

## Marriage Mahar to Minimize the Low Rate of Marriage in Aceh Pidie, Indonesia

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## *Marriage Mahar to Minimize the low Rate of Marriage in Aceh Pidie, Indonesia*

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### **Abstract**

Marriage is a ceremony to worship God, God's covenant to uphold the law, in order to build household *sakinah* (peaceful), *mawaddah* (hope) and *wa-rahmah* (full of love). Marriage can avoid someone from disobedience and prevent people from not comply with customary law. Usually, when a person wants to carry out an intention to get married, they often hit by costs to be incurred, in the form of higher provisions outlined in *mahar* (the property given by the groom to the bride at the time of marriage). This phenomenon is also widespread in Aceh Pidie regency in Aceh Province, one of Indonesia provinces. The value of *mahar* in Aceh Pidie occupies the number two expensive in Indonesia after Sulawesi, one of Indonesia Province. *Mahar* in Aceh Pidie is attributed to gold measured in *mayam*. Mayam itself is referring to a kind of gold dosage prevailing in the people of Aceh. If converted with grams, one Mayam is estimated to be worth about 3.33 grams. Now, the price of one mayam is close to one million eight hundred thousand rupiah. Please imagine a marriage *mahar* provisions in Aceh Pidie sets to 50-70 *mayam*. What a expensive price that should be paid by the prospective bridegroom to engaged a woman. A man should provide funds of 90 to 126 million, and it does not include premium amenities and *asoe talam* (a set of suit). This is a very urgent problem on customary rules, which can not be regarded as a fairness. This issue needs to be handled very carefully. We can examine and give contribution to handling it. Departing from the fact, this study aims to find an alternative to the concept and application of the marriage *mahar* in Aceh Pidie. *Mahar* who arbitrates 'shall', which makes the people of Aceh Pidie choose not to

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obey much and they choose to the road elope or *kawin lari*, locked horns with traditional leaders that impact disharmony cultural order within existing communities. The most severe course can also occur, such as sex outside of marriage because the delay time of the wedding, as a consequence of unmet *mahar*.

Keywords: mahar; marriage; Islamic law.

## 1. Introduction

Marriage is a sacred event in one's life. As soon as the urgency of the meaning of marriage, so everyone strives to pass by the preparation and mature attention. Marriage is one dimension of life that is very important in human life. The importance of marriage is expressed in religion, Islam. Religion in the world regulates marital problems even custom or tradition of society and state institutions. It also does not miss the applicable governing marriage in his society. It has become a common fact that the regulation of marital problems in the world does not show the lack of uniformity, the otherness is not only between one religion to another religion but also an indigenous people with indigenous community to another, from one country to another, even within a single other religion can occur differences marriage arrangement which is due to different ways of thinking because they adhere to different schools or streams. In Indonesia, for example the law of marriage can be found in the treasures of the book or figh books which is also provided for in law, namely Law of Marriage No 1 of 1974 and the Compilation of Islamic Law.

According to Islamic law in accordance with the philosophical foundations of marriage based on Pancasila, marriage is set forth in article 1 of Law 1 of 1974 by linking the first principle that marriage is based on God. Philosophical foundation is reinforced in Article 2 KHI (Compilation of Islamic Law) which contains: 1. Marriage is solely to obey God's command. 2. Implementation of marriage is worship. 3. Marriage is bond solid. Qur'an, Yunus, 1979: 176).

In the philosophical foundation, it is summarized in an integrated manner between creed and worship. Marriage is a sacred rite that became a meeting place for two people who love each other, without any more limitations that hinder each other (Soelaeman, 1994). In spite of, many people or parties are currently trying to take advantage of these rituals just to gain an advantage, either material or just to get sexual satisfaction only, or also for other reasons. Addressing the religious requirements and the state of marriage, hinting to people that marriage is obligatory for those who have fulfilled the requirements. The main requirements of the first and certainly the person's

age. Couples who have had the age and maturity of the remaining provisions shall be married.

