

AN ANALYSIS OF MAQĀṢID AL-SHARĪ'AH IN THE PRACTICE OF ANGKAP MARRIAGE AMONG THE GAYO ETHNIC GROUP

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Abstract

This study aims to examine the practice of Angkap marriage in the Gayo traditional community through the Maqashid Syariah perspective, especially in safeguarding property (hifzh al-mal). Angkap marriage is a form of social adaptation that arises as a solution to the problem of the absence of sons in a family and the economic obstacles experienced by the male party in carrying out marriage, especially in terms of fulfilling the dowry or edet. This research uses a normative juridical method with a statute approach, namely by analyzing written legal norms and related maqashid sharia principles. The analysis technique used is qualitative. The results show that Angkap marriage provides a practical solution to maintaining the continuity of family property through the appointment of a son-in-law as part of his wife's family. The implication is that the husband changes his position in the inheritance system and becomes the protector of his in-laws' property. This tradition does not substantially contradict Islamic law and instead reflects the objectives of Islamic law, namely maintaining benefits, strengthening family resilience, and keeping property in a safe and reliable environment.

Keywords: Angkap Marriage, Maqashid Sharia, Hifzh al-Mal, Gayo Customary Law

Abstrak

Penelitian ini bertujuan untuk mengkaji praktik perkawinan Angkap pada masyarakat adat Gayo dalam perspektif Maqashid Syariah, khususnya pada aspek menjaga harta (hifzh al-mal). Perkawinan Angkap merupakan salah satu bentuk adaptasi sosial yang muncul sebagai solusi atas permasalahan ketiadaan anak laki-laki dalam sebuah keluarga, serta kendala ekonomi yang dialami oleh pihak laki-laki dalam melangsungkan perkawinan, terutama dalam hal pemenuhan mahar atau maskawin. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan (statute approach), yaitu dengan menganalisis norma-norma hukum tertulis dan prinsip-prinsip maqashid syariah yang terkait.

Teknik analisis yang digunakan adalah kualitatif. Hasil penelitian menunjukkan bahwa perkawinan Angkap memberikan solusi praktis dalam menjaga keberlangsungan harta keluarga melalui pengangkatan menantu sebagai bagian dari keluarga istrinya. Implikasinya, suami berubah posisinya dalam sistem pewarisan dan menjadi pelindung harta mertuanya. Tradisi ini secara substansial tidak bertentangan dengan hukum Islam dan justru mencerminkan tujuan hukum Islam, yaitu menjaga kemaslahatan, memperkuat ketahanan keluarga, dan menjaga harta dalam lingkungan yang aman dan terpercaya.

Kata kunci: Perkawinan Angkap, Maqashid Syariah, Hifzh al-Mal, Hukum Adat Gayo

INTRODUCTION

Marriage is a social and religious institution that has an important position in people's lives (Karimullah 2021) . In the context of Islam, marriage is not only a form of legal relationship between men and women, but also a form of worship that aims to create peace (sakinah), affection (mawaddah), and the continuation of offspring (rahmah) in accordance with sharia principles (Arjani et al. 2025) . Marriage is seen as a sacred bond that regulates the relationship between two people within a framework of responsibility, mutual protection, and mutual complementarity in living a household life. In addition to the spiritual aspect, marriage also contains very complex social, economic, and cultural dimensions (Prayogi and Jauhari 2021) . The process and its implementation are often influenced by local customary norms and traditions that develop in society. In some contexts, customs even determine the conditions and procedures for carrying out a marriage, which can sometimes make the process easier or more difficult, depending on the social and economic conditions of the prospective bride and groom (Fahmi 2019) .

In Islam, marriage is recommended to be carried out simply, without burdening any party. This shows a balance between religious values and the social reality of society (Hidayat and Ramadhani 2019) . Therefore, the existence of various forms of marriage practices in society needs to be studied and understood within the framework of Islamic law so that it remains in line with the maqashid sharia, namely maintaining religion, soul, mind, descendants, and property.

