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**The Tradition of *Tulak Breuh* as a *Fidyah* of Prayer in Aceh Besar Society: A Study of Law Theology**

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**Abstract:** *Tulak Breuh* is a customary practice related to Islamic law and theology in the social life of the Acehnese people. This article discusses the discourse on *fidyah* of prayer in *fiqh*, the practice of the *tulak breuh* tradition, and the analysis of law theology on the practice of *tulak breuh* tradition. The methods of study combine library research and field research simultaneously. Data collection techniques were conducted through interviews and literature studies. From the results of research conducted, it is found that there are two opinions of ulama regarding the *fidyah* of prayer. The first is the Hanafi madhab and some of the Shafi'iyah ulama who allow the practice of *fidyah* of prayer. The second is Maliki, Hanbali, and Shafi'i madhab (a strong *mu'tamad*) do not allow the practice of *fidyah* of prayer. The opinion that allows *fidyah* of prayer is based on the *qiyas* of the existence of *fidyah* for people who leave fasting and the fact that everyone must have left his prayer during his lifetime. Meanwhile, those who claim there is no *fidyah* for prayer are due to the strict prohibition against leaving prayer and there is unacceptable for a Muslim to leave a prayer. A special team, who is intentionally invited to pay *fidyah* when someone dies, organizes the implementation of *tulak breuh* tradition. The implementation of *tulak breuh* is done by handing over the amount of rice in turn as a substitute for the missed prayers by the deceased. However, theologically, the *tulak breuh* tradition can have implications for the emergence of a permissive attitude towards prayer as one of the pillars of Islam. Because this tradition provides opportunities and concerns, a lay believer can quickly leave prayer because he is sure that his heirs will redeem his missed prayers with *fidyah* when he dies.

**Keywords:** *Tulak Breuh* Tradition, Acehnese, *Fiqh*, and Law Theology

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**Abstrak:** *Tulak Breuh* merupakan sebuah praktik adat yang berhubungan dengan hukum Islam dan teologi dalam kehidupan sosial masyarakat Aceh. Artikel ini membahas tentang diskursus *fidyah* salat dalam *fiqh*, praktek tradisi *tulak breuh* dan analisis teologi hukum terhadap praktik tradisi *tulak breuh*. Kajian tersebut mengabungkan metode kajian kepustakaan dan kajian lapangan sekaligus. Teknik pengumpulan data dilakukan dengan wawancara dan studi literatur. Dari hasil riset yang dilakukan maka ditemukan dua pendapat ulama tentang *fidyah* salat; pertama mazhab Hanafi dan sebagian ulama *syafi'iyah* yang membolehkan; kedua mazhab Maliki, Hanbali dan *Syafi'i* (*mu'tamad* yang kuat) tidak membolehkan *fidyah* salat. Pendapat membolehkan berdasarkan pada *qiyas* adanya *fidyah* bagi orang yang meninggalkan puasa dan kenyataan bahwa setiap orang pasti pernah meninggalkan salatnya ketika masih hidup. Sementara pihak yang menyatakan tidak ada *fidyah* salat karena begitu ketatnya larangan meninggalkan salat dan tidak ada celah sedikitpun bagi seorang muslim untuk dapat meninggalkan salat. Pelaksanaan tradisi *tulak breuh* dilakukan oleh tim khusus yang sengaja diundang untuk membayar *fidyah* ketika ada seseorang meninggal dunia. Pelaksanaan *tulak breuh* dilakukan dengan menyorong sejumlah beras secara bergantian sebagai pengganti salat yang ditinggalkan oleh orang yang meninggal. Namun demikian secara teologis tradisi *tulak breuh* dapat berimplikasi pada munculnya sikap acuh (*permisif*) terhadap ibadah salat sebagai salah rukun Islam. Karena tradisi ini memberikan peluang dan adanya kekhawatiran seorang mukmin awam dengan mudah dapat meninggalkan salat karena yakin akan dapat ditebus dengan *fidyah* oleh ahli waris ketika ia meninggal dunia.

**Kata Kunci:** Tradisi *Tulak Breuh*, Masyarakat Aceh, *fiqh* dan Teologi Hukum.

## Introduction

The tradition of *fidyah* (compensation) of prayer is a customary practice and related to Islamic law in Muslim societies in Indonesia. The practice of *fidyah* of prayer can be found in at least three communities. First, in Aceh, it is called as *tulak breuh*. Second, in Indramayu, Central Java, it is known as *geong*. Finally, in Hulu Sungai Utara, South Kalimantan, it is called the *bahilah*.<sup>1</sup> Another similar customary practice is the *patuq* tradition of the

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<sup>1</sup>Nurkholis Sufyan, *Living Hadis: Studi Atas Fenomena Tradisi Fidyah Salat dan Puasa bagi Orang Meninggal di Indramayu*, Jakarta: Thesis of the Master's Program in Tafsir Hadith, Faculty of Ushuluddin UIN Syarif Hidayatullah Jakarta, 2018. Siti Muna Hayati and <http://jurnal.arraniry.ac.id/index.php/samarah>

Sasak community in West Nusa Tenggara, which is the tradition of giving the deceased's belongings to religious leaders in the village to get safety.<sup>2</sup>

The *tulak breuh* tradition is considered a *fidyah* of prayer that develops in some Acehnese communities, even though its validity is still debated by the ulama madhab and the current ulama. However, this practice continues to develop as if it has become part of a religious tradition in Acehnese society to this day. This *tulak breuh* tradition mainly develops in the Muslim community from those who have traditional Islamic education. This phenomenon becomes interesting to be analyzed since prayer is the second pillar of Islam after reciting the shahada (the Muslim profession of faith). Even the Messenger of Allah called it *'imaduddin* (the pillar of religion), which should not be left under any circumstances.<sup>3</sup> Then, this *tulak breuh* tradition exists as if it offers an opportunity for a Muslim to neglect the prayer because people consider this ritual as a substitute (*fidyah*) for the missed prayers. Consequently, the *tulak breuh* tradition has affected fundamental issues and has consequences in terms of social, law, and even theology in Islam.