According to Islamic law about the marriageable age, it is emitted as age limit. It often occurs along with the emergence of cases into the media spotlight in various areas, such as weddings committed against minors. The problem is how does the limits age of marriage in law of Indonesia? To answer the question of course we need to refer to the legislative provisions relating to the issue.

In Act No. 1 of 1974 on Marriage Chapter 2 Article 7, paragraph 1 shall read 'Marriage is only permitted if the man has reached the age of 19 years (nineteen) years and the woman has reached the age of 16 (sixteen) years.' Furthermore, in the Minister of Religion 11 of 2007 Regarding Registration of Marriages Chapter IV, Article 8 'If a candidate is not attained the age of 19 (nineteen) years and a candidate's wife has not yet reached the age of 16 (sixteen) years, should be granted a dispensation from the court' (Marriage Law No. 1 th 1974).

The articles above is very clear that there is hardly an alternative interpretation, that age is allowed to get married in Indonesia for men 19 (nineteen) years and for women 16 (sixteen) years. But it is not enough, the level of implementation is still no requirement that must be taken by the bride and groom, that is, if the prospective husband and the candidate's wife has not reached the age of 21 (twenty one) years then there must take permission from their parents or guardian of marriage. It is in accordance with the Regulation of the Minister of Religious Affairs 11 of 2007 on Registration of marriage Chapter IV, article 7, 'If a bride has not yet reached the age of 21 (twenty one) years, he/she obtain written permission of both parents'. This permit is mandatory, because of age is seen still require the guidance and supervision of a parent/guardian. Another case, if both brides and bridegroom is already more than 21 (twenty-one) years, then the bride and groom can perform marriages without consent from a parent/guardian. But for the bride is going to be a problem because the parents are *nasab* guardians well as those who would marry her. Therefore permission and blessing of parents is certainly a very important thing because it will relate to one of the pillars of marriage yakni their male guardians.

However, the limitation of age is not enough for a wedding, Wedding explicitly also require other provisions, in the form of *mahar*. It is expressly provided for in the rules of the religion and customs of *mahar* as a mandatory provision of the bridegroom to the bride as a wedding payment (Husaini, 2013). Proposition obligatory *mahar* in Islam is shown among other things in the word of Allah SWT: 'Give *mahar* to the women who marry as a gift you

with full compliance' (An-Nisa verse 4). Forms of *mabar* can be property, gold, home, jewelry, Quran, means of prayer.

*Mabar* is expressly stated as one of Shari'ah (Islamic law) in Islam. But in its development, this Shari'ah long-gradually became customary in marriage almost all regions in Indonesia. So in the end, we watches all of *mabar* given to the bride based on the groom financial ability. Sometimes *mabar* has become mandatory law without regard to the ability of the bride and groom to be implemented. It also happens in Aceh Pidie. Aceh Pidie is famous for its Islamic Shari'ah. Seeing the requirements and procedures of *mabar* in Aceh Pidie, according to researcher, it is very sharp contrast to intrinsic of *mabar* in the context of Islam. Islam said the best of the *mabar* is the lowest. In Islam, there is no minimum standard amount of *mabar* that must be given to women. Rasulullah SAW said: 'best *mabar* is the lightest'. Further, in another hadith says 'the great marriage is the least expensive *mabar*'. Rasulullah also said that the most noble woman is asking for at least *mabar* and the most noble man is that giving *mabar* a lot even though requested bit.

*Mabar* in Aceh Pidie has become a symbol of honor and prestige of the woman's family. The higher the *mabar* given by man, it will indicate the social status of women in society. So therefore everyone will race with all their power to comply their obligation in *mabar*. But not all men have the ability to fulfill it. So *mabar* becomes a very frightening for many young men in Aceh. It often happens in the marriage delay due to 'insufficient mabar'.

