

Married Model in Gayo Community and Its Influence on Inheritance System

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Abstract

The issue of inheritance is closely related to kinship ties, both blood and marital. An example marriage model in the Gayo community differs from other Acehnese communities, leading to different inheritance practices. The Gayo community recognizes three marriage models: *juelen*, *angkap*, and *kuso-kini*. This area of study is interesting in relation to the inheritance system in the Gayo community and its connection to these marriage models. Research findings indicate that inheritance practices in some parts of the Gayo community are greatly influenced by marriage models. For instance, female children who marry *juelen* may not receive inheritance rights, whereas male children who marry *angkap* may also be excluded from inheritance. According to traditional Gayo leaders, the inheritance system in the Gayo community is not directly influenced by marriage system, as the community adheres to Islamic inheritance laws. This is because the Gayo community, like other Acehnese people, is a society that is much steeped in Islamic traditions, including inheritance issues. However, regarding the practice of dividing inheritance, which is not in accordance with the provisions of Islamic law, this is due to the ignorance of village officials or the heirs who divide inheritance, not because customary provisions are similar. The study also found other inheritance issues practiced by the Gayo community, such as equal distribution of inheritance based on parental and family responsibilities. The study also revealed various cultural practices in the Gayo community that warrant further serious and in-depth research, both in terms of marital customs and inheritance systems (such as cases where parents are not given inheritance rights when the heir is still alive) and other related matters.

Keywords: *Marriage Model, Gayo Community, Inheritance System, Islamic Law.*

Abstract

Masalah kewarisan sangat terkait dengan hubungan kekerabatan baik hubungan darah ataupun perkawinan. Contoh model perkawinan dalam masyarakat Gayo berbeda dengan masyarakat Aceh lainnya, sehingga ditemukan praktik pembagian warisan yang berbeda juga. Masyarakat Gayo



mengenal tiga model perkawinan yaitu *juelen*, *angkat* dan *kuso-kini*. Hal ini menarik diteliti lebih dalam terkait sistem kewarisan yang berlaku di masyarakat Gayo kaitannya dengan model perkawinan tersebut. Hasil penelitian ditemukan bahwa praktik pembagian warisan sebagian masyarakat Gayo sangat dipengaruhi oleh model perkawinannya, seperti tidak memberi hak warisan kepada anak perempuan yang melangsungkan perkawinan *juelen*, dan tidak memberikan hak warisan bagi anak laki-laki yang melangsungkan perkawinan *angkat*. Menurut keterangan para tokoh adat Gayo, sistem kewarisan yang berlaku dalam masyarakat Gayo pada prinsipnya tidak ada pengaruh secara langsung dengan sistem perkawinannya, karena mereka menganut sistem kewarisan hukum Islam. Hal ini disebabkan, masyarakat Gayo sebagaimana masyarakat Aceh lainnya adalah masyarakat yang sangat kental dengan tradisi keislamannya dalam berbagai aspek kehidupan, termasuk masalah kewarisan. Namun terkait adanya praktik pembagian warisan yang tidak sesuai dengan ketentuan hukum Islam, itu disebabkan ketidaktahuan aparat kampung atau para pihak ahli waris yang membagi warisan tersebut, bukan karena ketentuan adatnya seperti itu. Hasil penelitian juga ditemukan ada masalah kewarisan lainnya yang biasa dipraktikkan oleh masyarakat Gayo yaitu membagi warisan secara musyawarah dengan membagi sama rata hak warisan di antara anak laki-laki dengan anak perempuan berdasarkan prinsip tanggung jawab dalam mengurus orang tua dan keluarga. Dari hasil penelitian juga ditemukan berbagai adat-budaya yang berkembang di masyarakat Gayo yang menarik untuk diteliti lebih lanjut secara serius dan mendalam, baik dalam masalah adat perkawinan maupun sistem kewarisan (seperti kasus hak waris bagi orang tua yang tidak diberikan ketika pewaris masih meninggalkan anak), dan hal-hal lainnya.

Kata Kunci: Model Perkawinan, Masyarakat Gayo, Sistem Kewarisan, Hukum Islam.

INTRODUCTION

Gayo community adheres to a patrilineal kinship system, which generally influences the customary inheritance system in place. The Gayo community recognizes three models of marriage, particularly *juelen* marriage (*kerje juelen*), *angkat* marriage (*kerje angkat*), and *kuso-kini* marriage (*kerje kuso-kini*). *Juelen* marriage is a type of marriage where it is as though the daughter (the wife) has been "sold" to the husband's family, and she no longer has ties to her original family. In practice, the wife may no longer be granted her inheritance rights because she is no longer considered part of her original family. In this type of marriage, the husband's family is required to provide *unyuk* (a special payment or gift) alongside the dowry, which could take the form of money, rice fields, livestock, or other compensation for the parents' efforts in raising their daughter. In contrast, *angkat* marriage is a marriage without paying an *unyuk*, resulting in the husband leaving his own kinship ties (his father's family) and becoming part of the wife's family. As a legal consequence, the wife is placed on equal footing with her male siblings, thus allowing her to inherit all family wealth. A *kuso-kini* marriage allows a couple to choose whether to reside with either the husband's or wife's family, or to live independently while still providing support to both families. In this third model, the inheritance rights of both spouses remain the same, with no changes being made. This means that they can still receive inheritances from their respective families. (Auni, 2021; Wati, 2017; Nurdin et al., 2021).

The issues examined in this research are as follows: (1) How does the inheritance system function within the Gayo community and how is it related to customary marriage models? (2) What is the Islamic legal perspective on the inheritance system in the Gayo community?

This study is based on the assumption that the customary inheritance system in Gayo society, both directly and indirectly, is significantly influenced by the patrilineal kinship system and the traditional marriage model in Gayo culture. In contrast, Islamic inheritance law (fiqh) is based on scholars' understanding of the provisions found in the Qur'an and hadith. On the other hand, the Gayo community, which is part of the Acehnese society, is well acquainted with Islamic law. Based on this assumption, exploring in greater depth the practices of inheritance distribution within the Gayo community in relation to their customary marriage model is intriguing.