The existence of *tulak breuh* tradition has become a practice of Islamic law and tradition that has led to debates or pros and cons in the socio-religious context of Acehnese society, especially between traditionalists and modernists. *Tulak breuh*, the tradition of handing over the amount of rice, is practiced after someone dies. Even further, among traditionalists themselves, it still often creates a debate that seems to continue nowadays.

The religious traditions in Aceh are not much different from other Islamic communities in Indonesia. However, in some cases, they have their own characteristics and uniqueness. This uniqueness, for example, can be found in several legal traditions that have become customary in Acehnese society, such as reading *dalail khairat*, dhikr *maulud*, reciting the Quran after Dusk Prayer<sup>4</sup>, and learning the pillars of Faith and the pillars of Islam.<sup>5</sup> All

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Husnul K Hitami, "Bahiliah di Hulu Sungai Utara: Penebus Dosa Ala Urang Amuntai," *Jurnal Studi Agama dan Masyarakat* 14, No. 2 (2018), p. 82.

<sup>2</sup>Fachrir Rahman, "Patuq dalam Tradisi Kematian Masyarakat Desa Kuta (Sebuah Tinjauan Antropologi Hukum Islam)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 3, No. 2 (2019), p. 341.

<sup>3</sup>Sulaiman bin Muhammad Nashyan, *Isyadul MushallyIla Shallu Kama Raaitumuni Ushally*, Makkah: Maktabah al-Malik Fahd al-Wathaniyah, 2015, p. 5.

<sup>4</sup>Tim Peneliti PKPM Aceh "Evaluasi dan Pemetaan Program Beut Ba'da Magrib di Aceh" Banda Aceh: Kerjasama PKPM Aceh dan Dinas Syariat Islam Aceh, 2014.

<sup>5</sup>Lukman Hakim, "Revitalisasi Tradisi *Meurukon* sebagai Kearifan Lokal dalam Penguatan Akidah Masyarakat Aceh Besar", Banda Aceh: Pusat Penelitian dan Penerbitan, Lembaga Penelitian dan Pengabdian Masyarakat UIN Ar-Raniry, 2016.

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those traditions are considered a religious culture that does not directly affect the pillars of Islam as in accordance with the tradition of *tulak breuh*.

The tradition of *fidyah* of prayer known as *tulak breuh* is explained by Zaitun Muzana.<sup>6</sup> However, in this study, the author only briefly mentions this tradition. The study only touched on the tradition of *fidyah* of prayer concerning the distribution of inheritance from the deceased. So that, it did not discuss the whole tradition of *tulak breuh*. Accordingly, an article that specifically discusses the existence of the *tulak breuh* tradition in Acehese society is considered an interesting study.

This paper aims to discuss the existence of the *tulak breuh* tradition in the socio-religious life of the Acehese in the framework of theological law analysis. For the above purpose, this paper focuses on the three issues studied. Firstly, *Fiqh* discourse on *fidyah* of prayer for people who have died. Secondly, the sequences of processes for implementing the *tulak breuh* tradition as *fidyah* of prayer in Aceh. Finally, the theological analysis of Islamic law on the practice of the *tulak breuh* tradition

The methods of this study combine library research and field research simultaneously. Data collection techniques were conducted through interviews and literature studies. In line with that, this paper examines and analyzes the existence of the tradition of *tulak breuh*. A religious interpretation becoming a culture that is full of theological and law implications.

### ***Fidyah* of Prayer in *Fiqh* Discourse**

Prayer is the second pillar of Islam after saying the shahada. Although theologically speaking, the shahada is seen as something fundamental in Islam, the position of prayer in a certain sense is far more basic. Rasulullah PBUH (Peace Be Upon Him) states prayer as the pillar of religion (*imaduddin*) by describing a house with a single pillar as the main support while the other pillars are only as a complement.<sup>7</sup> The Qur'an in various verses commands prayer more than any other commandment of worship. The Prophet PBUH also emphasized that Allah the Almighty loves prayer more than all other worship.

When a person prays, he can do contemplation, remembrance, and communicate with his Creator.<sup>8</sup> Because of the importance of the position of

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<sup>6</sup> Zaitun Muzana, Jasni bin Sulong, Faisal bin Husein Ismail, "Customary Practices of Sharing Inheritance: An Analysis of Society Practices in Pidie Aceh Darussalam," *Jurnal Al-Hikam* 11, No. 2 (2016), p. 284- 285.

<sup>7</sup> Sachiko Murata dan William C. Chittick, *The Vision of Islam*, Translated. Suharsono, Yogyakarta: Suluh Press, 2005, p. 13

<sup>8</sup> Hedy Shri Ahimsa Putra, *Paradigma Profetik Islam: Epistemologi, Etos dan Model*, Yogyakarta: Gajah Mada University Press, 2016, p. 178.