Value *mabar* in Aceh Pidie occupies the second value after Sulawesi. One *mayam* is equivalent to 3.3 grams of gold. A man should provide 20 to 30 *mayam* gold, to married can be continued. In other places in Indonesia, *mabar* is much cheaper compared to Aceh Pidie. Meanwhile we know the price of gold has skyrocketed on the world market. Currently the price of gold in *mayam* is equivalent to one million eight hundred thousand rupiah. Can we think about how much cost that must be man give to be married in *shari'ah*. Why do researchers say *shari'ah*, because Aceh Pidie puts the principle of religion/Islamic law/shari'ah in the formulation of their traditional order, while the religious rules on the simplification of *mabar* is not followed by the prevailing custom. It is truly contrast done by Aceh Pidie especially for marriage. Is it not sticking to religious customs? For what Islam is often symbolized as two sides of a coin that can not be separated by customary law. Is there a rule of customary law in Aceh which seeks to deny the Islamic provisions that actually majority embraced by the people of Aceh Podies? Is the Acehnese traditional leaders not afraid of the consequences of the high *mabar*? The consequences of this phenomenon causes the magnitude of the potential of doing immoral because of damage to social order. Facts about the increasing cases of adultery, pregnant out of wedlock, the increase in women

entering old age without the opportunity to marry that led to frequent defamation lesbian, cases of seclusion etc. The latest real data that researchers have found that large numbers eloped in Aceh, had no significant relationship with the rampant mating outside Islamic rules. Of the 23 districts/cities, Aceh Pidie has the highest rank in *mabar*, namely the range of 50-70 *mayam* gold (Juanda. 2013), as shown in table 1.

TABLE 1. Amount per counties and/or cities in Aceh.

1	Regency/City	Center of Government	Sub district	Village (or equivalent)	Amount of Mahbar (mayam)
1	Aceh Barat	Meulaboh	12	321	20-30
2	Aceh Barat Daya	Blangpidie	9	132	20-30
3	Aceh Besar	Kota Jantho	23	592	20-30
4	Aceh Jaya	Calang	6	172	20-30
5	Aceh Selatan	Tapak Tuan	16	369	20-30
6	Aceh Singkil	Singkil	10	127	20-30
7	Aceh Tamiang	Karang Baru	12	128	20-30
8	Aceh Tengah	Takengon	14	268	15-20
9	Aceh Tenggara	Kutacane	11	164	15-20
10	Aceh Timur	Idi Rayeuk	21	580	20-30
11	Aceh Utara	Lhoksukon	27	1.160	20-30
12	Bener Meriah	Simp. Tiga Redelong	7	232	30-40
13	Bireuen	Bireuen	17	514	20-30
14	Gayo Lues	Blang Kejeren	11	97	20-30
15	Nagan Raya	Suka Makmue	5	213	20-30
16	Pidie	Sigli	22	946	50-70
17	Pidie Jaya	Meureudu	8	215	20-30
18	Simeulue	Sinabang	8	135	20-30
19	Aceh	-	9	80	20-30
20	Langsa	-	5	52	20-30
21	Lhokseumawe	-	4	67	20-30
22	Sabang	-	2	18	20-30
23	Subulussalam	-	5	74	20-30
	Jumlah		264	6.656	

Source: Statistical data in Banda Aceh

From the table above, the research discovers a new thinking, that Aceh Pidie is an area that has the highest *mabar* bids in Aceh Province. From one resident in Pidie, Ahmad, which researcher met at the time of pre-survey said: *ka ditbee sabob t're* (it is known) that *mabar* in Aceh Pidie is most expensive 50-70 *mayam*. It is a reality that is interesting and according to the researcher can

not be taken lightly, with no alternative solution. According to investigators, it should be given a meeting point between the traditional concept of thought and religion.

The study will include an exciting breakthrough with the existence of a *mabar* marriage in Aceh Pidie as an effort to minimize the low number of marriages at age couple established. (Draft Concept Mahar: A Revitalization Shari'a and Customary Law). To answer this case, there are some problem formulation proposed: 1) How is the phenomenon of couple of marriageable age as a benchmark which gives the impact of high *mabar* in Aceh? 2) What is the impact that can be caused by the existence of high rates of *mabar* marriage in Aceh?, 3) How does the design of mahar concept that can synergy revitalization of Islamic shariah and the customary law?

