

Understanding *Kerje Sara Urang* in the Gayo Community of *Belah Hakim*: A Study of 'Urf and Local Customary Practices

Adelin Hakim*, Abdul Manan, Jailani Jailani, Nufiar Nufiar, Khairiah Syahabuddin

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

*Correspondence:  231009017@student.ar-raniry.ac.id

Abstract

This study examines the *kerje sara urang* prohibition within the Gayo community's *Belah Hakim* clan, a customary rule forbidding intra-clan marriage, utilizing a qualitative method with an empirical juridical approach. The research combines normative analysis with direct field observation in *Belah Hakim* in habited areas of Central Aceh, Bener Meriah, and Gayo Lues. Primary data were gathered through interviews, observation, and documentation, analyzed using the Miles and Huberman model and triangulated for validity. The study found that the *Belah Hakim* community enforces this prohibition due to beliefs in shared lineage impacting health, its role in maintaining social harmony, fear of ancestral curses, and a desire to uphold religious values. Violators face *parak* (exile for six-months) and traditional fines, with more severe sanctions like *jeret naru* (permanent exile) for specific cases. From an 'urf perspective, this prohibition is categorized as *al-'urf al-fāsīd* because it lacks explicit Islamic legal basis and can lead to harmful social consequences such as family disintegration, social exclusion, and infringement on individual rights, while also risking shirk through beliefs in ancestral curses. This research highlights the conflict between customary norms and Islamic justice, advocating for a contextual Islamic legal approach to align customary law with *maqāṣid al-sharī'ah*.

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INTRODUCTION

Custom plays a crucial role in regulating behavior, establishing obligations, and maintaining harmony among members of society. The application of custom reflects collective identity and how communities maintain a social order that has been passed down through generations. It has become the language of humanity. Customary law in Indonesia, and particularly in Aceh, has existed and been in effect since the rise of Islamic kingdoms, or even long before that, and continues to exist today (Rizki, 2020).

The same as the Gayo community. Customary rules are based on principles that are firmly held by the Gayo community, namely: *Turun ni Edet Ari Putemerhum*, *Turun ni Hukum Ari Cik Serule*, customary norms come down from the Gayo community itself, while religious norms are made through religious figures and leaders (Ali, 1985). One of the customary laws that is still applied by the Gayo community is the exogamous marriage system, namely *Belah* (Ibrahim & AR Hakim, 2010), or *Marga* that does not allow marriage between members of the same clan or lineage in one family (Auni et al., 2022). In anthropology, the prohibition on marriage between members of the same clan is known as exogamous marriage (Nurmansyah, 2019). In Gayo society, exogamous marriage or the prohibition of same-sex marriage is known as the prohibition of *Kerje sara urang* (Ungel, 2017). Which means, *kerje* 'married' *sara* is 'one', and *urang* means 'clan' (Irwandi, 2025b). So, *kerje sara urang* means marrying within the same village or clan.

In the customary legal system, the Gayo tribe strictly prohibits exogamy because one clan is still considered to be of the same lineage, *sara kekemêlen* (sharing the same sense of shame). This is based on the fact that in the Gayo tribe, the kinship system is still very close and is considered the most important thing that must be carefully preserved. For example, the *Belah Hakim* clan has consistently upheld the customary prohibition *kerje sara urang*. The *Belah Hakim* (clan inhabits at

least eleven villages spread across three main districts in the Gayo highlands) namely Central Aceh, Bener Meriah, and Gayo Lues. According to the customary decision of the *Hakim* clan, any *Hakim* who marries another *Hakim*, whether residing in the villages of the *Belah Hakim* or outside their territory, will be subject to customary sanctions in the form of exile for six months (Rita, 2025). After serving their exile, offenders can return to *Belah Hakim* after paying a customary fine in the form of a two year old buffalo (Ependi, 2025). The reason *Belah Hakim* still maintains this custom is because they believe that if there is *kerje sara urang*, it has a potential to reduce the health quality of their descendants because they are considered to be marrying within the same lineage, and if this customary law is not implemented, they fear that they will receive a curse from their ancestors that could harm everyone (Nasrun, 2025). From the perspective of Islamic law, traditions or customs that are deeply rooted in society should not necessarily be abolished, as such abolition could potentially cause difficulties for the community. The principle of Sharia law emphasizes that religion was not revealed to burden its followers. However, not all traditions or *urf* can serve as a legal basis. *Urf* is only acceptable if it meets the criteria of Islamic law and does not contradict the Qur'an, Sunnah, the consensus of scholars, or the principles of Islamic justice (Furqan, 2022). Therefore, traditions that have developed within society, such as the prohibition of *kerje sara urang*, must be examined for their validity: whether they truly still provide benefits for *Belah Hakim* and are in line with the *maqāsid al-sharī'ah*, namely protecting religion, life, reason, lineage, and property (Ansori et al., 2025).