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prayer in Islam, it is an individual obligation that a Muslim should not leave. Even neglecting the prayer is considered a major and despicable sin. As Allah says in Surah Maryam verse 59, which denounces and threatens people who neglect the prayers: "Then there succeeded even after them a succession who wasted the prayer and closely followed lusts; so they will eventually meet misguidance"(Surah Maryam Verse: 59).

Ibn Mas'ud, as quoted by Hasbi ash-Shiddieqy, said that what is meant by wasting prayer is delaying the prayer from its time. For instance, someone performs the *Zuhur* (midday) prayer after the *Asr* (afternoon) time or performs the *Asr* after the *Maghrib* (Dusk) time. In the hereafter, people who neglect to perform prayers like this will later be thrown into *Ghairy*, which is a groove in the Hell of *Jahannam*.<sup>9</sup>

The position of prayer in Islam is so important because theologically, prayer is a symbol of *ubudiyah* (devotion) of the testimony of the Oneness of Allah the Almighty. In other words, prayer is a form of one's devotion to Allah and at the same time as a form of obedience to carry out the obligatory commands. In Islam, prayer is seen as a deed to differ between Muslims and infidels. Therefore, there is no reason for a Muslim to leave the prayer either because of illness, travel or for any other reasons. For people who have left prayer, there are different opinions among *fiqh* ulama. Some say it is obligatory to *qadha* (replace the missed prayers) and there are ulamas who state that the prayers of a deceased person can be redeemed by paying *fidyah*.

There are different views in *fiqh* regarding the *fidyah* of prayer. Literally, *Fidyah* means ransom.<sup>10</sup> This ransom is usually given in the form of staple foods such as wheat, rice, and so on, which must be paid by a Muslim because he left the prayer or fasting due to chronic illness, elderly illness, etc. that befell him. Meanwhile, in terms of *fidyah*, it is a type of fine imposed on Muslims who commit certain mistakes in worship, or make up for worship due to aging and are prescribed by giving alms to the poor in the form of staple food. As Allah the Almighty states in Surah al-Baqarah, "However, should any one of you be sick or on a journey, then (he should fast) a number of other days (equal to the missed ones); and those who have the strength, (still, they do not opt for fasting,) on them there is a *fidyah* (compensation), that is, the feeding of a poor person". (Surah Al-Baqarah verse: 184).

From the verse above, it is stated that the intended worship is fasting. In terms of *fidyah* for people who leave prayer, it is done on the basis of *qiyas*

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<sup>9</sup> M. Hasbi ash-Shiddieqy, *Pedoman Shalat*, Semarang: Pustaka Rizki Putra, 2009, p. 375.

<sup>10</sup> Ahmad Warson al-Munawir, *Kamus Arab-Indonesia Al-Munawir*, Yogyakarta: Pongpes al-Munawir Press, 1984, p. 1117.  
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(analogical inference or deduction) for fasting. In the context of *fidyah* of prayers for people who have died, there are different interpretations among the ulamas of the schools of Islamic jurisprudence. Based on a strong opinion (*mu'tamad*) in the Shafi'i madhab, people who have died are not performed *qadha* for their prayers and are not given *fidyah*. However, there are also ulama among the Shafi'iyah such as Imam Al-Baghwi and others who have different opinions from their madhab. This can be seen in the quote: "Imam al-Nawawi, one of the leading ulamas in the Shafi'i madhab, in the book of *Majmu' Syarah al-Muhazzab* said that "if someone dies and there is an obligation to pray or *i'tiqaf* (to be in isolation in a Masjid with the intention to worship Allah) for him, then it will not be done by his guardian and the prayer and *i'tiqaf* also does not come off because of the *fidyah*. This opinion is well known in the madhab and noted from the Shafi'i texts in the book of al-Umm and others. However, al-Buwaithi once quoted from Imam Shafi'i that he said that in *i'tiqaf*, it is permissible for the guardian to replace the *i'tiqaf* for the dead. From this opinion, Al-Baghwi said, it is not far from this *takhrij* (issued by the law) can be issued for thw prayer. Then, one *mud* (a volume measuring instrument that used as a reference measure for the payment of *fidyah*) is given for one prayer.<sup>11</sup>

Correspondingly, Imam al-Nawawi said in *Syarah Muslim*, Imam Abu Muhammad al-Baghwi from the Shafi'iyah madhab said in *Al-Tahzib* that the food given is one *mud* for each prayer. This opinion is based on the evidence of *qiyas* to prayer, alms, and pilgrimage. It is also because according to the consensus of ulama, all the rewards of these practices will be accepted.<sup>12</sup> In line with Imam Nawawi above, Shaykh Qalyubi, the author of the book of *al-Mahally*, also argues that prayers can be given *fidyah* by paying one *mud* for one prayer.

Similarly, Shaykh Zainuddin bin Abdul Aziz al-Malibari is of the opinion that whoever dies and he leaves the obligatory prayers, his prayers are not being *qadha* and not given *fidyah*. According to another opinion, it is permissible to *qadha* the prayer either because of a will of the deceased or not.<sup>13</sup> Shaykh Zainuddin's opinion above was then commented by Shaykh Abu Bakar Syatha and according to him, most of Imam Shafi'i's companions gave one *mud* for *fidyah*. It is stated that, Ibn Burhan quoted from *qaul qadim*, it is obligatory for guardians if their parents die leaving an inheritance, they should

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<sup>11</sup>Imam Al-Nawawi, *Al-Majmu' Syarah al-Muhazzab*, Juz VI, Jeddah: Maktabah Al-Irsyad, t.th, p. 420.