With the formulation of the draft concept of *mabar*, it is expected long-term goal, the *mabar* is not a crucial problem that can delay a sacred marriage, and is a must for every person who has been deemed able to get married in Aceh. This research was conducted in Aceh Pidie. The reasons for selecting the location of this research, because Aceh Pidie assigns the number 2 highest *mabar* provisions in Indonesia, and very thick with *shari'ah customs* and religion.

## **2. Theoretical Review**

### ***2.1 Marriage in the Context of Shari'a***

Marriage in Arabic is 'marriage'. It means that there is a real sense, a figurative sense. The real meaning of marriage is 'dham' which means 'squeeze', 'crushing' or 'congregate'. Figurative meaning is the same as 'wathaa' which means 'intercourse'. Under Islamic law, marriage was essentially 'aqad' between a husband and wife to allow the two get along as husband and wife. 'Aqad' means the agreement. Because it is a wedding/marriage that is considered valid and legal impact. If there is one condition of marriage rules does not met then the marriage is not valid. Terms of validity of marriage is; the bride of men and women; the prospective bridegroom and bride must be of legal age (understanding); their free consent of the prospective bridegroom and the bride, that there is no compulsion of any; the woman who was about to be married by a man not including the one kind of woman who are forbidden to marry (Ramulyo, 1995). Pillars of marriage is; the parties will enter into marriage (male and female); of guardians; two witnesses; consent and *Kabul* (declaring a holly promise), (Al-Hamdani, 1989). After all the conditions above are met, as a personal who is getting married, it is appropriate that the male urges to marriage. Therefore,



postponement of marriage can affect human that is not suitable of religious norms. And this is the most feared things in Islam.

## **2.2 Age Limit Rules Marriage in Islam**

Compilation of Islamic Law clearly specify age limits could be a requirement in marriage, namely: Part Two Prospective Bride of Article 15 (1) and (2):

- a. For the benefit of families and households marriage should only be carried out prospective brides who have attained the age specified in article 7 of Law No. 1 Year 1974. On marriage, the husband candidates at least 19 years old and the bride of at least 16 years old.
- b. For the bride who has not attained the age of 21 years must obtain permission as stipulated in Article 6 paragraph (2), (3), (4) and (5) of Law No. 1 Year 1974. Compilation of Islamic Law expressly determine the age of the skills a person to be married at the age of 19 years and 16 years.

## **2.3 Setting Mahar**

The term of *mabar* in the Compilation of Islamic Law, also explains that *mabar* is a gift from the groom to the bride, in terms of goods, money or services that do not conflict with Islamic law. In the science of jurisprudence, *mabr* or *mabar* has many names. Similarly, the Qur'an, *mabar* is often referred to as different, sometimes referred to *shadaq*, *niblah*, *faridhab*, or *ajrun*. In *hadith*, said *mabar* commonly called the two words, namely *shadaq*, and *mabar*. The provision of this *mabar* necessarily refers to a legal basis *mabar*.

The amount of *mabar* is not required by Islam. This is due to differences of human beings. In addition, every society has different customs. Therefore, according to the author of the magnitude of *mabar* adapted to the habits of a country in addition to the economic conditions of the bride. Regarding the amount of *mabar*, mahar jurists agree that it has no limits, whether a little or a lot. But they disagree about the limitations of the least.

Imam Shafi'i, Ahmad, Isaac, Abu Saur, and Fuqaha Madinah from among *tabi'in* said that *mabar* has no lower limit. Imam Malik and his followers say that *mabar* is at least a quarter of dinar pure gold, or silver weighing three dirhams, or could with comparable goods weight in gold and silver (Husaini, 2013).

To continue the result of this internal research, so the researcher makes the formulation. The data of Islamic law, compared by value culture would be become the first data for the marriage *mabar* concept design in Aceh Pidie.

TABLE 2. Research roadmap.