Previous research related to this title can be found in Rina Wati's thesis, "*Pembagian Harta Warisan Berdasarkan Hukum Adat Gayo*" (Distribution of Inheritance Based on Gayo Customary Law). This paper discusses the inheritance distribution system according to Gayo customary law from an Islamic law perspective. This study concludes that (1) the Gayo indigenous community in Tungkuh Tige District divides inheritance using a deliberative system (consensus). (2) If one of the parents is still alive, the distribution of inheritance is postponed because it is considered disrespectful since both parents have already provided for their children who are married. (3) A young wife cannot claim inheritance rights if she does not possess joint assets and does not have descendants from the deceased (Wati, 2017).

The marriage model in Gayo customs was thoroughly discussed by Luthfi Auni in his book titled "*Adat Istiadat Perkawinan; Perubahan Pola dan Prosesi Adat Perkawinan Suku Gayo.*" This book discusses the shifts in traditional marriage patterns and processes within the Gayo tribe. The traditional marriage customs of the Gayo tribe recognize two models: *kerje juelen* (*juelen* marriage) and *kerje angkaḥ* (*angkaḥ* marriage). However, following interactions with communities outside the Gayo tribe, whether through newcomers to the Gayo region or the migration of some Gayo people to areas such as Banda Aceh and beyond, a cultural blend has emerged, leading to the gradual abandonment of traditional marriage customs. Currently, the most commonly practiced wedding tradition among the Gayo community is *kerje kuso-kini* (*kuso-kini* marriage) (Auni, 2021)

Another relevant work discussing Gayo customs can be found in Asyura Laila Ramadhani's article titled "*Antropologi Hukum Keluarga Aceh-Gayo*" in the book *Wajah Antropologi Dan Sosiologi Hukum Keluarga Di Beberapa Daerah Indonesia*. This article discusses Gayo tribe; an ethnic group that inhabits the highlands of Gayo in Central Aceh Regency, with its traditional territory encompassing Bener Meriah, Aceh Tengah, and Gayo Lues regencies. Furthermore, the Gayo tribe also inhabits parts of the regions of Aceh Tenggara, Aceh Tamiang, and Aceh Timur. Gayo people practice Islam and are known for their strong religious adherence. Their traditional governance system comprises leadership elements known as *sarak opat*, which consists of *reje* (king), *petue* (elder), *imem* (imam), and *rayat*

(people). A village is typically inhabited by several clan groups. Members of a clan/community believe they have experienced a bond with a common ancestor, maintain recognition of one another, and uphold relationships through various traditional ceremonies. The lineage is traced based on patrilineal principles. The prevailing marriage system is based on tradition and is characterized by exogamous practices and post-marital residence customs. First, patrilocal (*juelen*), where after the marriage ceremony, the couple resides temporarily or permanently with the groom's family. Second, matrilocal (*angka*), where after the marriage ceremony, the couple resides temporarily or permanently with the bride's family (Ramadhani, 2017).

In another article, Asmidin's work titled *Komunikasi Masyarakat Gayo Lues Dalam Upacara Pernikahan (Studi Kasus Proses Komunikasi Antarbudaya Pernikahan Juelen Adat Gayo, Kabupaten Gayo Lues)*, was published in the journal of *Studi Ilmu Komunikasi dan Dakwah* Vol. 01, No. 01 Juli 2019. This article discusses the intercultural communication process in the traditional wedding ceremony of the Gayo tribe and examines the shifts in values that occur in the traditional weddings of the Gayo Lues community in Kutelintang Village, Blangkejeren District, Gayo Lues Regency (Asmidin, 2019)

A related discussion can also be found in the work of Halimatul Maryani et al., titled "*Sistem Kekerabatan dan Pengaruhnya Terhadap Hukum Waris Islam*" published in *Legal Brief*, Vol. 11, No. 4, 2022. This article discusses Indonesia's diversity in ethnic groups, races, and cultures, which create a unique character. Indonesia recognizes three forms of kinship systems: unilateral, parental, and multilateral. The laws in Indonesia are also highly varied due to the influence of its multicultural society, which include various customs and traditions. This article focuses on the study of two systems of descent: patrilineal and matrilineal. The patrilineal system is a family kinship structure established by tracing descent through the father's line, as seen in Batak, Lampung, Gayo, and other tribes. This lineage system of an individual or family connects them to their father, tracing all the way to the paternal ancestor, as exemplified by the term "*Marga*". In the Batak community, the marga is passed down from one generation to another through the father's lineage. On the other hand, the matrilineal system traces lineage through the mother's line, focusing on the continuation of descent within the family, based on maternal ancestry. This means that individuals will always connect with their mother, as seen in the Minangkabau tribe, and family ties are traced upwards and downwards from the maternal lineage. The aim of this study is to examine the influence of the kinship system in Indonesia on Islamic inheritance law by using a combination of normative legal and sociological legal methods. This approach results in specific uniqueness, particularly in regulating the character of individual personalities as family members (Maryani et al., 2022)

Another relevant work related to this study that is interesting to examine is the issue of the takharuj concept, which is part of the solution to inheritance cases in Gayo customs. This article was authored by Cut Kaslinda, *Wasiat Pembagian Harta Warisan Relevansinya Dengan Takharuj*, Postgraduate Program at UIN Ar-Raniry, 2017. This article examines

solutions related to issues surrounding inheritance distribution, which often lead to conflicts among family members due to misunderstandings or disagreements over inheritance distribution. The author proposes a legal solution in the form of *takharuj* or *sulh* (deliberation or reconciliation among heirs) as a way to address differences in interpretation regarding the distribution of inheritance (Cut Kaslinda, 2017).