<sup>12</sup> Imam Al-Nawawi, *Syarah Muslim*, Juz. VI, Kairo: Muassisah Qurthubah, t.th., p. 133.

<sup>13</sup> Zainuddin al-Malibary, *Fath al-Mu'in*, Juz II, Semarang: Toha Putra, t.th, p. 244. <http://jurnal.arraniry.ac.id/index.php/samarah>

substitute (*qadha*) for the missed prayers of their parents like *qadha* for fasting. Prayers left by the deceased can be replaced by paying the staple food as much as one *mud* (6 ounces) for each prayer.<sup>14</sup>

Furthermore, the Hanafi madhab believes that it is permissible to give *fidyah* to people who have died. In other words, the approval to give *fidyah* of prayers for people who have died is more well-known in the Hanafi madhab. In this context, Ibn Abidin, one of the *mutaakkhirin* ulama of the Hanafis, said that giving *fidyah* of prayers only exists in the Hanafi madhab. In his *Majmu'ah Rasail*, he said that "Know that the *fidyah* of prayer includes in Abu Hanifa (God has mercy on him) madhab where the ulamas of the Abu Hanifa madhab do the *qiyas* to fasting and they encourage and command it."<sup>15</sup>

Additionally, Ibn Abidin said that it is permissible to pay *fidyah* of prayers utilizing *qiyas* of fasting from *istihsan* of the ulama. The way of taking *istihsan* is derived from the similarities between fasting and giving food that are valid in the Sharia just as the similarities between prayer and fasting which are also valid in the Sharia. Based on this sense, it is obligatory to provide food for people who leave prayer similar to people who leave fasting.<sup>16</sup> Another opinion about the permissibility of giving *fidyah* is also reinforced by Al-Sarkhasi, an ulama of the Hanafi madhab who says that "if a person dies and there is an obligation of prayer from him, then, for every prayer that he leaves, it should be given as much as half sha'." Imam Abu Hanifa requires paying *fidyah* from the missed prayers if the deceased has a will before and later he does not have to *qadha* the missed prayers.<sup>17</sup>

In the contemporary era, the issue of *fidyah* of prayer remains a problem of *khilafiyah* (different arguments) among ulama. However, it is interesting to examine the decision issued by the Ulama Council (MUI) of Jakarta in 2000 regarding the *fidyah* of prayer. The Jakarta MUI issued a *fatwa* (a binding ruling in religious matters) that after explaining the opinion of the ulama madhab, it was determined that paying *fidyah* for prayers was permissible. For the record, at the end of the *fatwa*, it is stated that in spite of its permissibility, it does not mean that people who are still alive may leave their prayers to be replaced by paying *fidyah*. It also does not mean that they

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<sup>14</sup> Al-'Alamah Abi Bakri Utsman bin Muhammad Syatha al-Dimyati al-Bakri, *I'anatu Thalibin Syarah Fathul Mu'in*, Juz I, Bairut: Dar al Kitab al-Ilmiah, t.th, p. 24.

<sup>15</sup> Ibnu Abidin, *Majmu'ah Rasail Ibnu Abidin*, Juz I, Lubnan: Dar Ihya' al-Turas al-'Arabi, t.th. p. 223.

<sup>16</sup> Ibnu Abidin, *Rad al-Mukhtar ala Dar al-Mukhtar, Maktabah Syamilah*, Juz.II, p. 245.

<sup>17</sup> Al-'Alamah Abi Bakri Utsman bin Muhammad Syatha al-Dimyati al-Bakri, *I'anatu Thalibin Syarah Fathul Mu'in*, Juz I, Bairut: Dar al Kitab al-Ilmiah, t.th. p. 41.

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can arbitrarily make a will to their families of the prayers they left to be replaced (*qadha*) or paid with *fidyah* after their death.<sup>18</sup>

From the whole discourse on *fidyah* of prayer in the study of *fiqh*, it can be concluded that there are two opinions regarding this issue. Firstly, the Maliki, Hanbali, and most Shafi'i (*mu'tamad* or strong) madhab do not recognize the *fidyah* of prayer. Secondly, in the Hanafi madhab and some Shafi'i ulama such as Imam al-Nawawi, Imam Abu Muhammad al-Baghwi, and Shaykh Zainuddin bin Abdul Aziz al-Malibari say that giving *fidyah* for the dead is permissible.

### The Practice of *Fidyah* in the Tradition of *Tulak Breuh* in Aceh

Aceh is known as an area that has uniqueness and privilege in various ways compared to other regions in Indonesia in terms of history, culture, social as well as religious practices. Aceh was the first place that embraces Islam before Islam was being spread to other regions in Indonesia and even in Southeast Asia. In this case, Aceh became the center of the spread of Islam which was pioneered by the ulama through their famous works up until now.<sup>19</sup> Moreover, a variety of uniqueness that sociologically, socially, and religiously cannot be found in other areas is definitely found in Aceh.<sup>20</sup> This land, known as the "Serambi Mecca," has a wide variety of cultural traditions, especially in written, spoken, and object forms. The diversity of Aceh's cultural traditions is bound by one main characteristic, namely the existence of an integral connection between cultural elements and Islamic values.<sup>21</sup> To a certain extent, both cultural elements and Islamic values complement and reinforce each other to display a variety of traditions that embody of the understanding of Islam itself.

