍ ابْنُ حَيَّانَ الْأَصْبَهَانِيُّ، حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ رُسْتَةَ، حَدَّثَنَا سَعِيدُ بْنُ عَبَّاسَةَ، حَدَّثَنَا وَكَيْعٌ، حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَبَيْبَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَبِي لَبَيْبَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "مَنْ اسْتَحَلَّ بِدِرْهَمٍ فَقَدْ اسْتَحَلَّ".
يَعْنِي النِّكَاحَ

"Abu Bakr Ibn al-Harith taught us the hadith,..... That the Messenger of Allah said: "Whoever seeks a lawful (female genitalia) with a dowry of one Dirham, then it becomes lawful". The meaning is marriage". (Hadith Baihaqi no. 14489)⁵⁸

Hadith from Abdurrahman bin Auf when he met the Prophet SAW, and on him, there were signs of marriage, he said: "I have married an Ansar woman". The Prophet (saw) asked: "What dowry did you give him?" He replied: "Gold the size of a date seed". Then the Prophet SAW said: "Make a wedding party even if it is only with a goat". (Hadith Bukhari no. 2049)⁵⁹

And the hadith of the Prophet SAW: "Seek dowry. Look for a dowry even if it's just an iron ring". (Hadith Malik no. 1477)⁶⁰

Those are some of the arguments used by Syafi'iyah in determining the minimum standard of dowry value. That everything that can be used as a means of payment (money, goods, benefits), can be used as a dowry. Their argument is that the verses and hadiths contain the meaning of a little and a lot of dowry. In property also implies a substitute for the benefits of the property itself, then the property agreed upon (mutually) by both may be used as a dowry, as well as benefits or substitutes for the value of the property.

As for Hanabilah, in *istinbath* (taking legal arguments) they are almost the same as Syafi'iyah.⁶¹ They even criticized the Hanafiyah and Malikiyah views and *istinbath* (taking legal arguments) which analogizes the dowry to the size of the punishment of cutting off hands. According to them, the analogy is not correct, because marriage requires the permission to take the benefits of the limbs as a whole, while cutting off the hands is to remove the limbs, not to ask permission from the limbs. Cutting off the hands

⁵⁷ Al-Baihaqi, *al-Sunan al-Kubra li al-Baihaqi*, Juz 14, 499; Al-Daruquthni, *Sunan al-Daruquthni*, Juz 4, 357.

⁵⁸ Al-Baihaqi, *al-Sunan al-Kubra li al-Baihaqi*, Juz 14, 498.

⁵⁹ See the text of the hadith on page 11, and see al-Bukhari, *al-Jami' al-Musnad al-Shahih al-Mukhtashar min Umur Rasulillah wa Sunanih wa Ayyamih: al-Jami' al-Shahih*, Juz 3, 53.

⁶⁰ See the text of the hadith on page 13, and see Malik bin Anas, *Muwaththa' Malik Riwayah Abi Mush'ab al-Zuhri*, Juz 1, 572.

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مسألة: (ولا يَتَقَدَّرُ أَقْلُهُ وَلَا أَكْثَرُهُ، بَلْ كُلُّ مَا جَازَ أَنْ يَكُونَ نَمًّا، جَازَ أَنْ يَكُونَ صَدَاقًا)

"Problem: (there is no minimum and maximum limit on the value of the dowry, even anything of value can be used as a dowry)". Syams al-Din 'Abu al-Farh Abd al-Rahman bin Muhammad bin Ahmad bin Qudamah Al-Maqdisi, *al-Syarh al-Kabir (al-Mathbu' ma' al-Muqni wa al-Inshaf)*, Juz 21 (Kairo: Hajr li al-Thiba'ah wa al-Nasyr wa al-Tauzi' wa al-I'lan, 1995), 85.

is a punishment (*had*), while the dowry here is a substitute for the female genitalia. The analogy of dowry with compensation is more acceptable.⁶²

From some of the explanations above, both regarding the form and value of the *jeulamee* content, there are no things that are contrary to Islamic law. The concept of *jeulamee* itself is closer to the opinion of the Malikiyah and Hanabilah schools which determine the minimum limit of the value of the dowry.