This phenomena is interesting to study further, because the prohibition of *kerje sara urang* lies at the intersection of custom and Sharia law. On one hand, this custom is believed to play an important role in maintaining social harmony, strengthening collective identity, and protecting the quality of offspring. However, on the other hand, if the rule does not have a solid Sharia basis, it has the potential to cause legal and social problems, such as a conflict between the individual's right to marry and the collective obligation to uphold customs. Therefore, this study addresses important questions: First, how is the prohibition on *kerje sara urang* enforced in the *Belah Hakim*? Second, why does the *Belah Hakim* still uphold the custom of prohibiting *kerje sara urang*, and what is its impact on the social life of the community? Third, how does the *urf* review the prohibition on *kerje sara urang* in the *Belah Hakim*?

This study also attempts to answer the question of whether the prohibition is still relevant to uphold and provide benefits to society or whether it has become an obstacle in the current social and legal dynamics. Thus, this study provides a new contribution to understanding the dialectical relationship between customary law and Islamic law. With a more comprehensive theoretical approach based on the social reality of the communities in Central Aceh and Bener Meriah, particularly in *Belah Hakim*, this study seeks to develop and enhance the relevance of customary law and review its *urf* practices.

Many studies have been conducted on the prohibition of customary marriage, albeit with different focuses and approaches. For example, discussing the prohibition of *kerje sara urang* from a legal perspective (Rahmayanti, 2024). Meanwhile, Yustim, (2022) emphasizes cultural and social identity aspects. Surya & Basri, (2019) highlight the existence of the customary sanction of *jeret naru* in Central Aceh, while Caesar, (2019) descriptively examines the practice of exogamous marriage among the Gayo people, and community perception of marriage within the same clan, socio-cultural impacts, and implications for the *dalihan na tolu* kinship system.. Unlike previous studies, this article not only describes the field phenomenon but also places the prohibition of *kerje sara urang* in *Belah Hakim* as an object of normative-evaluative analysis through the perspective of *urf*. Thus, this study offers a new contribution in the form of an integrative framework linking customary law, Islamic law, and positive law, thereby producing a more comprehensive and critical understanding of the applicability of this customary prohibition in Gayo society.

METHODS

This study uses a qualitative method with an empirical juridical approach, which combines normative analysis of customary law with direct observation of field practices, enabling researchers to understand the relationship between customary rules, social realities, and Islamic teachings (Wiraguna, 2024). The research was conducted in areas inhabited by the *Belah Hakim*, namely in Central Aceh, Bener Meriah, and Gayo Lues districts, with a primary focus on core villages such as *Hakim Takengon*, *Hakim Wih Ilang*, *Hakim Bale Bujang* and *Hakim Dedamar*. because the *Belah Hakim* still consistently enforce the prohibition on *kerje sara urang* and impose customary sanctions on violators. The research lasted for six months, from January to June 2025, with intensive field visits to ensure the depth of the data.

The main source of data in this study is primary data, obtained directly from the field through three main techniques: interviews, observation, and documentation. The researchers conducted direct observation of the prohibition of *kerje sara urang*. Interviews were conducted with key informants, including the Gayo traditional council, members of the *sarak kopat* religious leaders (ulema), and individuals who had violated the prohibition of *kerje sara urang*. The interviews aimed to understand the reasons why *Belah Hakim* maintained this prohibition, the implementation of the *parak* sanction process, and the personal experiences of violators in facing social exclusion and pressure. Secondary data were obtained from the 2015 *Belah Hakim* customary decision document, which serves as the legal basis for the implementation of the *parak* sanction, as well as oral records, traditional manuscripts, and documentary photographs (Manan, 2021). Accessed through archives of traditional leaders and interview results. In addition, researchers also collected literature related to Gayo customary law, *'urf* in *uṣūl fiqh*, and studies on exogamous marriage to enrich the contextual analysis. Qualitative data analysis was based on the Miles and Huberman model, which includes data reduction, data condensation, information presentation, and conclusion drawing (Salmona & Kaczynski, 2024). To maintain data validity, triangulation techniques are used by comparing various sources of information (Donkoh & Mensah, 2023).