In this context, the *tulak breuh* tradition, which until now has developed in religious practice, is also a tradition established from an understanding of the *fidyah* of prayer wrapped in the local cultural style of the Acehnese people. The naming of the *tulak breuh* tradition is because of its implementation when performing the *fidyah* of prayer. The amount of rice is

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<sup>18</sup>Majelis Ulama Indonesia Daerah Khusus Ibukota Jakarta, Fatwa tentang Fidyah Salat, 19 Zulqaidah 1420 H/25 Pebruari 2000 M.

<sup>19</sup>Azyumardi Azra, *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII dan XVIII: Akar Pembaharuan Islam Indonesia*, Jakarta: Kencana, 2005. Jajat Burhanuddin dan Ahmad Bedowi, *Transformasi Otoritas Keagamaan: Pengalaman Islam Indonesia*, Jakarta: Gramedia, 2003.

<sup>20</sup>Barlian AW, *Anehnya Aceh: Raja Dekat, Tuhan Jauh*, Banda Aceh: LSKPM Aceh, 2014, p. v.

<sup>21</sup>Irwan Abdullah, *Konstruksi dan Reproduksi Kebudayaan*, Yogyakarta, Pustaka Pelajar, 2006, p. 129



pushed and handed over from one party to another recipient in turn. This ritual is believed to be a substitute for prayers neglected by the deceased.

Nevertheless, in reality, the *tulak breuh* tradition is the result of profane *ijtihad* and then became a sacred tradition. Its existence by some of the practitioners is believed to be an obligation in a series of *tajhiz* corpses (funeral preparation). In this case, Teungku Sulaiman, a traditional leader in Aceh Besar, expressed that before the body is prayed, the payment of *fidyah* of prayer must be completed first. So that the person who dies is truly clean from the sins that he may have committed during his life. According to him, during our lifetime, it is impossible for people to never leave the prayer either intentionally or unintentionally. For this reason, the payment of *fidyah* must take precedence before the funeral preparation.<sup>22</sup>

The opinion above illustrates that the tradition of *tulak breuh* is considered an important part of the process of organizing the funeral preparation for the corpse. This tradition is considered unique as a religious ritual related to death is not included in the pillars of *tajhiz* corpses in Islamic teachings in general, which include bathing, shrouding, funeral praying, and burying. However, in reality, for some people in Aceh, these two traditions seem to be seen as an obligation that is a part of sharia. This indicates that there has been an expansion of interpretation of religious rituals so that this tradition seems to have turned into part of Islamic teachings.

The tradition of *tulak breuh* as *fidyah* of prayer that develops in Acehnese society is different from one region to another. This can be observed from the time when it is practiced or implemented. Some are carried out before the body is buried while some are conducted on the tenth day and even some are practiced on the hundredth day after the death. Regarding the implementation time, it really depends on the customs of a region and the prosperity of the heirs. In Aceh Besar, the *fidyah* of prayer ritual is usually carried out before the body is buried or at the same time as the body is bathed and shrouded. Thus, before the body is prayed and taken to the burial, the process of paying *fidyah* has been completed. This is as stated by Ustaz Safaini, a religious figure in Aceh Besar, saying that it is customary in Aceh Besar that the implementation of paying *fidyah* is carried out before the body is prayed. The payment of *fidyah* of prayer is usually accomplished in conjunction with the process of bathing and shrouding. This can happen because the implementation itself does not need to present the corpse. This

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<sup>22</sup>Interview with Teungku Sulaiman Yasin, Traditional Leader in Aceh Besar, February 23, 2020.

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*fidyah* can be performed at the neighbor's house of the deceased and not necessarily at the funeral home.<sup>23</sup>

Almost has the same opinion, Teungku Marhaban BTR said that we often carry out *fidyah* of prayers together with the funeral preparation of the corpses. When we are still in the process of bathing or shrouding, we will finish the *fidyah* of prayers. However, once we did it after the funeral process of the corpses was finished, or even at the evening. Constantly, the time for the payment differs and depends on the request and readiness of the deceased's family.<sup>24</sup>

Thus, the implementation time of the *tulak breuh* tradition is varied and conditional. Depending on the request of the heirs, in the sense that it may coincide with the funeral process of the corpse or after the *tajhiz* is completed. It is because the process of implementing the *tulak breuh* tradition itself requires some prior preparation. The series of processes for implementing the tradition of *tulak breuh* as a ritual for performing *fidyah* of prayers can be explained as follows:

### 1. Preparation Phase

Before the tradition is carried out, there are two things that need to be done by the heirs. First, the heirs invite the organizer team of the tradition. Usually, it is not long after the death of a family member, the heir of the deceased will immediately invite and ask for the willingness of the organizer team of this tradition to accomplish the payment of *fidyah* of prayers. In the promulgation process, the heirs will concurrently ask the leader of the organizer team about the rules and matters related to *fidyah* such as the amount of rice that must be provided, the costs required, and the agreement regarding the execution time.

The team for implementing the ritual of *fidyah* of prayer is usually invited from a *dayah* or Islamic boarding school that is close to the residence of the deceased. Usually, the leader of the *dayah* will directly lead the implementation of the ritual. Meanwhile, the members are senior students who are appointed and entrusted by the leader of the *dayah* earlier. For a student of *dayah*, getting the trust to become a member of the *fidyah* organizer team is considered a privilege or a form of appreciation from his *dayah* leader. It means that he has met his own spiritual criteria among other students in *dayah*. This team will later visit the funeral home at an agreed time with the heirs who will organize the process of implementing the *tulak breuh* tradition.

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<sup>23</sup> Interview with Ustaz Safaini, Religious Leader, Aceh Besar, March 7, 2020.