The two studies above provide a bright spot that the concept of the *jeulamee* tradition, which continues to be firmly held and preserved in Peunaron District after being analyzed through Islamic law, does not contain any contradictions. This is in line with one of the principles of *fiqh* which reads:

استعمال الناس حجة يجب العمل بها. ومعناه: أن عادة الناس إذا لم تكن مخالفة للشرع حجة
ودليل يجب العمل بها؛ لأن العادة محكمة

"The customs of the community are the propositions that must be practised. The meaning is, that the community's custom if it does not conflict with the syara', then it becomes a proposition that must be practised because custom becomes a law".⁶³

2. *Jeulamee* Level Fluctuation Factor

Based on the data found in the field, there are various factors that influence the fluctuation of *jeulamee* levels, including:

- a. Spiritual (religious) insight
- b. Morals and Physique
- c. Profession
- d. Education
- e. Equation (*mistil*)

From the factors above, it is clear that *jeulamee* is very dependent on what the woman has. He is considered from his family background, his character and physical features, and his level of education. This indicates that the higher the aspect possessed by the woman, the higher the value of *jeulamee* will be. If the woman has a sister, then usually the value of *jeulamee* with each other will be the same, neither raised nor

⁶² وحديثهم غير صحيح، رواه مَبَيْتَرُ بْنُ عُبَيْدٍ، وهو ضعيفٌ، عن الحجاج بن أَرْطَاةَ، وهو مُدَلِّسٌ، ورواه عن جابرٍ، وقد رَوَيْنَا عنه خلافه. أو نُحْمَلُهُ على مَهْرِ امْرَأَةٍ بَعَيْنِهَا، أو على الاستِحْبَابِ. وقياسهم لا يَصِحُّ؛ فَإِنَّ النِّكَاحَ اسْتِباحَةَ الِانْتِفَاعِ بِالْجُمْلَةِ، وَالْقَطْعُ إِتْلَافُ عَضْوٍ دُونَ اسْتِباحَتِهِ، وهو عُقُوبَةٌ وَحَدٌّ، وهذا عَوْضٌ، فقياسه على الأَعْوَاضِ أَوْلَى.

"The hadiths they use are not authentic, what was narrated by Mubasyar bin 'Ubaid was a da'if hadith, from al-Hajaj bin Arthah it was Mudallas. And the hadith of Jabir, we narrated it in a different text, or we understood it in the context of the dowry that the woman asked for, or because of doing Sunnah. The analogy they use is not true, because the purpose of marriage is to ask for permission to take benefit, while cutting off the hand is for the purpose of removing a member of the body, not to ask permission from a member of the body. Cutting hands is a punishment (had), while the dowry here is a replacement (from the female genitalia). By analogizing the dowry with compensation, it is better (acceptable)". Read: Al-Maqdisi, al-Syarh al-Kabir, Juz 21, 87.

⁶³ al-Zuhaili, *al-Qawa'id al-Fiqhiyyah wa Tathbiqatuha fi al-Madzahib al-Arba'ah*, Juz 1, 321.

lowered so that there will be no problems in the future because *jeulamee* is a symbol of honour and family pride.

The factors that cause the ups and downs of *jeulamee* levels when viewed from the perspective of Islam, then this is in accordance with what is known as the concept of *kafa'ah* or compatibility between partners. Before they go through what is called married life, they have the right to choose, who chooses whom or who is chosen by whom.

There is a difference of opinion among the four schools of jurisprudence regarding the position of *kafa'ah* in the context of marriage. The majority of scholars including Malikiyah, Shafi'iyah, Hanafiyah and one narration from Imam Ahmad argue that *kafa'ah* is not included in the requirements of marriage, in the sense that *kafa'ah* is only a virtue, and the law of marriage between people who are not commensurate is valid. Some scholars including one narration from Ahmad said that *kafa'ah* is a requirement for a valid marriage, meaning that marriage between a man and a woman who are not equal is not valid.

Regarding the criteria used to determine *kafa'ah*, scholars differ as follows:

According to Hanafiyah, what is considered in *kafa'ah* is lineage, independence, property or wealth, religion, and *hirfah* or profession.⁶⁴

According to Malikiyah, there are six criteria that are taken into account in *kafa'ah*, namely: lineage, religion, profession, freedom from slavery, not disabled, and assets, which are collected by poetry:

نَسَبٌ وَدِينٌ صَنْعَةٌ حُرِّيَّةٌ ... فَقَدْ الْعُيُوبِ وَفِي الْيَسَارِ تَرَدُّدٌ (اه)...

"Lineage, religion, profession, freedom from slavery, # not disabled, while the property is rejected (not taken into account)".⁶⁵

However, of the six criteria, only three are agreed upon in the Maliki school, namely religion, freedom from defects, and freedom from slavery.