The above works discuss issues related to marriage customs and inheritance practices within the Gayo indigenous community, as well as the influence of kinship systems on inheritance law and the concept of *takharuj* in inheritance matters. However, this study differs from previous research in that it focuses on the practice of inheritance distribution within the Gayo community in relation to their marriage models and is examined from the perspective of Islamic law. This case study was conducted in Central Aceh and Bener Meriah

DISCUSSION

The Prevailing Marriage Model in the Gayo Community

The traditional wedding customs of the Gayo tribe are notably unique and specific, as the ceremonial processes are conducted in an orderly manner and are rich in philosophical values. This custom has been passed down through generations. To preserve their culture, the Gayo tribe imposes strict prohibitions on marriage within the same bloodline or lineage. This means that they strictly prohibit marriage within the same clan (*belah*). Marrying within the same clan is considered a violation of customary law, resulting in customary sanctions. The customary law is known as *parak* and refers to being expelled from one's hometown or expulsion from their original clan. The traditional marriage system of the Gayo tribe, with its strict customs, has resulted in two marriage models: *kerje juelen* (*juelen* marriage) and *kerje angkaḥ* (*angkaḥ* marriage) (Auni, 2021; Nurdin et al., 2021; Interview Cut Aspala, 2023). Therefore, the marriage customs within the Gayo tribe hold significant importance for the kinship system because the Gayo community practices an exogamous marriage system (marriage between different clans). According to the customs of the Gayo community, marriage within the endogamous system (marriage within one side or one clan) is prohibited, as individuals from the same clan are considered to still have familial or blood ties.

Kerje juelen or *juelen* marriage is a form of *ango* or *juelen* marriage in which the husband seems to purchase the woman as a wife, and the wife is considered to be included in the husband's clan because she has been bought. Therefore, children will later follow a patrilineal system, as they will follow their father's lineage. If a *cere benci* (divorce due to disputes) occurs, the wife reverts to her original clan (*ulak-kemulak*). The children are the responsibility of their father. However, in the event of *cere kasih* (divorce due to death) does not result in a change of status for the wife; she remains in the husband's clan. The children will continue to be the responsibility of their father's clan, which acts as their guardian (Ramadhani, 2017; Santoso et al., 2022).

Kerje angkap or *angkap* marriage is a type of marriage in which the husband is brought into the wife's clan. This form of marriage comes with certain rules that must be followed. *Angkap* marriage can be categorized into two types: *angkap nasab* and *angkap sementara* (temporary). In *angkap nasab* marriage, the husband is released from his lineage and is incorporated into his wife's lineage. This usually occurs when the husband lacks the financial means to support his marriage. However, *angkap nasab* is not always due to the husband's financial incapacity; it can also occur when the bride's family has no male descendants, and the husband is thus brought into the wife's lineage to preserve the family line. Thus, son's in-laws are referred to as "*penurip-murip peunanom mate*", which means to care for during the lifetime and to bury when the in-laws pass away. As a result, children are perceived to follow a matrilineal kinship system because they are associated with their mother's clan. In cases of *cere benci* (divorce due to disputes), the father remains responsible for the children. However, all property originating from both the father and mother is inherited by the children and mother. If *cere kasih* (the husband dies), the property remains with the children and the mother, but the responsibility for the children is transferred to the father's family. If the husband passes away without leaving any children, then all of his property become his wife's. In the case of *angkap sementara* (temporary *angkap*), this form of marriage is similar to *angkat nasab*, in which the husband is incorporated into the wife's clan. This can occur when the husband is unable to provide dowry or meet the *unyuk* (demands) from the wife's family, or because the wife is the only child. Additionally, if the wife's parents are elderly and require care from their daughter, they may seek a man who can be brought into their family as a son-in-law, considering his religious values and lineage. (Alifa Firly Apriliana, 2024; Ramadhani, 2017; Suhartini & Sabekti, 2019).

The key difference between *angkap nasab* and *angkap sementara* marriages lies in the husband's obligations and living arrangements. In *angkap nasab* marriage, the male-in-law must live permanently within the wife's family environment. The position of the husband takes the form of a son who is devoted to his wife's family, and serves as a protector for his family, with all responsibilities placed upon him. To fulfill these duties, the husband is provided with resources, typically in the form of agricultural land or fields for cultivation, to help him support the family. The position of the husband is reflected in the Gayo saying, "*anak angkap penyapuni kubur kubah, si muruang i osah umah, si berukah i osah ume*," which means, "the son-in-law who sweeps the family graves is given a house if there is one, and a rice field if there is land available". In the *angkap sementara* marriage, the son-in-law reside with his wife until he can settle the dowry (*mahar*) and *unyuk* (bride price or family requests). If, at some point, the husband can pay off the dowry and *unyuk*, he may return to his original clan and bring his wife and children with him. When this occurs, the previous matrilineal kinship system will revert back to a patrilineal form. Thus, *angkap nasab* marriage refers to a situation in which the son-in-

law permanently resides within the wife's family. In contrast, *angkap sementara* marriage involves a son-in-law residing with the wife's family until a mutually agreed-upon time during the engagement. The social status of men involved in *angkap* marriages, whether *angkap nasab* or *angkap sementara*, is regarded as very low in Gayo society, unlike in *juelen* marriages, where the husband's role is more highly respected (Ramadhani, 2017).

In addition to the two models of marriage, *juelen* and *angkap*, which are traditional practices of the Gayo tribe, there is another model known as *kuso-kini*. This form of marriage enables the husband and wife to choose their place of residence, whether it be with the husband's or the wife's family (Ramadhani, 2017). The fundamental concept established in the *kuso-kini* marriage model is to grant couples the freedom to determine and choose their place of residence. The current *kuso-kini* marriage system model departs from the traditional customs and practices associated with the traditional marriage concepts of *juelen* and *angkap* (Auni, 2021)

The marriage model that is most commonly followed by the Gayo community today is *kerje kuso-kini* (*kuso-kini* marriage), which was not originally part of the traditional customs of the Gayo tribe. The shift in values regarding marriage practices, according to research conducted by Luthfi Auni, indicates that the concept of '*kerje kuso-kini*' initially emerged after Indonesia gained independence in 1945. However, there are no specific records regarding the reasons for the emergence of this marriage model. Luthfi Auni's analysis states that the rise of the *kuso-kini* marriage model can be attributed to four possible factors (Auni, 2021):

1. The beginning of relations between the urban Gayo community and non-Gayo communities. This was made possible by improved and secure land transportation facilities connecting Central Aceh Regency with other regions, allowing many members of the Gayo community to travel from their hometown in Aceh Tengah to other districts. Similarly, many people from other districts enter Aceh Tengah, which serves as a base for the Gayo ethnic community.
2. The access for the Gayo youth tribe from rural areas to education in the capital of Central Aceh (Takengon).
3. The emergence of a new generation of the Gayo tribe with improved economic conditions, which enabled parents to send their children to pursue education outside of Central Aceh, such as in Banda Aceh, North Sumatra, Java, and other regions.
4. The shift in urban mindsets that perceive this new concept as more practical, efficient, and straightforward.