<sup>24</sup> Interview with Teungku Marhaban BTR, The Organizer of the *Tulak Breuh* tradition in Aceh Besar, January 28, 2021.

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Second, the heirs prepare the amount of rice as one of the pillars of the *fidyah* of prayer. Regarding the amount of rice issued is based on the number of years of age of the deceased. By calculating each obligatory prayer, the *fidyah* is one *mud* (6 ounces/675 gr.) or one liter to be fulfilled. With the calculation of 5 times a day and a night of obligatory prayers, while one year is 360 days, then in a year, it means  $360 \times 5$  times of prayer = 1800 times of the obligatory prayers. From this calculation, if a person dies at 45 years old, then 45 years minus the age before puberty 15 years = 30 years minus another 15 years of obedience based on estimates. Then, we will get the *fidyah* which needs to be paid for is only 15 years. If in a year that the number of prayers is 1800 and each prayer is allowed 1 liter, then a year is issued 1,800 liters. So that when multiplied by 15 years, the amount of rice that must be paid should be 27,000 liters. This number does not include the *fidyah* of fasting which is calculated for one *mud* per day (one liter to be fulfilled). So, in a month, 30 liters times 15 years, and the rice is issued as 450 liters. In addition, for paying the annual oath of 10 liters of rice, the total amount of rice that must be prepared is 31060 liters.

In the implementation of the ritual of *tulak breuh*, in order not to burden the heirs, it is only 80 bamboo or 160 liters of rice that must be prepared. For convenience, the heirs usually prepare nine sacks of 9.5 bamboo, which is equivalent to 15 kg. At that point, the organizer team will be divided into two groups: group A and group B. Group A will donate the rice as alms to group B. Then, group B will give back and do the same to group A. This activity is done repeatedly up to 180 times for *fidyah* of prayers. Moreover, another 15 times of shoving for *fidyah* of fasting, while the oath is handed over directly by the team leader to the *jamaah*.

From this method of calculating the amount of rice, it can be seen how this *fidyah* is mathematized in such a way. It is estimating nominally the age of a person's piety and calculating the amount of rice that should be provided to pay the *fidyah*. Then, it is simplified again by means of the implementation is based on *hilah* (looking for the ways to get to the destination) so that the heirs do not feel burdened.

## 2. The Implementation of the *Tulak Breuh* Tradition

As mentioned above, the actual implementation of *fidyah* of prayer which is the giving of rice is done directly to the poor in the village of the dead. The amount of rice that must be paid for is as much as the number of prayers he/she missed. However, considering that such an amount would burden the heirs, in the practice of the *tulak breuh* tradition, a method was made by forming a special group for the payments of *fidyah*. In this essence,

the rice that must be prepared by the heirs is only for one month. In total, it is 80 bamboo with details of 60 bamboo for *fidyah* of prayer, 15 bamboo for *fidyah* of fasting, and 5 bamboo for oath *kifarat* (fine for breaking certain laws or religious rules). Subsequently, in the implementation process, the rice is handed over between two groups sitting and facing each other.

In the terminology of *Ushul Fiqh*, this form of implementation is called *hillah* or *ihtiyal*, which literally means finding a way to achieve the desired goal.<sup>25</sup> In this context, Ibn Taymiyya said that *hilah* and *ihtiyal* are clever ways to get to a good or bad goal.<sup>26</sup> So that, in relation to the implementation of the *tulak breuh* tradition, the amount of rice that should be given is as much as the year for which prayers are paid for the *fidyah*. In other words, the use of *hillah* is to try or make the amount of rice in paying *fidyah* become more in its payment practice but literally little rice is provided. Thus, the transfer of rice was made a few times from the first and second groups alternately. This is done considering that the transfer of rights in Islam is considered valid if it is carried out in a state of mutual pleasure and fulfills the conditions of the covenant.

To clarify the sequences of the implementation of this *tulak breuh* tradition, it can be traced in the following steps:<sup>27</sup>

- a. When the *fidyah* organizer team visited the funeral home, the amount of rice had already placed on a tray or *situek* (betel nut leaf) which was placed in a row for twelve people or fourteen people including the team leader. Then, the heirs said the *lafaz qabalah* (handover sentence) of rice to the team leader with the *lafaz*: "I on behalf of the heirs so and so bin so and so handed over this much rice (mentioned the amount) to be paid as *fidyah* for the deceased." Thus, there has been a transfer sentence which changed the ownership of the rice that previously belonged to the heirs to the team leader.
- b. Afterward, the jamaah is divided into two groups. They sit across from each other and from each group there is a person acting as a spokesperson who represents part of his group. In front of the two groups, the amount of rice that had been handed over by the heirs earlier was placed. Usually, the rice is put in a place that is easy and convenient to move such as a tray or areca nut leaf as a symbol of the

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<sup>25</sup> Ibrahim Unais, et. al., *Al-Mu'jam al-Wasith*, Cairo: Darul Ma'rifah, 1997, p. 311

<sup>26</sup> Taqyuddin Ibnu Taimiyah, *Al-Fatawa al-Kubra*, Juz 6, Beirut: Dar al-Kutub al-Ilmiyah, t.th. p. 17-18.

<sup>27</sup> This series of implementations of the *tulak breuh* tradition is excerpted from an interview with Teungku Abdul Wahab, Chief Executive of *Fidyah* of Prayer, August 11 2018. Interview with Teungku Usman, Member of Implementing *Fidyah* Salat in Aceh Besar, January 28, 2021.