Meanwhile, according to Syafi'iyah, there are five criteria in *kafa'ah*, namely: lineage, religion, work or profession, freedom from slavery, and freedom from defects, which are collected by poetry:

شَرَطُ الْكَفَاءَةِ حَمْسَةٌ قَدْ حُرِّرَتْ ... يُنْبِئُكَ عَنْهَا بَيْتُ شِعْرِ مُفْرَدٌ

⁶⁴ فما تعتبر فيه الكفاءة أشياء منها: النسب، ومنها الحرية، ومنها المال، ومنها الدين، ومنها الحرف والصناعات.

Abu Bakr Muhammad bin Ahmad bin Abi Sahl al-Sarakhsi, *al-Mabsuth*, Juz 5 (Beirut: Dar al-Ma'rifah, 1993), 22-27; al-Kasani, *Badai' al-Shanai' fi Tartib al-Syarai'*, Juz 2, 318-320.

⁶⁵ والحاصل أن الأوصاف التي اعتبروها وقافاً وخلافاً سنة. واقتصر المصنف على ثلاثة منها وهي المماتلة في الدين والحال والحرية ولا يشترط فيها المماتلة في غير ذلك على المعتمد فمتى ساواها الرجل في تلك الثلاثة كان كفوفاً.

".... The author summarizes only three, namely equality in religion, freedom from disability, and freedom from slavery. According to qaul mu'tamad (opinions that can be relied on), a marriage is not required to have equality outside of these three things. If a man equals a woman in these three criteria, then he is already equal". as-Shawi, *Hasyiyah ash-Shawi 'ala asy-Syarh ash-Shaghir li al-Syaikh al-Dardir*, Juz 2, 399-400.

نَسَبٌ وَدِينٌ حِرْفَةٌ حُرِّيَّةٌ ... فَقَدْ الْعُيُوبِ وَفِي الْيَسَارِ تَرَدُّدٌ

“There are five conditions for *kafaah*, which are mentioned by the verse of poetry: lineage, religion, work, freedom from slaves, free from defects, while the property is rejected (not taken into account).⁶⁶”

In the Hanbali school, there are two opinions from Imam Ahmad regarding the criteria for *kafa'ah*, one narration says that there are two conditions, namely religion and *hasab* (commendable qualities, such as glory, knowledge, and so on), while another narration says that there are five, namely religion, lineage, freedom from slavery, profession, and wealth.⁶⁷

Kafa'ah is an effort to seek equality between a prospective husband and a prospective wife both in perfection and in a state of disability. The purpose of the existence of equality does not mean that the two prospective brides must be equal in all respects, however, if one of them knows the disability of someone who will be his partner while he does not accept it, then he has the right to demand the annulment of the marriage.

From the explanation above, the determinants of *jeulamee* and the concept of *kafa'ah* are very visible in terms of goals. *Jeulamee* with such a concept can be a stepping stone for the life that will be lived by both partners. It is appropriate for a man to look for a partner with the abilities that exist in him, as well as a woman will also be rewarded according to the specifications she has. *Jeulamee* becomes the spirit of youth and will make the *dara baroe* (woman) maintain herself and her dignity and improve her specifications to be chosen by people who deserve it.

Thus, *jeulamee* indirectly creates a pattern of balance, harmony and harmony. *Jeulamee* which is interpreted as a sign of love should be obtained through effort that is not too easy so that the award is also higher. *Jeulamee* also teaches prospective husbands to work hard to fulfill their obligations to their future wives because in the future he will bear absolute responsibility for his wife and children, *jeulamee* is also intended to prevent divorce, if marriage is not too easy, it should not be easy for everyone who is married to decide to divorce, *jeulamee* can also be understood as a form of guaranteeing self-responsibility for his future wife in the eyes of the family, so that the female family members feel confident that their daughter will be in the responsibility of the right person, she is morally and materially well-established. Those are some balance patterns from the *jeulamee* concept, which is relevant to the purpose of the *kafa'ah* concept in Islam.

The equality and harmony intended for the purpose of *jeulamee* and the concept of *kafa'ah* is not merely equality in terms of wealth or nobility, which will instead form social castes. Whereas in Islam there is no justification for caste because humans in the sight of Allah Swt are the same. This balance is an ideal condition as a guarantee of a

⁶⁶ al-Bujairami, *Tuhfah al-Habib 'ala Syarh al-Khatib: Hasyiyah al-Bujairami 'ala al-Khatib*, Juz 3, 412.