In an interview with Joni MN, Deputy Chairman 1 of MAG Central Aceh, he explained that there was a mistake in the terminology used for the *juelen* marriage, which should actually be referred to as *ijulen* marriage (delivered), not *juelen* (sold). This misnaming leads to misunderstandings about the marriage system. as stated by (Ramadhani, 2017), *juelen* marriage is described as a form of *ango* or *juelen*, where the

husband seems to "purchase" the woman who will become his wife, thus considering her to have entered the husband's clan because she has been "bought". What is actually meant (according to Joni MN) is *ijulen* marriage, which refers to a marriage in which the wife is brought to the husband's family and not sold to the husband's family. He also pointed out that the terms *belah* or *klan* are not accurate for describing kinship relations within the Gayo community; the correct term is *pasak*. (Joni MN interprets this as separated yet connected, similar to a peg that connects separate pieces of wood together). This means that kinship relations within the Gayo indigenous community are separated by their respective lineages, yet they are bound together as one Gayo ethnic community. He explained that marriages within the *angkap* and *ijulen* systems do not sever the ties between the man and woman involved and their original kinship (*pasak*) (Interview with Joni MN, 2023).

Furthermore, he explained that the error in referring to kinship in the Gayo community as *belah* instead of *pasak* was intentional and was carried out by Snouck Hurgronje as a strategy to divide the community, leading to the destruction of unity and facilitating the Dutch colonization of the Acehese people at that time (Interview with Joni MN, 2023). When researchers inquired about the term "*belah*" or "*pasak*" in the kinship system of the Gayo tribe, Joni MN, the Chairman of MAG Aceh Tengah, Banta Cut Aspala explained that the term "*belah*" is synonymous with *pasak*, referring to the term used for clan designation within the kinship system of the Gayo tribe. He further explained that the change of term from "*pasak*" to "*belah*" was initially made by the Dutch (Interview with Banta Cut Aspala, 2023).

According to Banta Cut Aspala, the Chairman of the Gayo Customary Council (MAG) in Central Aceh, *angkap* and *juelen* marriages still occur although it is no longer officially announced by the parties involved. This is because both marriage models (*angkap* and *juelen*) are negatively considered in terms of the status of the man or woman within the spouse's family. Additionally, society tends to underestimate the social status of those who engage in the *angkap* and *juelen* marriage models. In rural areas, there are still some individuals who officially practice the *angkap* and *juelen* marriage models. However, in most regions, particularly in urban areas, these traditional practices are rarely encountered anymore (Interview with Banta Cut Aspala, 2023).

According to Ibnu Hajar (a prominent figure in the Gayo community of Central Aceh), the current marital system in the Gayo indigenous community is *kuso-kini*, while the traditional marriage models of *angkap* and *juelen* are becoming increasingly rare in practice. The explanation regarding the marriage model is the same as previously described, where in the *juelen* marriage model, the wife enters into her husband's family, and she no longer remains a part of her original family unit. She will remain a part of her husband's family until her death, and likewise, her descendants part of her husband's family. However, if her husband passes away, she will be married to another

family member from her husband's side. If there are no male relatives from her husband's side willing to marry her, she will be returned to her original family without any provisions, and the wife will once again become a part of her original family. In this *juelen* marriage, the wife not only receives a dowry, but she is also given a bridal gift (*hantaran/unyuk*) as a form of compensation for her willingness to enter into her husband's family (Interview with Ibnu Hajar, 2023).

Subsequently, In the *angkap* marriage model, Ibnu Hajar explains that in this system, the husband is essentially "purchased" by the wife's family. The husband is obligated to take care of his wife's family and all her assets. He automatically shifted his kinship to that of his wife, and he did not attain an esteemed position within wife's family. The model of *angkap* marriage in this context occurs when the husband's family is less affluent and has many children, particularly sons. In this *angkap* marriage, the husband only pays the dowry, without providing any additional gifts for the wife's family (Interview with Ibnu Hajar, 2023).

According to Ibnu Hajar, the *kuso-kini* marriage model is the most commonly practiced by the Gayo community today. People find the *kuso-kini* marriage model to be easier and simpler, unlike the traditional marriage model, which has lengthy steps and is no longer suitable for modern society (Interview with Ibnu Hajar, 2023)

According to the Chairman of the Gayo Customary Council (MAG) in Bener Meriah, Abd. Kasah, there are three known marriage models in the Gayo community, as previously explained: *angkap*, *juelen*, and *kuso-kini*. He elaborated that in the *angkap* marriage model, the man essentially surrenders himself to his wife's family by providing a certain amount of wealth for their use. This wealth becomes his if he remains within his wife's family. In the *angkap* marriage, the husband's position is within his wife's family, and he is not allowed to return to his original family without permission from his wife's family. The possibility of this *angkap* marriage according to Abd. Kasah can be categorized into three aspects (Interview with Abd. Kasah, 2023):

1. The wife's family only has one daughter. They want their only daughter to remain with them, so they seek a man willing to marry her and live with them for eternity.
2. The man who proposes to the daughter comes from a less affluent family and cannot afford to pay the marriage dowry and gifts. However, he insists on marrying the daughter. In this case, the woman's family offered to make him part of their family, allowing him to sever his ties with his original family. The women's party will provide a certain amount of property to be handed over to the man party, which will then be returned to the female party as a marriage dowry. The male party does not need to provide anything to the female party, including gifts (*unyuk*); instead, the male will also be given a certain amount of wealth to manage, in addition to the dowry mentioned earlier.
3. A man and a woman were caught in the act by the community engaging in marital relations outside marriage. Then they were forced to marry even though the man

did not have the funds to carry out the sudden wedding, so the wife's family took in the man, making him part of their family.