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transfer of ownership rights between the two groups that have been distributed.

- c. Furthermore, the team leader will provide a brief briefing regarding the *fidyah* of prayer, explain its law status, and explain the procedures of its implementation that are considered valid according to sharia. After that, the team leader led the implementation of the *tulak breuh* tradition and started the ritual by saying "all congregations, as we have witnessed that I have just been given a certain amount of rice. So that we can share alms *fidyah* for the deceased so-and-so *bin* so-and-so because during his lifetime, he has missed prayer and fasting. For that, I give this rice to the congregation." Then the congregation on the other side answered "*Alhamdulillah* (praise be to God), we have received it."
- d. Afterward, the team leader or spokesperson who had just received the delivery of rice handed it back to the team leader who gave it first by saying: "I hand over the *fidyah* for the so-and-so prayer *bin* so-and-so who left the prayer for a month, I give it back to the *Teungku*." Thus, the two teams accepted and handed over to each other, with a count of once the transfer of ownership rights will be paid *fidyah* for one month of prayer that has been left by the deceased.
- e. After the process of completing the *fidyah* of prayer was finished, it is continued with the payment of the *fidyah* of fasting. It was actually done in the same way with only the words of prayer are replaced with the word fasting. After it was finished, it was continued with the giving of *kafarat* which was directly given by the team leader to the congregation with the *lafaz* "I hand over this rice to the congregation as a *kifarat* of oath of the deceased and I leave it to the all congregation". Afterward, the congregation replied, "*Alhamdulillah*, we have accepted it."
- f. The sequences of *tulak breuh* or *fidyah* of prayer traditions are closed by reading the *shamadiyah* prayer (supplication), sending prayers to the deceased to receive forgiveness from Allah the Almighty.

Accordingly, those sequences of the implementation of *tulak breuh* tradition as an *ijtihad* in the provision of *fidyah* of prayer are still practiced by some Acehnese to this day. This tradition develops in certain communities so that it does not reflect the overall Acehnese society. The implementation of this *tulak breuh* tradition generally grows in a society that is dominantly influenced by the pattern of traditional Islamic understanding. Meanwhile, in a modernist Islamic-educated society, this *tulak breuh* tradition is rarely found.

### The Implications of Theological Beliefs from the Tradition of *Tulak Breuh*

The tradition of *tulak breuh* is developed in the form of *ijtihad* in an effort to atone the sins for people who missed the prayer during their life. The problem of missing prayer in theological studies is included in the discussion of the subject of major sins.<sup>28</sup> Thus, the *tulak breuh* tradition as the implementation of the *fidyah* of prayer virtually intersects with theological studies. In other words, the *tulak breuh* tradition as an *ijtihad* of the payment for prayer touches the problem of belief in viewing the status of prayer itself. In theological studies, prayer is understood as the major worship. It is the embodiment of *tauhid uluhiyyah* as a form of belief in one Supreme God, Allah the Almighty, with the servant's deeds in order to communicate with his Creator.<sup>29</sup>

The implementation of the *tulak breuh* ritual is an effort that intends to seek *hilah* as a ransom for the prayers missed by the deceased. It is actually intended to free the deceased from the threat of sin because they have neglected a prayer. However, if we take a closer look at the *tulak breuh* tradition, it has the potential to raise some negative implications theologically. In practice, the implementation of the *tulak breuh* tradition is full of *hilah*, which is intended as an ingenious way to achieve goals.<sup>30</sup> This can be seen from the amount of rice provided only for one month of *fidyah* of prayer but at the same time, that same amount of rice is used for the number of years the corpse left the prayer. With the reason for this *hilah*, the limited rice was transferred repeatedly so that a sufficient amount of rice that actually had to be prepared was finally fulfilled.

As stated above, the practice with a tendency to seek relief with the excuse of *hilah* has implications for worship as if it were manipulative in practice. Theologically, this implication is not beneficial especially in relation to prayer as one of the pillars of Islam. Islam is a religion that teaches about the need for honesty in behavior and strongly opposes manipulation. The implementation of the *tulak breuh* tradition suggests that religious teachings seem to give a legitimacy to manipulation behavior in worship.<sup>31</sup> This fact seems to give an illustration that the worship between the servant and the Creator can be manipulated. It can be seen through the practice of paying the

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<sup>28</sup> Imam Muhammad Abu Zahrah, *Aliran Politik dan Aqidah dalam Islam*, terj. Abdurrahman Dahlan, Jakarta; Logos, 1996, p. 143.

<sup>29</sup> Shalih bin Fauzan Al-Fauzan, *Kitab Tauhid*, Translated. Syahirul Alim al-Adib, Solo: Ummul Qura, 2012, p. 39.

<sup>30</sup> Taqyuddin Ibnu Taimiyah, *Al-Fatawa al-Kubra*, Juz 6, Beirut: Dar al-Kutub al-Ilmiyah, t.th., p. 17-18.

<sup>31</sup> Interview with Yusny Saby, Professor of UIN Ar-Raniry, Banda Aceh, 20 November 2017.

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limited amount of rice which is then given repeatedly so that it reaches the amount needed to make up for the years of missed prayers. This theological implication is certainly not good in building a sanctified relationship with God.