⁶⁷ واختلفت الرواية عن أحمد، في شروط الكفاءة، فعنه هما شرطان؛ الدين والمنصب، لا غير. وعنه، أنها خمسة؛ هذان، والحريّة، والصناعة، واليسار
“There is a difference in the narrations from Ahmad in terms of the conditions for *kafa'ah*, one narration says there are two conditions, namely religion and lineage, while another narration says there are five, namely religion, lineage, freedom from slavery, profession, and wealth”. Abu Muhammad Ibnu Qudamah al-Maqdisi, *al-Mughni*, Juz 7 (Kairo: Maktabah al-Qahirah, 1969), 35.

happy and prosperous life in navigating married life. However, this is rarely found in its entirety, because the human condition is not always perfect.

3. The Existence of Jeulamee in Acehnese Marriages in Peunaron Sub-District

The people of Peunaron Sub-district have different reasons regarding why *jeulamee* is still maintained. This happens because the community also has a variety of situations and conditions, such as the living environment, economic factors, professions, and so on. The various variations of the society's reasons resulted in a new classification of meaning which was then grouped into two typologies, as follows:

a. Materialistic Idealist

Linguistically, idealist has two meanings, namely people or a person who believes that perfect life, situation, etc. can be achieved, even when this is not very likely, and (philosophy) a person who believes in the theory of idealism (the belief that our ideas are the only things that are real and that we can know about).⁶⁸ While the meaning of materialistic is the adjective for people who are caring more about money and possessions than anything else.⁶⁹

Easily idealism can be interpreted as the ideals to be achieved by a person or a group of people. Idealism is not just any ideal, but high and noble ideals, a value of truth and self-respect, and the desire to achieve extraordinary results.⁷⁰ Basically, everyone has idealism, and it is one of the important things in one's life.

Satisfaction and happiness can not actually be measured by the value of money or material. Idealism, an understanding that emphasizes the "idea", the role of "reason"⁷¹, and subordinates something sensory-bodily, while materialistic which is defined as an attitude related to the worldly, is concrete-material, is considered important for carrying out life and functions to facilitate worldly life, then an integration and linkage is needed, because the two cannot be separated. For example, humans need subjective idealism to see objects and interpret them, which indicates a process of transformation to materialistic idealism.

Therefore, the view of materialistic-idealism in this context is people or society who view the *jeulamee* tradition as a tradition that was created and had good goals in worldly matters, such as increasing the spirit of young people who want to get married to work hard because wealth is a necessary provision to navigate life, lift and glorify women, as well as preventive measures from divorce.

That's the view of materialistic-idealism, why *jeulamee* must be maintained is:

⁶⁸ Oxford University Press, "Idealist Noun | Oxford Advanced Learner's Dictionary," accessed August 28, 2022, <https://www.oxfordlearnersdictionaries.com/definition/english/idealist?q=idealist>; Badan Pengembangan dan Pembinaan Bahasa Kemdikbud Ristekdikti, "Idealis - KBBI Daring," accessed August 28, 2022, <https://kbbi.kemdikbud.go.id/entri/Idealis>.

⁶⁹ Oxford University Press, "Materialistic | Oxford Advanced Learner's Dictionary," accessed August 28, 2022, <https://www.oxfordlearnersdictionaries.com/definition/english/materialistic?q=materialistic>; Badan Pengembangan dan Pembinaan Bahasa Kemdikbud Ristekdikti, "Materialistis - KBBI Daring," accessed August 28, 2022, <https://kbbi.kemdikbud.go.id/entri/Materialistis>.

⁷⁰ M. Taufik Mandailing, *Mengenal Filsafat Lebih Dekat* (Yogyakarta: Idea Press, 2013), 100.

⁷¹ Arditya Prayogi, "Paradigma Positivisme dan Idealisme dalam Ilmu Sejarah: Tinjauan Reflektif Terhadap Posisi Sejarah Sebagai Ilmu," *Tamaddun: Jurnal Kebudayaan dan Sastra Islam* 21, no. 1 (2021): 83.