In 2012	In 2013
MAHAR CONCEPT	MAHAR CONCEPT DESIGN
	1. Data age established in Aceh
	2. The phenomenon of the number of marriages at age couple established as a benchmark the impact of high <i>mabar</i> in Aceh
	3. The impact that can be caused by the existence of high rates of <i>mabar</i> marriage in Aceh
1. Islamic Sharia	4. Management of <i>shari'ah</i> and customary law of the provisions of <i>mabar</i>
2. Conflict of cultural values and shari'a	5. Design draft concept of <i>mabar</i> by making synergy between revitalization of Islamic shari'ah and the customary law
	6. The benefits that can be applied to the cultural order by the birth of the design concept of the <i>mabar</i> by making synergy between revitalization of shari'ah and customary law

### 3. Research Methodology

The method used in this research is descriptive empirical. The reasons for selecting descriptive method is to find the real situation with the correct interpretation in a research area. This descriptive study studies the problem in the community and specific situations, including about relationships, activities, attitudes, views, as well as an ongoing process and the effects of a phenomenon (Soendari, 2013).

Therefore, this study departs from the idea to provide a breakthrough innovation in the provision of the draft concept of *mabar* in Islamic law and custom, of course this research must depart from the phenomenon of crucial issues about *mabar* in Aceh Pidie. The public perception in Aceh Pidie as custom users, their anxiety about *mabar* that the higher as well as the impact of the consequences of *mabar* that synchronized with the price of gold, which is not controllable. Questionnaires distributed to the people in Aceh Pidie to get on public perception of the phenomenon of *mabar* that is growing today. The variables of the questions in the questionnaire consists of: 1) *Mabar* type; 2) The size and content of *mabar*; 3) Benefits of *mabar* and 4) Customary provisions against *mabar*.

This research includes empirical legal research, as it strives to see the law in the real sense, or how the working of the law in society (Muhammad, 2004). After getting the descriptive results, research will generate ideas about the model of synergy *mabar* according to Islamic law and customary law and to find a breakthrough model in increasing *mabar* in Aceh Pidie through the

revitalization of Islamic Shari'a and customary law. The steps that research does for 2 years.

The average percentage is formulated:

$$\bar{x} = \sum_{i=1}^n \frac{x_i}{n} \quad (\text{Sugiyono, 2011})$$

Purposive sample used, i.e. 50 people with the criteria established age groups eligible to marry, according to the Islamic Law Compilation. As men age 19 years and women 16 years.

Analysis of the data used is mix combination, namely qualitative and quantitative. Data analysis is performed by combining two similar data thus expanded and deepened quantitative data with qualitative data is. Analysis can also be performed by comparing the two sets of data, so it can find the differences and similarities between the two groups of data (Sugiyono, 2011).

#### 4. Discussion

##### 4.1 The Marriage Data of Aceh Pidie Society

The impact that can be caused by the existence of high rates of *mahar* marriage in Aceh?

If traced and analyzed is more expensive considering the consequences do not always have a negative impact. Each culture is born first examined its effectiveness for the benefit of cultural actors. Some arguments are choosing to maintain the high *mahar* in every marriage, giving logical reasons:

- a. With high *mahar*, someone will appreciate the marriage and think twice even divorce would never do in the future.
- b. With the *mahar* that soar, the likely hood of free sex behavior among the younger generation.
- c. With the high *mahar*, people would better appreciate their culture
- d. If you do not do custom prevailing in the community, it means that you do not appreciate ancestors made.

But the rise in gold prices in the market really has been a very scary thing, especially in Aceh, particularly for men. Gold is used as the customary *mahar* provisions Aceh talks and responses often become sad when talking about gold and *mahar* in Aceh. Important to remember that talking about customs in the context of the region cannot be separated from the legal issues (religion). Moreover, when someone realized that marriage is a matter of religious refinement. Similarly, for the parents, when he understood that the shape and

the amount of *mabar* is just customary, improper appear coercion that a new child marriage can be removed if there is a man who is able to hand over tens of *mayam* gold. And keep in mind, the legal perspective in the context of Aceh refers *syar'i*, whose foundation is Al Quran and *hadith*. Unlike the case with customs, it is only a rule that lives and thrives in the community of an area, which is made by man. However, both customs have the same legal sanctions for violators. Because the people of Aceh Pidie call law-based on the word and the word, of sanctions for offenders larger than traditional sanctions. In the same perspective, because custom created by man, it is never perfect. These imperfections provide opportunities that customs can still be changed, revised/revitalization, even removed/not used anymore.