However, in socio-cultural reality, forms of marriage are not always uniform. Various local traditions provide a distinctive character to the

implementation of marriage, including the tradition of Angkap marriage known in the Gayo ethnic community in Aceh. Angkap marriage in Gayo customs is a practice in which a man is "adopted" into a woman's family and plays a role as part of the wife's family, even in some cases recognized as a child by the woman's parents. This phenomenon generally occurs when the woman's family does not have a son and wants to maintain the lineage, family name, and inheritance. This practice deviates from the dominant patrilineal kinship structure in Gayo society, but is preserved because it is considered capable of maintaining family continuity.

From a sharia perspective, every tradition, policy, or social practice that develops in society needs to be examined based on its suitability with the main objectives of Islamic law, known as Maqashid Syariah. Maqashid Syariah is the main foundation in establishing Islamic law which aims to realize the welfare of humanity and prevent damage to life (Pertiwi and Heriaingrum 2024) . There are five main elements in Maqashid Syariah which are the benchmarks in assessing whether an act or provision is in line with Islamic values. First, safeguarding religion (hifzh al-din), which includes efforts to protect Islamic beliefs and teachings from deviation and ensuring freedom of worship for Muslims. Second, safeguarding the soul (hifzh al-nafs), which emphasizes the importance of protecting human life and safety, including guaranteeing the right to a decent and safe life. Third, the protection of reason (hifzh al - 'aql), which reflects respect for human reason as a means of thinking and understanding religious teachings, as well as encouraging the achievement of knowledge and prohibition of things that damage reason such as alcohol or narcotics. Fourth, the protection of descendants (hifzh al-nasl), which regulates the importance of maintaining honor and lineage through legal marriage, preventing adultery, and ensuring the continuity of educated and dignified generations. Fifth, the protection of property (hifzh al-mal), which pays great attention to the ownership and distribution of property fairly (Farhana 2024) . Through these five main pillars, Islamic law is not only normative, but also very responsive to the social conditions of society. Therefore, every form of custom or habit that lives in society must be studied and understood to what extent it is able to support or contradict the applicable regulations (Maskuroh 2013:1) . Therefore, it is important to examine how the practice of this

split marriage is viewed within the framework of maqashid sharia, whether it is able to fulfill the noble goals of Islamic law or whether it has the potential to cause violations of these principles.

This study aims to provide a comprehensive understanding of the practice of Angkap marriage in Gayo customs and to assess the extent to which this tradition is in accordance with the values and main objectives of Islamic law. With this approach, it is hoped that a meeting point can be found between local wisdom and universal sharia principles.

RESEARCH METHODS

This study uses a normative juridical method, which is a legal research method that is based on the analysis of written legal norms, both in the form of laws and regulations and Islamic sharia rules (Efendi and Rijadi 2022:124) . The approach used in this study is the statute approach, namely by examining relevant regulations, such as the Compilation of Islamic Law (KHI), Law Number 1 of 1974 concerning Marriage, and sources of Islamic law that discuss maqashid sharia. The data analysis technique is carried out qualitatively, namely by interpreting data obtained from legal sources and related literature to describe and assess the practice of angkap marriage in Gayo society. The main focus of the analysis is directed at how the practice is in line with the principle of hifzh al-mal (protection of property) in maqashid sharia, and how local customs are able to provide solutions to economic obstacles in marriage, without going beyond the corridor of Islamic law.

DISCUSSION/RESULTS AND DISCUSSION

A. Understanding of Gayo Tribe's Angkap Marriage

Marriage with the status of angkap in Gayo society has similarities with the japuik system known in Minangkabau customs. The emergence of this practice is based on the factor of need or demands of circumstances (Coubat 1984:26) . One common example is when a husband and wife do not have a son. To maintain the continuity of the family lineage and inheritance, the couple will look for a man as a life partner for their daughter through the angkap marriage pattern.