The implementation of this *tulak breuh* tradition practiced by some people in Aceh Besar is believed to be an attempt by the heirs to replace the missed prayers of the deceased performed by their family members. This statement was expressed by Teungku Usman, an implementer of the *tulak breuh* tradition in Aceh Besar who said that we carry out this *fidyah* of prayer as a tribute to our brothers and sisters who have died. We believe that all people who passed away have left their prayers during their lives. Thus, this worship is a form of *ikhtiar* (endeavor) that may Allah the Almighty forgive the sins of those who have left prayer and fasting during their lives. In this implementation, we refer to the practice of Imam al-Subki who has done *qadha* and *fidyah* of prayers for his relatives who have died. However, of course, this practice depends on the individual heirs and it is not binding.<sup>32</sup>

The statement above illustrates that the practice of the *tulak breuh* tradition is based on the practice of an ulama, namely Imam al-Subki who carries out individually that practice for his family. He did not directly preach it to be followed by others. Whereas, in Islam, all teachings are open to be preached to all Muslims without exception. Therefore, if it is said that the *fidyah* of prayer is only an individual practice that is not binding, this is contrary to Islamic teaching's open and general character.<sup>33</sup>

The implementation of the *fidyah* of prayer becomes the *khilafiyah* (opinion differences) of the ulama madhab. The majority of the ulama of the Maliki, Hanbali, and Shafi'i madhab believe that there is no ransom for the missed prayers except to *qadha* the prayer itself by the person who left it. It is only the Hanafi madhab and some of the Shafi'i ulama who allow the *fidyah* of prayer. Meanwhile, in the *tulak breuh* tradition, it is assumed that the *fidyah* for the prayers of the deceased can be fulfilled. This raises the assumption and even the belief that prayer is not a major obligation for a Muslim. Furthermore, this generates a permissive attitude (neglect) towards the obligation to pray as one of the pillars of Islam. Of course, neglecting this prayer is a heavy theological implication. In Islam, leaving prayer is considered a severe offense or sin and will even change the status of a Muslim to become a *kafir* (infidels).

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<sup>32</sup>Interview with Teungku Muhammad Yakub, Implementing Member of *Fidyah* of Prayer, Aceh Besar, September 23, 2018.

<sup>33</sup>Interview with Fauzi Saleh, Lecturer of the Faculty of Ushuluddin and Philosophy, UIN Ar-Raniry, December 4, 2018.

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The *tulak breuh* tradition is carried out based on the opinion that it is permissible to *qadha* the prayers and to allow paying *fidyah*. It is the opinion of ulama as a solution for a person who dies with a number of prayers left that have not been replaced. If it is not given a good understanding and education, this tradition can create an assumption for people who are still alive to be lazy to pray or waste the prayers. Whereas, Allah strictly forbids humans from leaving prayer as stated in the Qur'an, Surah Mayam verse 59.

Giving the *fidyah* of prayers for people who have died is just hoping that Allah will give forgiveness to the corpse with His generosity. However, if giving *fidyah* with the belief that it will cover the missed prayers in the world, this understanding is theologically fallacious. Moreover, it is also wrong if there is a belief that it is acceptable for us to leave prayer as long as at the time of death the prayer will be replaced with *fidyah* in the form of staple food. This belief in the Islamic theological system resembles the belief of the extreme *Murjiah* sect which is very permissive with Islamic worship practice.<sup>34</sup> Whereas, all practices that have the potential to generate a permissive attitude towards Islamic teachings actually need to be considered in order to be practiced.

## Conclusion

The tradition of *tulak breuh* tradition is a practice of Islamic law which is still practiced by some Muslims in Aceh Besar. It is intended as a substitute or *fidyah* for the missed prayers of people who have died. This tradition, of course, must be understood as a result of *ijtihad* which raises pros and cons in society. This tradition is carried out on the basis of respect and efforts made by the heir to a family member who died. However, in practice, this tradition is found that it tries to give relief to the heirs. Especially, regarding the amount of rice that must be provided, which is less than it should be. The tradition of *tulak breuh* in *fiqh* discourse of *fidyah* prayer for people who have died is still *khilafiah* among the ulama madhab. The opinions that allow *fidyah* of prayer are only well-known among the Hanafis and some Syafi'iyah ulama such as Imam Nawawi, al-Baghwi and al-Malibari. Meanwhile, in the Maliki, Hanbali and Shafi'i madhab (*mu'tamad* or strong), they do not allow *fidyah* of prayers for people who died. This difference of opinion is certainly something in common. Those who claim that there is a *fidyah* obligation are based on the *qiyas* of the existence of *fidyah* for people who leave fasting and the fact that in the reality, everyone must have left their prayers during his life. Meanwhile, those who claim that there is no *fidyah* for the deceased based on the

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<sup>34</sup>Harun Nasution, *Teologi Islam: Aliran-Aliran Sejarah Analisa Perbandingan*, Jakarta: IU Press, 1986, p. 28.

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understanding of the strict prohibition against missing the prayer. Moreover, it also shows that it is impermissible for a Muslim to leave the prayer.

This *tulak breuh* tradition not only touch the side of practical practice but also touches on the issue of *aqidah* or Islamic theology. This is because prayer occupies an important position as one of the pillars of Islam. Prayer is theologically the embodiment of monotheism *uluhiyyah*, a symbol of the servant's devotion to the Creator. Prayer is also the main characteristic for a person to be called a "real" Muslim and leaving the prayer can lead to disbelief. Thus, the *tulak breuh* tradition considered a substitute for prayer will imply to the emergence of a belief that leaving a prayer is not something wrongly done by a Muslim because it can be replaced by the heir when someone dies. In other words, it will lead to the emergence of a permissive attitude towards the prayer and the process of implementing the *tulak breuh* tradition is also full of *hilah*, which seems manipulative.

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