TABLE 3. Recapitulation of marriage list in 2 district in religious office in Aceh Pidie (Data 2013).

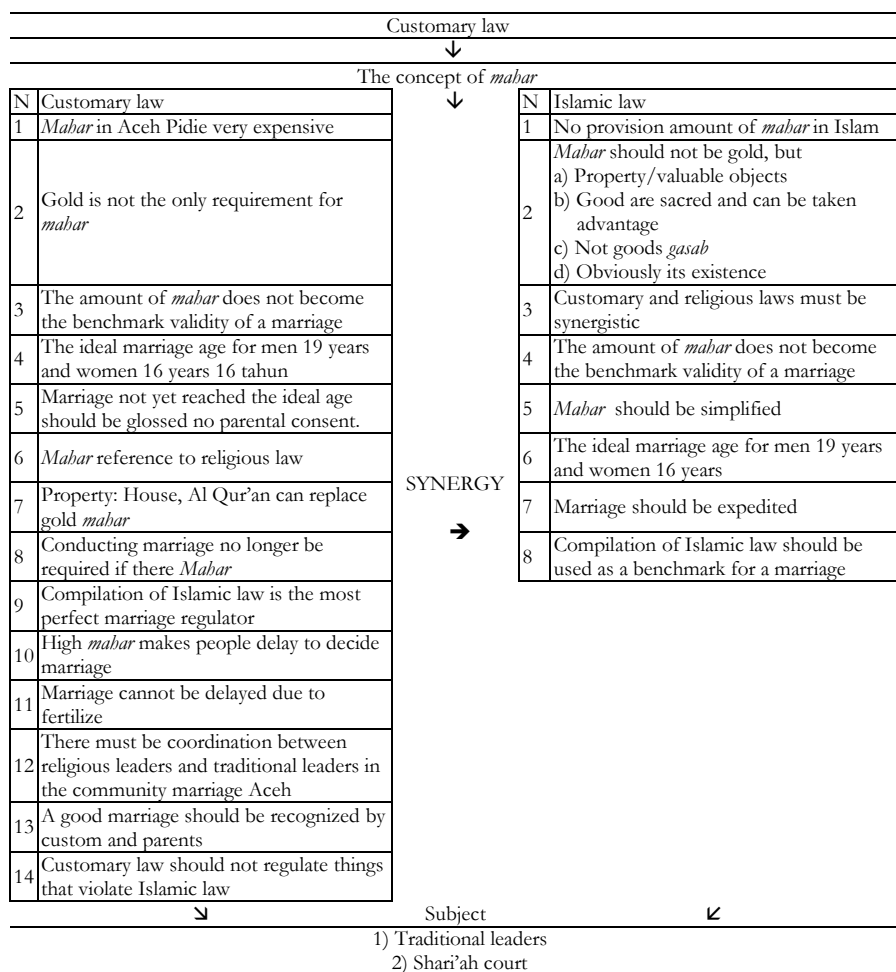
N	RELIGION OFFICE	MARRIAGE LIST												TOTAL
		Jan	Feb	Mar	April	May	June	July	Agust	Sep	Okt	Nop	Dec	
1	Mutiara	19	27	26	23	20	28	9	35	26	19	62	19	313
2	Padang Tiji	7	4	9	11	14	25	4	20	7	29	8	12	150
3	Glumbang Tiga	1	10	7	9	10	18	4	25	19	28	11	10	152
4	Simpang Tiga	14	10	8	16	10	12	7	17	18	20	24	10	166
5	Peukan Baru	14	6	9	13	15	15	5	13	3	26	14	6	139
6	Kb Tanjung	10	8	10	13	17	15	13	23	17	23	20	5	174
7	Delima	10	7	8	9	15	17	3	36	7	35	13	10	170
8	Muara tiga	13	10	13	10	25	17	5	13	19	17	19	10	171
9	Indra Jaya	11	10	13	12	13	14	8	25	9	26	20	8	169
10	Pidie	25	20	17	25	22	28	11	30	17	60	21	19	295
11	Sakti	9	12	12	12	19	14	6	21	14	32	12	52	215
12	Keumala	13	3	9	6	15	22	2	18	6	18	22	52	186
13	Mila	2	2	2	5	8	10	4	19	5	13	6	4	80
14	Tiro	6	3	1	3	9	11	3	6	2	15	7	5	71
15	Tangse	28	13	11	19	21	18	9	12	24	22	34	28	239
16	Geumpang	4	4	3	1	4	10	4	11	5	3	3		52
17	Kota Sigli	13	6	16	18	15	9	2	15	8	21	15	14	152
18	Batee	15	6	11	9	17	27	8	18	9	26	16	8	170
19	Grong-Grong	3	3	2	5	8	5	4	13	8	9	4	2	66
20	Mutiata Barat	12	12	5	9	11	11	3	33	11	40	14	12	173
21	Mane	2	2	4	6	7	11	2	9	7	9	9	6	74
22	Glumbang Baru	2	3	10	7	6	6	3	3	10	12	8	7	77
	Total	233	181	206	241	301	343	119	415	251	503	362	299	3454