In practice, the man who becomes the husband of the girl comes from a different tribe. However, because his marriage has the status of angkap, he will

leave his original tribe and enter his wife's tribe. Children born from this marriage will also follow their mother's tribe. In fact, the husband will use the clan or kinship identity of the wife (Pramita 2023:34) . In general, native Gayo men rarely marry with the status of *angkap*, unless they come from economically disadvantaged families, so they are unable to fulfill customary demands (*edet*), such as *unyuk*, *pemera*, *teniron*, and so on. On the other hand, men who marry with the status of *angkap* generally come from outside the Gayo area, such as from the Malay, Arab, Acehnese, Batak, and Chinese tribes, or those who have been *temuluk* (people who are accommodated or become part of the Gayo family). However, the process of appointing men from outside the tribe is not done carelessly. The parents of the woman must first investigate the background of the prospective son-in-law, especially regarding his behavior, honesty, religion, and level of loyalty. This is important because later the man will be trusted to hold and continue the responsibility for the family's inheritance.

Based on the previous description, it can be concluded that a marriage with a single status is a form of taking a man, either single or widowed, through a marriage bond, and then legalized and treated like a biological child by the woman's family before the divorce occurs (Simahara, Afrizal, and Aksa 2021) .

B. Types of Angkap Marriage

In Gayo tradition, the status of *angkap* marriage is classified into four main forms, namely *angkap nasab* marriage, namely the adoption of a son-in-law as a biological child through a marriage bond; *angkap duduk edet* marriage, which emphasizes the acceptance of the husband into the customary structure of the wife's family; *angkap sentaran* marriage, namely a form of marriage carried out on the basis of replacing or complementing family members; and *angkap janji* marriage, which is carried out based on a previous agreement or agreement between the two families.

1. Marriage of Lineages

Angkap nasab marriage is a form of adoption that is annexation or merging. In this case, a man is adopted as a child by the woman's family through marriage to their daughter (Apriliana and Zahrani 2024) . This practice is generally applied to men who come from outside the Gayo tribe, who happen to live or earn a living in the Gayo area. This adoption is carried

out if the man shows good behavior, has polite speech, is Muslim, and is known to be honest. After being married, he is traditionally considered a biological child of his wife's family.

This Angkap Nasab marriage is the opposite of a Juelen or Ango marriage. In a Juelen marriage, the wife leaves her traditional house environment and enters her husband's traditional house. (Coubat 1984:20) . On the other hand, in an angkap nasab marriage, the husband who comes from outside actually enters the environment of his wife's traditional house. He also gets the same position as other men from his wife's side (tribe) according to customary law. Thus, the husband must be a loyal citizen to his wife's side in particular, and to the Gayo community in general. The ratification of this status is carried out by traditional figures, such as Pengulu or Reje. In this ratification process, the mother-in-law of the woman's side is required to pay a certain amount of money as a ratifier, namely 5-10 ringgit, to the Pengulu or Reje as a sign that the male immigrant has been accepted as a member of his wife's side, and that status also applies to his descendants in the future.

In the implementation of marriage with the status of angkap nasab, the prospective husband is not burdened with customary demands such as unyuk, pemera, teniron, and so on, as is common in marriage with the status of juelen. He is only required to provide a dowry (dowry) of one ringgit. Generally, parents who do not have sons choose the path of marriage with the status of angkap nasab. In addition to obtaining a son, they also want their daughters to remain by their side after marriage. A husband who enters into his wife's family through an angkap nasab marriage is obliged to care for and look after his in-laws as if they were his biological children. In the Gayo language, men like this are called by the expression: "Kin penurip murip, kin penanom mate", which means "like a child who is the mainstay of life and a place of burial when he dies."

If a King (traditional figure or noble) has a daughter, then he will try to have her marry in an angkap marriage status, not a juelen. This is related to social prestige and honor in the eyes of the community. If a King marries his daughter with a juelen status, it is considered to lower his status, as if he is

unable to maintain or feed his child. However, if the person who proposes to the King's daughter is a man from an equal noble lineage, then the *juelen* marriage status can be accepted. On the other hand, a son from the King's circle is never made a *kile* (son-in-law who enters the wife's side) in an *angkap* marriage status, even though the party who proposes comes from an equal noble lineage (King). This is because the son is generally prepared to replace his father's position as a leader or traditional figure, so it is impossible for him to leave his side and position in his own lineage.