Abd. Kasah further explained that the next model of marriage is *juelen*. In this model, the woman is treated as if she is sold to her husband's family. Once married, she becomes a part of her husband's clan and cannot return to her original family without her husband's permission. The woman genuinely feels that she has been separated from her family, and during the procession to the wedding ceremony, her family often expresses their sorrow with tears and emotional farewells. Abd. Kasah likens this to the act of escorting a corpse to the grave, symbolizing the feeling that the woman has left her family. In contrast, the *kuso-kini* marriage model allows both the husband and wife to choose where they want to live, as long as they agree on it together. Typically, they move into their own home rather than residing with either the wife or husband's family (Interview with Abd. Kasah, 2023).

Imem Kampung Blang Panas Bener Meriah stated that there are no longer any *angkap* and *juelen* marriage practice. In the past, during the time of our ancestors, these two marriage models were practiced, with strict customs applied to both parties involved in *angkap* and *juelen* marriage. A husband who performs an *angkap* marriage is not permitted to visit his family without the permission of his wife. The husband is truly bound by the rules of his wife's family. He cannot travel anywhere without permission from his wife's family. The husband was given full responsibility to manage and care for the assets provided to him by the wife's family, as well as to handle all family matters, including caring for the wife's parents. Similarly, in the case of a wife who is entering into *juelen* marriage, she should not leave her husband's family without their knowledge and consent, even if she only wishes to visit a family member who has suffered a misfortune, such as a death, let alone minor incidents or other unimportant matters. In this *juelen* marriage, the wife's family typically requests compensation for the handing over of their daughter to join the husband's family. This form of compensation, in exchange for the wife entering her husband's kinship, may be in the form of a plot of farmland or garden or other items. This is the reason why it is perceived that the wife has effectively been "purchased" by the husband's family (Interview with M.Nasir, 2023).

According to Padlika, the *Reje* (village head) of Blang Panas Bener Meriah, the traditional marriage practices of *angkap* and *juelen* are no longer performed. One of the reasons for this decline is that both models of marriage are viewed unfavorably within the framework of Islamic teachings. Additionally, the reasons for the disappearance of both marriage models are the assimilation resulting from the blending and mixing of the customs and culture of the Gayo community with those of the newcomers, as well as the significant number of Gayo individuals who have migrated outside their region (Interview with Padlika, 2023).

From the explanation above, it can be concluded that there are two marriage models in traditional customs within the Gayo tribe: is *juelen* and *angkap*. The *juelen*

marriage is a form of marriage in which the husband seemingly purchases the woman who will become his wife thus, the wife is considered to enter the husband's clan. Children of descent will later adopt a patrilineal system as they follow their father's lineage. In contrast, *angkap* marriage refers to a model in which a man is brought into the wife's clan, seemingly surrendering himself to the woman's family in exchange for a certain amount of wealth to serve as business capital. This wealth becomes his property if he remains in his wife's family. However, as time has progressed, due to the assimilation of local cultures with external influences, another model of marriage, known as *kuso-kini* has emerged, a form of marriage that grants freedom to both the husband and wife to choose their place of residence, whether with the husband's or the wife's family. The *kuso-kini* marriage model is the one most commonly practiced among the Gayo people.

Influence of Marriage Models on the Inheritance System of the Gayo Community

Joni MN stated that the traditional marriage system of the Gayo tribe did not significantly alter its inheritance system. This differs from several earlier studies that concluded that the traditional marriage practices of the Gayo tribe influenced their inheritance system. Some previous research has explained that in the case of a "*juelen*" marriage, the wife no longer receives inheritance rights from her original family because she has moved to her husband's lineage. Her family has "sold" her, and she has been "purchased" by her husband's family. As noted in Rina Wati's study, the wife's position is no longer part of her original family's inheritance rights. Rina also stated that in the case of "*angkap*" marriage, the wife does not leave her father's lineage; in fact, her husband joins the lineage of her father. In such cases, the wife holds an equal position with her male siblings in terms of receiving inheritance rights (Wati, 2017)

Joni MN clarifies that in the *ijulen* (*juelen*) marriage model, a wife is brought to her husband's family, not sold to them, and enters into her husband's kinship without severing ties with her own family. As a result, the wife retains inheritance rights from her family of origin, just like her siblings who did not engage in this type of marriage. Similarly, men enter into the kinship of the wife due to *angkap* marriage. The husband continues to receive inheritance rights from his original family, as he remains connected by lineage to his family of origin, even though he is no longer considered to have a kinship relationship with that family due to his new kinship ties with his wife (*pasak*) (Interview with Joni MN, 2023).

The same explanation was provided by Ibn Hajar, who stated that a man who enters into an *angkap* marriage, even after transferring his kinship from his original family to his wife's family, still retains inheritance rights from his original family. Likewise, women who enter into *juelen* marriage, even though they have transferred their kinship from their original family to their husband's family, still retain their inheritance rights from their original family. The misconception that men who enter

into *angkap* marriage and women who engage in *juelen* marriage no longer have inheritance rights from their original families is merely a misunderstanding.. Even if there are practices that do not grant inheritance rights to men or women who engage in *angkap* or *juelen* marriages, it is merely driven by a desire to control substantial inheritance for oneself, denying it to siblings who enter into such marriages, using the justification that those siblings have changed their kinship ties and no longer have a connection to their original family. Hajar further explained that men who marry under the "*angkap*" system sometimes receive property from their wife's family as gift (*hibah*) due to exceptional contributions to managing the family and the wife's assets. This gift is given in recognition of the husband's contribution to family management and their wealth. As a gesture of gratitude, the wife's family subsequently granted a portion of their assets as a gift to her husband (Interview with Ibnu Hajar, 2023).

Banta Cut Aspala, the Chairman of the Gayo Traditional Council (MAG), explained similarly that a wife who enters into a "*juelen*" marriage still retains inheritance rights from her original family. Likewise, a man who marries under the "*angkap*" system continues to receive inheritance from his original family, as he remains connected by lineage. However, the exact portion of the inheritance is subject to family deliberation, and it is possible that the inheritance share may be smaller due to his position having shifted to a different kinship group (*pasak*) (Interview with Banta Cut Aspala, 2023).