Source: Religion Department in Aceh Pidie (2014)

#### 4.2 The Concept Design of Mahar that Can be Revitalization Synergy in Islamic Law and the Customary Law?

Revitalization is a process of making culture as being an important part in human life before it loses its meaning. The revitalization of local culture, should be explored, strengthened and developed in order to counteract globalization which is so heavily affecting the existence, legitimacy, and sustainability of the local culture. Revitalization actually serves to make the local culture as something very useful, useful, and function in society (Sibarani, 2004).

FIGURE 1. The design concept of mahar



According to Sibarani, there are some things that must be considered in the revitalization, among other things: 1) encourage every ethnic culture thrive

without discrimination to avoid the dominance of the majority culture, cultural hegemony of the majority, and cultural uniformity; 2) establish the township of culture (cultural village) as a forum for cultural transfer, dissemination of culture, and as a cultural tourism destination; 3) all forms of development should be based on the local culture; 4) involve the local community as a player, deciding priorities, planners, implementers, and recipient profit from cultural activities, including development activities; 5) involves 'people culture' in research, planning, and implementation of any development (Sibarani, 2004).

The research results can be formulated in the draft concept design of *mabar* revitalization of customary law and Islamic law as a matter of synergy.

## **5. Conclusion**

There is a big problem found in Aceh Pidie, one of the provinces in Aceh Island in Indonesia regarding about *mabar* (the property given by the groom to the bride at the time of marriage). When the man would like to marry his girlfriend or a certain girl, the man should prepare the expansive *mabar* at the time of marriage. But this sacred willingness is destroyed by the highest *mabar* which should be prepared by man to marry woman while the economy problem has not finished till now. People in Aceh Pidie live in poverty and we can find many low class families. Man who can give the highest *mabar* to woman is regarded as a rich man and the woman will get a prestigious in a society. Sometimes the girls' parents also give a great influence in whether receive or reject the man becomes the husband of their daughter due to the *mabar*. Usually, the girls' parent will receive the expensive and luxurious *mabar*. The parents do not care about whether the couple love each other, sacrifice many things for their love. Because of the expensive *mabar*, many couples do not want to marry, but doing commit adultery, doing sex outside freely. It is a big sin for Islamic point of view. Indigenous Council Aceh governing customary marriage arrangements have not been able to accommodate the aspirations of the Acehnese in marital problems. The result of the questionnaires show that most Acehnese want revitalization of Islamic law in Aceh customary law. It must be done soon to solve this big problem regarding about the marriage.

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