RESULTS AND DISCUSSION

The History of the Prohibition of *Kerje Sara Urang* in *Belah Hakim* Community

The Gayo people are an ethnic group that inhabits the central region of Aceh Province. Their home is in the mountainous region of the Bukit Barisan Mountains, located in the northernmost part of Sumatra Island (Sukiman, 2020). They primarily live in the Gayo Highlands, which encompasses Central Aceh Regency, Bener Meriah Regency, and Gayo Lues Regency. There is also a significant Gayo population in Southeast Aceh Regency, particularly in Kotacane. A small minority resides in the Lokop area of East Aceh (Iswanto & Haikal, 2019).

In Gayo society, the kinship system is very strong. Sibling relationships are considered the most important thing to maintain. Even if there is no blood relationship, if people live together in the same area, they are considered siblings. For the Gayo tribe, one group means one family. Similar to the Karo and Tapanuli regions, which have a clan system, the Gayo region also has a similar system called *Belah*. *Belah* refers to a clan or lineage, which is a kinship group larger than the nuclear family (*sara ine*) and extended family (*sara dapur*) but smaller than a tribe. As explained by Aman Pinan, *Belah* is a group of people who are united by a bond that originates from a common ancestry or shared experiences, or because they are recognized/accepted as members of a group. Within a *Belah* group, all members adhere to a system of values or norms that have been passed down through generations, which are used as rules in daily life (Ibrahim et al., 2010) Members of a *Belah* group believe that they share the same ancestors, know each other, and maintain close ties, especially in the performance of various traditional ceremonies. The Gayo tribe is divided into several sub-groups, including *Belah Cebero*, *Munte*, *Linge*, *Melala*, *Tebe*, *Bukit*, *Bale*, *Meluem*, *Gunung*, *Hakim*, and so on (Ruawaida, 2025).

Belah Hakim is one of the *Belahs* located in the highlands of Gayo, according to Yusradi Usman al Gayoni. After conducting his research, he explained that *Belah Hakim* originally came from Peparik Dekat, Gayo Lues, which later moved to Hakim Tenamak, Isaq, and then migrated to Hakim Bale Bujang. The first wave of migration was led by Merah Cut around 1883, as at that time there was a natural phenomenon where the sky turned dark, allegedly due to the eruption of Mount Krakatau. It is considered a disgrace for the *Belah Hakim* clan if there is a marriage within the same clan, as it is deemed to be within the same lineage (Al-Gayoni, 2025).

Based on the kinship system that is highly respected by the Gayo community, a customary norm known as the prohibition of *kerje sara urang* was born. *Sara urang*, according to the Gayo language as explained by Ibnu Hadjar Laut Tawar:

Urang in the Gayo language refers to a group, community, or clan within Gayo society that inhabits a particular area or village. *Urang* is also commonly referred to as *Belah* or *Kuru*. Traditionally, in the past, the Gayo people lived in groups that occupied a specific area what is now known as a village and these settlements typically originated from a single *urang* or *Belah* (Ibnu Hadjar Laut Tawar, 2025).

This law stems from an agreement made by ancestors in the past, particularly by the small group that first cleared land (*munene*) in an area. Given their limited numbers, a social agreement was formed known as *beloh sara loloten* (traveling along one path in the same direction), *mowen sara tamunen* (settling together in one area), and *tulung beret bebantu* (working together in hard work). Furthermore, they internalized social values such as *sara sudere* (a sense of brotherhood) and *sara kekemelen* (a shared sense of shame) as guidelines for living together. The primary purpose of this agreement was to affirm that they were one extended family, prohibiting intermarriage within the group to prevent internal conflict or division within the community (Rita, 2025).

The customary agreement was formulated by a community group that settled in an area in the Gayo region and is known as *Belah*. In the structure of the Linge Kingdom, there are four main *Belah*, namely *Belah Gading* as king, *Belah Jururun* as a traditional figure, *Belah Uning* as a religious figure, and *Belah Lot* as the people. Each stake has a traditional leadership system called *sarak opat* (Gayo, 2021). Consists of four main elements: *reje* (leader or), *imem* (religious leader), *petue* (traditional figure or elder), and rakyat (community members). *Sarak Opat* not only plays a role in organizing customary governance, but is also tasked with preserving social and cultural norms, including continuing the marriage provisions inherited as ancestral oaths, namely the prohibition on marriage between members of the same hemisphere (Rahmayanti et al., 2024). Over time, the people who were originally within the Linge Kingdom's territory expanded to various regions in search of new livelihoods. This migration process gave rise to new kinship groups known *Belah* or *urang*. Despite having spread to various regions, these groups still carry with them the customary rules established by the *sarak opat* of their original region. One rule that remains strictly enforced is the prohibition on marriage within the same region, as the kinship system they adhere to is exogamous, requiring individuals to marry outside their own group.