2. Edet's Sitting Up Wedding

Angkap duduk edet marriage is basically a form of marriage with *juelen* or *ango* status, where the wife enters the husband's family environment. However, because the husband has not been able to pay customary obligations (*edet*) - such as *unyuk* , *pemera* , *teniron* , and others - while the marriage cannot be postponed, the husband is required to live in his in-laws' house as a form of temporary responsibility until the customary obligations are fulfilled (Chalid and Kasbi 2021) .

While living in the in-laws' house, the husband is obliged to provide good service and respect to all members of his wife's family. The process of the husband's stay in *the angkap duduk edet system* often lasts for a long time, even years, depending on the husband's ability to pay the *edet*. During this period, the husband is not allowed to bring his wife to live in the environment of her original family. This is a form of customary control so that the *edet* obligation is not ignored. However, in practice, the *edet* payment period does not have a definite time limit. As a result, it is not uncommon for the *edet* to be forgotten and never paid, either by the husband or his family. In a situation like this, the marital status which was initially *juelen* or *angkap duduk edet* changes permanently to an *angkap nasab* marriage, and the husband ends up using the clan or kinship identity of his wife.

3. Marriage of the Sentaran Angkap

Angkap sentaran marriage is generally carried out by parents who only have a single daughter. In practice, this status is still classified as a form of *angkap* because the husband has not paid the *edet* (customary obligations such as *unyuk*, *pemera*, *teniron*, and so on). If the *edet* has been paid in full, then

the marital status is no longer considered *angkap*, but changes to a *juelen* marriage. In the *angkap sentaran* system, the wife's parents want their son-in-law (called *kile*) to stay with them as long as they are alive (Fadhilka 2024:39). This is because they do not have sons who can care for and accompany them in old age. Thus, it is hoped that the husband of their daughter can be a figure who cares for and looks after them until the end of their lives. After both of the wife's parents have died, then the *kile* is allowed to return with his wife to the neighborhood or their original family. However, the time of a person's death cannot be ascertained. Often, the wife's parents live to old age, so this process of living together takes a very long time. In such conditions, sometimes *kile*—with various considerations—chooses to pay off the *edet* so that his marital status changes to *juelen*, and he can bring his wife and children back to their original environment. It should be noted that in Gayo society, the term "*angkap*" is sometimes considered to have a less honorable connotation, especially for men from prominent or noble backgrounds. However, if the reasons from the in-laws are considered strong and socially acceptable, then the status of *angkap sentaran* can still be carried out according to the mutual agreement that has been made from the beginning.

4. Marriage of the Promise

Angkap janji marriage is basically a form of *juelen* or *ango* marriage, because part of the customary obligations (*edet*) have been paid, but have not been fully paid. As long as the remaining *edet* has not been fully paid, the husband (*kile*) must continue to live with his in-laws according to the agreement or contract that has been previously determined. The settlement agreement includes a time limit that has been agreed upon by both parties. If the customary obligations have been fully completed, then the *kile* together with his wife and children have the right to leave his in-laws' house and return to their original environment.

The last three forms of *angkap* status, namely *angkap duduk edet*, *angkap sentaran*, and *angkap janji*, are specifically applicable to the indigenous Gayo people. Meanwhile, for men from immigrant tribes outside Gayo, such as Arabs, Chinese, Malays, and others, only the *angkap nasab*

status applies (Coubat 1984:30) . This is due to concerns that they may leave their children and wives, considering that their origins and hometowns are not always known for certain by the Gayo people. In practice, men who are married with angkap status generally come from the Acehnese tribe. Because many Acehnese people marry through angkap status, the term "angkap" among the Gayo people is often equated with the term "Aceh" (in Gayo pronunciation: acih). This term is often used as a form of satire, especially against men who marry through angkap nasab status. For example, an expression in the Gayo language such as "Gere ku acihen anakku" means "I will not marry off my son through the status of nasab marriage .