All interviewees provided the same information, stating that the marriage models of *angkap* and *juelen* do not result in or affect the ability of men and women engaged in these two types of marriages to obtain inheritance rights from their families of origin. In the *kuso-kini* model of marriage, there are no issues regarding the inheritance system because this type of marriage does not involve the transfer of kinship ties. The fundamental result of the interviews with the respondents indicates that inheritance rights within the Gayo ethnic group are not influenced by the marriage model. Their inheritance system is primarily conducted through family discussions, and it is typically divided equally between sons and daughters. This aligns with the research conducted by Rina Wati, which illustrated that a common practice in the distribution of inheritance within the Gayo community is through family deliberation. One reason for the implementation of a deliberative model in the distribution of inheritance among the Gayo community is the condition of the inheritance assets, which are largely in the form of plantation and agricultural land, including coffee fields, secondary crops, rice fields, and others. Under such conditions, particularly for coffee plantations located in mountainous areas, it is difficult to determine the exact size of the land thus, the term "approximately" being used in discussions for dividing inheritance (Wati, 2017).

Furthermore, Rina Wati explains that in the Gayo community, the practice of parents giving property to their children often occurs while they are still alive, meaning that the status of the property received is not considered inheritance. The distribution of assets typically occurs when the spouses are married. Usually, the amount or portion

of the estate allocated is equal between sons and daughters. This model of property distribution is not intended as ownership but is more akin to providing a means for children to manage and use land to meet their family's needs. Consequently, parents retain the right to revoke the gift if the child fails to care for the property or if they are disobedient and refuse to help or care for their parents (Wati, 2017).

In the Gayo community's inheritance distribution practices, as researched by Rina Wati, two significant terms are recognized: *nujuh* and *sawah ni lo*. *Nujuh* refers to the seven days following the death of the heir during these seven days, the funeral home is always busy with visitors offering *ta'ziyah* (condolences) from family members and local residents. Women attend *Ta'ziyah* visits after the *Asr* prayer, while men visit after the *Maghrib* prayer. Meanwhile, *sawah ni lo* is marked the 44th day after the heir's death. On this day, the Gayo community usually holds a feast (*kenduri*) and continues to receive *ta'ziyah* visitors from the mourning houses. The community distributes inheritance (termed *faraidh*) on either the 7th or 44th day. If anyone requests an inheritance distribution before these two designated dates, it is considered an act of greed for the inherited wealth (Wati, 2017).

In the research conducted by Rina Wati, there is an interesting point to highlight here that the Gayo community's practice of distributing inheritance is typically divided only after both parents have passed away. Consequently, inheritance distribution is quite rare when a parent is alive. Another noteworthy aspect is that the Gayo people consider their heirs their children. Therefore, all inherited wealth is exclusively allocated to the deceased's children, with no distribution to other family members, whether from the ascending lineage (parents, grandparents) or lateral lineage (siblings, whether sharing one or both parents). This exclusion remains in place unless there are no heirs in the descending line (children and grandchildren) (Wati, 2017). Regarding inheritance distribution practices in the Gayo community, which typically wait until both parents have passed away, this is supported by Padlika and M. Nasir, village head (*Reje*) and Imem of Blang Panas. Padlika further explained that the customary practice is to distribute inheritance only after both parents have died. However, there has been a slight change, as some families are beginning to distribute inheritance when the father passes away. This change was motivated by concerns that the father might remarry, potentially leading to inheritance conflicts. Nevertheless, inheritance distribution does not occur when the mother passes away, despite the similar possibility that she may also remarry (Interview with Padlika, 2023).

According to statements by Risma Hambali, Chairman of Commission A of the Aceh Tengah Consultative Assembly of Ulama (MPU), and Yusrol Hana, Chairman of Commission A of the Bener Meriah MPU, the practice of inheritance distribution that is customary in the Gayo community generally does not violate Islamic law. However, some aspects still do not align with these regulations, primarily due to a lack of understanding regarding the principles of Islamic jurisprudence (*fikih*) related to the

distribution of *faraidh*. The community tends to prefer family deliberation over precise numerical calculations in inheritance distribution to avoid conflicts among heirs. However, if there are heirs who do not agree through deliberation, due to prior conflicts, the distribution of inheritance will be carried out according to religious guidelines, either through resolution at the village level (*gampong*) or through the judicial process in the Sharia Court (Interview with Risma Hambali and Yusrol Hana, 2023). An academic from IAIN Putih, Zakiul Fuadi, mentioned that the practice of inheritance distribution through family deliberation, which is common in the Gayo community, can sometimes lead to new conflicts because it is not always based on religious guidelines. This means that some inheritance distribution practices carried out through deliberation do not follow the principles of Islamic jurisprudence (*fikih*) regarding *faraidh* rights because they lack understanding. For example, they may divide the inheritance equally between sons and daughters or exclude other rightful heirs such as parents (father and mother), grandparents, siblings, uncles, and other relatives, assuming that only children are considered heirs (Interview with Zakiul Fuadi, 2023).

The same information regarding the inheritance distribution model commonly practiced by the Gayo community, which is achieved through deliberation, has also been conveyed by community leaders, as explained by Banta Cut Aspala, Joni MN, and Ibnu Hajar. They believe that the practice of distributing inheritance through deliberation is carried out to avoid family conflicts. One common practice among the Gayo community is to distribute wealth while their parents are alive by allocating specific assets to particular children. This was pointed out by Ibn Hajar. According to Banta Cut Aspala, the practice of gifting property as *hibah* is sometimes directed at children who take full responsibility for caring for their parents as a form of gratitude for their service. This property is not given to other children who do not take care of their parents. After the parents pass away, the child who cared for them still received an inheritance, just like the other children. This process was carried out through family deliberation and was agreed upon by all the heirs (Interview with Banta Cut Aspala, Joni MN, and Ibnu Hajar, 2023).