- 1) High and noble ideals as well as the desire to achieve special results from Islamic values are related to marriage, which is under the command of Allah and the Sunnah of the Prophet Saw.⁷²
- 2) High ideals to achieve the realization of the desire of human character who wants to love and be loved by his partner.
- 3) High ideals to achieve the value of the initial investment in the life of a family couple, where *jeulamee* is a stepping stone that will later be used for capital to navigate household life.
- 4) Noble ideals motivate prospective family heads, namely prospective husbands to work hard, because to enter family life, it is impossible for humans not to prepare provisions for life and family livelihood.

b. Normative Formalistic

Linguistically, normative refer to the word norm, which is a situation or a pattern of behaviour that is usual or expected, meaning describing or setting standards or rules of behaviour,⁷³ while the word formalistic comes from the word forma, namely correct and formal behaviour, or comes from the formality in the sense of a thing that you must do as part of an official process, but that has little meaning and will not affect what happens (just a formality-pleasantries).⁷⁴

The suffixes *-is* and *-ik* in the Indonesian language have two functions and meanings, namely forming nouns with the meaning of science and school, and forming adjectives with the meaning of having or containing the properties contained in the basic word. So the word formalistic which comes from the word forma/formal and formality in this case has two meanings: *first*, something that is done according to and does not violate the applicable rules, procedures, customs, values and laws; *secondly*, something that is done is simply just following the applicable procedures or rules (just a formality-pleasantries).⁷⁵

While the normative formalistic reason is that it can mean that the *jeulamee* tradition is a rule that must be obeyed and implemented by the community who is bound by the local customary environment, and can mean the *jeulamee* tradition as a rule that must be obeyed even if it is done just following the applicable procedures or rules (just a formality).

The first group is mostly filled by people whose backgrounds are educated, have adequate knowledge or who are involved in the customary system, such as figures in the Aceh Customary Council (*Majelis Adat Aceh-MAA*), *keuchik* (village heads), and religious

⁷² Essi Hermaliza and Soraya Devi, *Jeunamee: Konsep Dan Makna Mahar Dalam Masyarakat Aceh*, Seri Informasi Budaya (Banda Aceh: Balai Pelestarian Nilai Budaya Banda Aceh, 2013), v.

⁷³ Oxford University Press, "Normative | Oxford Advanced Learner's Dictionary," accessed August 29, 2022, <https://www.oxfordlearnersdictionaries.com/definition/english/normative?q=normative>; Badan Pengembangan dan Pembinaan Bahasa Kemdikbud Ristekdikti, "Normatif - KBBI Daring," accessed August 29, 2022, <https://kbbi.kemdikbud.go.id/entri/normatif>.

⁷⁴ Oxford University Press, "Formality | Oxford Advanced Learner's Dictionary," accessed August 29, 2022, <https://www.oxfordlearnersdictionaries.com/definition/english/formality>; Badan Pengembangan dan Pembinaan Bahasa Kemdikbud Ristekdikti, "Formalistik - KBBI Daring," accessed August 29, 2022, <https://kbbi.kemdikbud.go.id/entri/formalistik>.

⁷⁵ Salamah Eka Susanti, "Islam Dan Tantangan Globalisasi: Berbagai Paradigma Islam Dalam Menghadapi Globalisasi," *Humanistika: Jurnal Keislaman* 5, no. 2 (June 15, 2019): 54, accessed September 1, 2022, <https://ejournal.inzah.ac.id/index.php/humanistika/article/view/47>.

leaders. Their mindset is based on an understanding and immersion in the meaning of *jeulamee*, that historically-sociologically, the form of gold that is required for *jeulamee* is because gold is part of the Acehnese lifestyle that has been firmly entrenched from time to time. This mindset touches on the inner-esoteric dimension of the deepest meaning contained in *jeulamee*, namely an ideal that exists in the idealist-materialistic argument, that *jeulamee* was created to build the spirit of young people who will marry, raise the dignity of women, and as a preventive control from divorce.⁷⁶

Aceh as a province that declares itself as an area that implements Islamic law *kaffah* (comprehensively) with its formal legal journey starting from the Law of the Republic of Indonesia Number 44 of 1999 concerning the Implementation of the Privileges of the Special Region of Aceh Province, until the latest is Law Number 11 of 2006 concerning the Government of Aceh (*UU Pemerintah Aceh - UUPA*)⁷⁷, which in several articles stipulates in detail, namely:

Article 125 (*Pasal 125*)