C. Review of Maqashid Syariah on Gayo Tribe's Single Marriage

Angkap marriage in the Gayo traditional society is a form of social adaptation that arises from the need for family and offspring continuity, especially for families that do not have sons. This practice is divided into four types: Angkap nasab marriage, Angkap duduk edet, Angkap sentaran, and Angkap janji, each of which has its own customary rules.

Within the framework of Maqashid Syariah, one of the main objectives of sharia is hifz al-mal (protecting wealth), namely ensuring that individual and community wealth is managed fairly, not wasted, and does not cause difficulties and harm (Arifa, Usqho, and Dinul 2023) . In this context, the practice of angkap marriage in the Gayo indigenous community can be seen as a real manifestation of efforts to protect wealth, both in terms of facilitating marriage and in terms of the sustainability of the family's economy. Angkap marriage is present as an alternative for men who experience economic limitations, especially in fulfilling customary requirements that require various forms of expenditure, such as mahar (dowry), unyuk, pemera, teniron, and other obligations that are common in the Gayo customary structure. These costs are often a barrier for men to carry out customary marriages, especially for those who come from low economic backgrounds. Thus, through the status of angkap, men are no longer burdened with heavy customary obligations. In some forms of angkap, it is even sufficient to just give a dowry of one ringgit, without having to fulfill other customary demands.

This is in line with the basic principles of maqashid sharia in maintaining property, namely providing convenience (taysir) and avoiding waste or disproportionate economic hardship (raf' al-haraj). With the angkap system, marriage can still be carried out, human biological and social needs are maintained, and individuals are free from economic pressures that can trigger adultery, family conflict, or even social disunity. On the other hand, the status of angkap also has implications for the transfer of economic rights and responsibilities. Men who marry with the status of angkap not only move to their wife's house, but also change their kinship status: they become part of their wife's side, use her surname, and ultimately lose their inheritance rights from their biological family. In return, he gains access to inheritance from his wife, in accordance with the Gayo customary structure that legitimizes the status of angkap as part of the family in full. This is a form of transfer of economic responsibility that is legitimate and agreed upon by custom, as long as it does not violate the principle of justice in sharia. Thus, from the perspective of maqashid sharia, a single marriage can be assessed as a form of protection for assets—both in the sense of avoiding excessive economic burdens at the beginning of the marriage, and in guaranteeing economic rights after marriage through the transfer of inheritance rights and family responsibilities according to custom.

CONCLUSION

Angkap marriage in the Gayo community's traditional tradition is a form of social adaptation that arises due to the demands of certain conditions, especially when a family does not have a son and wants the continuation of the lineage and protection of the family's inheritance. There are four main forms of angkap marriage status, namely angkap nasab, angkap duduk edet, angkap sentaran, and angkap janji. Each of these forms has its own characteristics, but in general it shows that in the Gayo social system, the position of a man who marries a woman under certain conditions will change kinship status and be separated from his own family's inheritance structure, and enter into the kinship system of his wife's family.

From the perspective of Maqashid Syariah, especially in the context of hifzh al-mal (protection of property), the practice of Angkap marriage can be seen as a

form of social endeavor that seeks to maintain the sustainability and security of family property, especially inheritance. Placing a son-in-law into his wife's family group is a strategy to ensure that family property does not move out of its original environment, while also providing legitimacy to the husband to manage and care for the property as part of the family. In addition, in some forms of Angkap marriage, the prospective husband is exempted from the obligation to pay edet (a type of customary dowry), thus opening up access for men who are economically disadvantaged to still be able to carry out marriages in a legitimate and honorable manner according to custom. Thus, it can be concluded that the practice of Angkap marriage is not merely a product of local culture, but also contains values of benefit that are in line with the goals of Islamic law. It is a contextual solution to economic, social, and family sustainability issues, as long as the practice does not substantially conflict with sharia principles. Therefore, the existence of this tradition needs to be appreciated as a form of cultural dynamics that can still be preserved within the corridor of maqashid sharia .

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