A similar explanation was provided by Abd. Kasah, who stated that inheritance distribution practices in the Gayo community generally followed Islamic law. However, they usually divide inheritances through family deliberation. Regarding inheritance practices that do not comply with Islamic law, Abd. Kasah stated that this was merely due to village authorities being unaware of Islamic inheritance law. Indeed, it is essential to recognize that Gayo customs recognize that matters of inheritance should refer to the regulations outlined in Sharia/fiqh (Islamic law). He stressed that the role of customs (*adat*) among the Gayo people is to protect the *syari'ah*, comparing it to a fence that protects the plant—where the *syari'ah* is the plant, and if the fence (*adat*) is strong, the plant (*syari'ah*) will be preserved and unharmed (Interview with Abd. Kasah, 2023).

According to *Imem* Kampung Blang Panas, M. Nasir, the practice of inheritance distribution in the case of the *juelen* and *angkat* marriage model does not affect the inheritance system. In other words, sons or daughters who enter into these two types of marriage still retain their inheritance rights from their respective families. However, their share will not be the same as that of their siblings who have not engaged in either type of marriage. It is based on the results of family discussions because the practice of inheritance distribution commonly carried out by the Gayo community involves a peaceful process of family deliberation. This point was also conveyed by Reje of Blang Panas village, who emphasized that in most cases, if not all, inheritance cases are resolved through family deliberation. An interesting aspect of the interview with Reje of Blang Panas village is the common practice among the Gayo community, where the giving of wealth is carried out by parents to their children when their children enter marriage. This provision is intended to provide the children with financial support needed to sustain their new families. According to *Imem* of Blang Panas village, property transfer to children is done through the concept of *hibah* (gift), as the parents are still alive. Another insight from the interview with Reje of Blang Panas reveals that sons or daughters who enter into *angkat* or *juelen* marriages no longer receive *hibah* from their parents, unlike their siblings who did not marry through these two models. Instead, the beneficiary receives only inheritance rights from the remaining assets after the initial gifts. The assets that were gifted by parents during their lifetime will be inheritance when the parents pass away. The remaining assets are distributed among their children as an inheritance granted to all of them, including those who have changed kinship due to *angkat* or *juelen* marriages (Interview with Padlika, 2023).

The descriptions above indicate that the two traditional marriage models within the Gayo indigenous community, *juelen* and *angkat*, result merely in a shift of kinship without any alteration in lineage (ancestral descent). In a *juelen* marriage, the wife's status becomes part of her husband's kinship, but she still maintains her original lineage. However, their descendants will follow the husband's lineage and will no longer belong to the wife's original kinship. Similarly, an *angkat* marriage, the husband's status enters the wife's kinship, but he retains his original lineage. However, their descendants will follow the wife's lineage and will no longer belong to the husband's original kinship. Because the lineage of both the husband and wife remains rooted in their original family ties, under Islamic law, both spouses retain inheritance rights from their respective families of origin. Regarding the descendants, they will follow the new lineage from the husband's side for the wife who enters into a *juelen* marriage, and will follow the wife's lineage for the husband who enters into an *angkat* marriage. Consequently, the children's inheritance rights will align with this new kinship.

Islamic Legal Perspective on the Inheritance System in Gayo Society

The practice of inheritance within the customary inheritance system of the Gayo tribe is closely linked to the marriage system and its kinship structure. The findings indicate that the inheritance practices of the Gayo community are, in fact, aligned with the principles of Islamic inheritance law because they use Islamic law as the foundation for the distribution of inheritance. However, inheritance distribution practices that do not align with Islamic law are occasionally observed, particularly in cases of *juelen* and *angkap* marriages, where individuals may no longer receive inheritance rights due to a change in their kinship status (*belah*). According to the statements of religious leaders, customary figures, and community leaders in Gayo, this situation arises from a lack of knowledge among the heirs or local community figures regarding Islamic law.

Based on interviews with religious leaders, traditional leaders, and community figures in Gayo, it was found that the *juelen* and *angkap* marriage models only resulted in a shift in kinship. In the case of *juelen* marriage, the woman (wife) enters into her husband's kinship, thereby aligning her lineage with that of her husband and no longer being a part of her original kinship group. Similarly, in the case of an *angkap* marriage, the man (husband) enters into the kinship of his wife, thereby aligning his lineage with that of his wife and no longer participating in the kinship of his original family. Meanwhile, the lineage (*nasab*) of both the wife and husband remains rooted in their original family ancestry. Thus, according to religious law, they (the wives and husbands) continue to have inheritance rights from their respective original families. However, only their children follow the new kinship lineage—through the husband's family for wives in *juelen* marriages, and through the wife's family for husbands in *angkap* marriages.

Another interesting finding from the research is that the Gayo community's inheritance practices involve an equal distribution of inheritance between sons and daughters. This is not directly related to the marriage model that they adhere to. Here, there is an interesting aspect when equating the positions of men and women in receiving inheritance assets. The Gayo community does not perceive gender status differences between men and women with respect to inheritance issues. The issue above, when linked to Islam, becomes a discourse that is consistently engaging in discussion, as the rights of women in Islam continually reveal dynamic and progressive aspects. Before the advent of Islam, women were consistently overshadowed by male authority, which subsequently shaped a patriarchal society. During that time, women were marginalized and positioned as second-class citizens, with men dominating all aspects of life, and hegemony extending to women in every field (Munawaroh, 2020; Tahir, 2016).

The status of women in pre-Islamic societies was, indeed, low, degraded, and deemed dishonorable. Generally, society does not perceive women as human beings in the same way that men are regarded as valuable members of the community. This was also the case with the Arabs' view during the *Jahiliyyah* era. Women were seen as equal

to objects, possessions, or slaves. When a husband passed away, the guardian (*wali*) from the husband's side would come, claim her, and place his clothing on her, preventing her from marrying another man of her choice unless the guardian gave his permission (Albar, 1994).