- 1) *Syari'at Islam yang dilaksanakan di Aceh meliputi aqidah, syari'ah dan akhlak.* (Islamic law implemented in Aceh includes aqidah, sharia and morals).
- 2) *Syari'at Islam sebagaimana dimaksud pada ayat (1) meliputi ibadah, ahwal syakhshiyah (hukum keluarga), muamalah (hukum perdata), jinayah (hukum pidana), qadha' (peradilan), tarbiyah (pendidikan), dakwah, syi'ar, dan pembelaan Islam.* (Islamic law as referred to in point (1) includes worship, *ahwal syakhshiyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), *qadha* (judicial), *tarbiyah* (education), *da'wah*, dissemination, and defense of Islam).
- 3) *Ketentuan lebih lanjut mengenai pelaksanaan syari'at Islam sebagaimana dimaksud pada ayat (1) diatur dengan qanun.* (Further provisions regarding the implementation of Islamic law as referred to in point (1) are regulated by *qanun*).

Formal legality and the history of the Acehnese people in the past necessitated that Islamic norms be actualized in the reality of factual-practical-empirical life, including in the *jeulamee* tradition. The first group, based on the meaning and ideas that exist in *jeulamee* as described above, then compares it with the concept of dowry in Islam, and they conclude that there is no contradiction. Therefore, they want the *jeulamee* tradition to be consistently applied, which is called normative-formalistic in the first sense.

While the second group is dominated by ordinary people in general. Their pattern of understanding tends to be reductionist or simplification of meaning, an understanding that is only limited to the outer-exoteric aspect, less understanding and exploring the inner-esoteric dimension contained in *jeulamee*. In addition, their understanding also tends to be absolutist, to absolutize existing traditions, without trying to find out what the historical factors are behind the *jeulamee* tradition. They assume that *jeulamee* is a law of agreement from the community which has become customary law and must be implemented. The implementation carried out by them is solely because of *taqlid* to the public, following the rules of the game that are formally

⁷⁶ Imam Kanafi, *Filsafat Islam: Pendekatan Tema dan Konteks* (Pekalongan: Nasya Expanding Management, 2019), 219, <http://repository.iainpekalongan.ac.id/436/>.

⁷⁷ Anton Jamal et al., "Pemetaan Syariat Islam Di Aceh: Problematika Dan Solusi," *Istiqro: Jurnal Penelitian Islam Indonesia* 16, no. 01 (2018): 104.

determined by custom, not because they are based on the substantive values that exist in the *jeulamee* tradition.⁷⁸

The understanding of this second group tends to be normative doctrinal which is inherited or just flows.⁷⁹ Usually, people with this type do not like to study their cultural arguments. As a result, a customary belief that is not based on an argumentative basis will be very easily shaken by another understanding.

CONCLUSION

The form of *jeulamee* which traditionally requires gold as a dowry in marriage in Peunaron District and in general in Aceh does not conflict with Islamic law, this is evidenced by the absence of the opinion of four madhhab scholars who oblige and also prohibit the use of gold in its implementation. There is even a hadith of the Prophet that allows his companions to marry using gold as a dowry for his marriage. Likewise, the minimum standard of *jeulamee* value in Peunaron District, which is implied is 1 *Mayam*, not contrary to Islamic law. The *jeulamee* concept itself is closer to the opinion of the Maliki and Hanbali schools which determine the minimum limit of the value of the dowry. *Jeulamee* with its concept in such a way creates a pattern of balance and harmony that is relevant to the purpose of the concept of *kafa'ah* in Islam.

There are two arguments for the preservation of *jeulamee*, namely: *first*, materialistic idealist, that *jeulamee* is a tradition that was created and has a good purpose, such as preventing divorce, motivating young people who want to get married to work hard, because wealth is a necessary provision to navigate life, and uplift and glorify women; *second*, normative formalistic, that *jeulamee* is a law of agreement from the community (becoming customary law) and does not deviate from the concept of dowry in Islam.

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⁷⁸ Saifullah, "Senjakala Keadilan: Risalah Paradigma Baru Penegakan Hukum di Indonesia" (Pidato Ilmiah Pengukuhan Guru Besar bidang Ilmu Hukum Fakultas Syariah UIN Malang, Malang: Universitas Islam Negeri Maulana Malik Ibrahim, October 14, 2020), 12, accessed September 5, 2022, <http://repository.uin-malang.ac.id/7880/>.

⁷⁹ Aliyah Mantik, "Implementasi Nilai - Nilai Pluralisme Berdasarkan Nilai-Nilai Budaya Bangsa," *JPGMI (Jurnal Pendidikan Guru Madrasah Ibtidaiyah Al-Multazam)* 2, no. 1 (November 29, 2017): 13.

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