Islam views the status of men and women as equal and proportional, whether in law, social culture, economy, or other societies. Women are human beings, just like men, who were created by Allah as vicegerents on earth. Women possess rights and responsibilities that are proportional, and they will also be held accountable on Judgment's Day. The balance of rights and responsibilities between men and women is evidence of the guarantee that women can perform the tasks entrusted to them, ranging from household duties to leadership roles in society. The Qur'an, in Surah At-Taubah verse 71, states: "The believers, both men and women, are guardians of one another. They encourage good and forbade evil, establish prayer, pay taxes, and obey Allah and His Messenger. It is they who will be shown Allah's mercy. Surely Allah is Almighty, All-Wise".

From the above argument, it can be explained that the relationship between men and women in Islam holds equal status and is equivalent in the eyes of Allah. Therefore, women must be honored, protected, and have their rights fulfilled. It can even be stated that in several aspects, women and men are equal and comparable, for instance, in terms of worship and performing acts of kindness. In matters of inheritance, women are granted proportionate rights in accordance with their responsibilities. Women are protected in their rights by being granted inheritance rights. Women are given inheritance rights just like men, although they have different distributions. Allah SWT states in verse 7, which means: "For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. "These are" obligatory shares."

The reason for the difference in inheritance rights between men and women in Islamic law is the different responsibilities placed on men compared to women. Ash-Shabuni explains that the wisdom contained in Islamic law regarding the difference in inheritance between men and women is that men incur greater expenses and bear larger responsibilities compared to women. For the sake of justice, men are entitled to a larger share. Financial support for women was provided by male relatives, including sons, fathers, brothers, and other male family members. Women are not obligated to provide for anyone financially, whereas men are responsible for the maintenance of their family and others. The obligations of financial support for men are more varied, and their responsibilities regarding material needs are more vital, resulting in a greater financial burden for men than for women. Men are required to provide dowry (*mahar*) to their wives and clothing, food, and shelter for their families. The costs associated with their children's education, healthcare for both children and wives, and other related expenses are the responsibility of the husband and not of the wife (Ash-Shabuni, 1979).

Therefore, scholars understand that the rules of inheritance in Islamic law dictate that men are given a larger share because of their greater responsibilities. Men are responsible for providing for themselves and their families. Women are only responsible for their own sustenance, and that is only in the absence of a male figure who assumes that responsibility. As a result, men receive an inheritance share that is twice that of women, as stated in the words of Allah SWT in Surah an-Nisa`, verse 11, which means: "Allah commands you regarding your children: the share of the male will be twice that of the female."¹ If you leave only two "or more" females, their share is two-thirds of the estate".

Observing the phenomenon of inheritance practices in Gayo society, which grants equal inheritance rights to both sons and daughters through family deliberation while considering their respective responsibilities toward parents and family, aligns fundamentally with the concept of fiqh. Islamic law articulated by scholars in fiqh also establishes the principle of responsibility as the basis for different inheritance rights. In other words, the legal rationale (*illat*) for inheritance law is that inheritance is a matter of responsibility. Thus, an individual will receive inheritance rights proportionate to the obligations he or she bears. The greater the responsibility assigned, the larger is the inheritance share the recipient will receive; conversely, the smaller the responsibility the recipient bears, the smaller is the inheritance share the recipient will receive.

The practice of inheritance distribution through deliberation, as carried out by the Gayo community, exemplifies the manifestation of the *takharuj* concept within the Islamic inheritance system. *Takharuj* is an agreement made by heirs to relinquish (withdraw) one of the heirs from receiving a portion of the inheritance by providing compensation, whether that compensation comes from the assets of the heirs requesting the withdrawal or from the inheritance to be distributed. The distribution of inheritance assets in the form of *takharuj* is conducted through deliberation among the heirs. The provisions of the Compilation of Islamic Law (KHI) in Article 183 state that heirs may agree to reach a settlement in the distribution of inheritances after each has acknowledged their respective shares. This study serves as a reference for peaceful inheritance distribution, emphasizing mutual consent among heirs. Although this article may lead to a distribution of inheritance that differs from the guidelines established in Chapter III of the KHI, such deviations are still justified for the sake of welfare among the heirs.

In conclusion, the practice of inheritance distribution through deliberation among heirs, as practiced in the Gayo community, is permissible as long as each heir is aware of the extent to which their rightful share. This is regulated by the KHI under Article 183. The model of peaceful distribution through deliberation among heirs is known as *takharuj* within the framework of Islamic inheritance jurisprudence (*fiqh mawaris*) (Al-Zuhaili, 2006; Rahman, 1994).

CONCLUSION

The models of marriage practiced in the Gayo community consisted of three forms: *juelen*, *angkap*, and *kuso-kini*. *Juelen* marriage is a form of marriage in which it appears as though the daughter (wife) has been sold to the husband's family, thereby severing her ties with her original family. In this type of marriage, the husband's family must provide an *unyuk* (special payment/gift) that is distinct from the dowry. This payment or compensation can take various forms, such as money, land, livestock, or other assets, as a token of gratitude for the efforts of the bride's parents in raising their daughter. *Angkap* marriage is a form of marriage that does not involve paying *unyuk*, which results in the husband severing ties with his original family (his father's kinship) and becoming a member of his wife's family (wife's kinship). *Kuso-kini* marriage is a type of marriage that allows both the husband and wife the opportunity to reside with either the husband's or the wife's family, or to live independently. However, they are still expected to assist both families and maintain ties with both parties.

The inheritance system in Gayo society is essentially not directly influenced by the marriage model because the society adheres to Islamic inheritance law. However, in practice, inheritance distribution methods can be influenced by the marriage model. For instance, daughters who undergo *juelen* marriage may not receive inheritance rights, and sons who enter *angkap* marriage may similarly be denied inheritance rights. According to community leaders, this situation arises from the ignorance of village officials or the heirs involved in inheritance distribution rather than being stipulated custom. Islamic legal perspectives on the inheritance system in Gayo society align with Islamic law provisions when viewed from the perspective of customary regulations. However, in practice, certain practices been inconsistent with Islamic law, particularly inheritance in the context of *juelen* and *angkap* marriages. Another inheritance issue commonly practiced by the Gayo community is the distribution of inheritance through deliberation, which distributes inheritance rights equally among sons and daughters based on the principle of responsibility in caring for the family and parents. This is in accordance with the concept of *takharuj* in the Islamic inheritance system.

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