Members of a community believe they share common ancestry, know each other, and maintain close ties, particularly during traditional ceremonies. Lineages in Gayo society demonstrate a distinctive kinship system determined by the chosen marriage forms: *juelen* (*ango*) and *dirilis*. In the *juelen/ango* system, lineage and membership are divided along the father's side (patrilineal) (Santika & Eva, 2023). where the wife and children are in the husband's family. In contrast, in the matrilineal system, descent follows the mother's side (matrilineal) (Santika & Eva, 2023). The term "*kerje juelen*" is used by the woman, while the man calls it "*kerje angkap*." After marriage, the couple usually lives in a patrilocal manner (Hefni, 2012). (called *juelen*) at the husband's house, or in some cases matrilocally. (known as a *angkap*) at the wife's home. The choice of this form of marriage not only determines the status of the child, but also reflects the socio-

cultural dynamics of the Gayo community in maintaining kinship identity through a flexible yet meaningful system of kinship within its social structure (Sukiman, 2020).

Practice of Prohibiting *Kerje Sara Urang* in *Belah Hakim* Community

The *Belah Hakim* is one of the *Belahs* that still enforces the *kerje sara urang* customary prohibition. So that until now the judge's half still inhabits the Tanoh Gayo highlands, and now the judge's half has inhabited at least 11 villages spread across the Central Aceh district and is truly festive so that several villages have been formed. Currently, *Belah Hakim* has been divided into around ten villages or villages, including: Hakim Wih Ilang Village, Hakim Dedamar, Hakim Takengon, Reje Hakim Cik Bintang, Hakim Tanamak Isaq, Hakim Mengaya, Hakim Leme Gayo Lues, Hakim Tunggul Naru, Hakim Remang Ketike Jaya, and Hakim Putri Pintu. This dispersion not only reflects the process of adaptation and organizational development across generations but also affirms the position of *Belah Hakim* as one of the principal pillars in the social structure of the Gayo community. Despite the geographical spread, emotional and social bonds among members have been preserved through the maintenance of customary traditions, the practice of *silaturahmi* (social kinship), and various collective activities that strengthen communal solidarity. One tangible manifestation of this cultural preservation is the continued enforcement of the *kerje sara urang* prohibition, which remains upheld by *Belah Hakim* to this day. Thus, territorial dispersion has not diminished commitment to customary values; instead, it has further reinforced the existence and relevance of these cultural traditions in contemporary Gayo society.

During a gathering of all judges from Central Aceh, Bener Meriah Regency and Gayo Lues, held in Hakim Takengon, Central Aceh on September 29, 2015, customary law prohibiting *kerje sara urang* was re-formulated, resulting in several customary law decisions (Hukum Adat *Belah Hakim*, 2015), including: (1) If a Hakim person lives outside the Hakim village, if a marriage occurs between them, they are still subject to *parak* customary law. If a Hakim person lives outside their home village (Hakim Village). (2) Every Hakim individual residing in the Hakim village, whether an *angkap* (adopted member) or a *juelen* (a direct descendant), remains subject to customary law if a violation occurs. (3) Customary sanctions given to people who violate customary law (*parak*) can only be redeemed for 6 months. (4) If there is a Hakim Community who violates customary law (*parak*) and has not yet recognized customary sanctions, then gets divorced and cannot return to the Hakim village before recognizing customary law (*Parak Law*). (5) If one member of the Hakim community dies whether the husband or the wife who belongs to the Hakim lineage, the surviving spouse may remarry another person from the Hakim group without being subject to customary law fines, except in cases of *gulung tikar* (marriage between siblings).

According to the customary law decision above, it has been explained that in *Belah Hakim*, *Parak* customary law still applies even though its citizens reside outside the village of *Hakim*. This means that if two people from the village of *Hakim* marry, even though they live outside the area, they are still considered subjects of customary law. This law applies to everyone, whether they are native residents (*juelen*) or migrants (*angkap*), as long as they still identify themselves as part of the Hakim community and are bound by its customary values. If someone violates *Parak* customary law, they will be subject to customary sanctions. These sanctions must be paid within six months. If not, the offender will not have the right to return to their hometown, even after divorce. This shows that customary law violations are not only personal in nature but also have social implications. The customary law aims to maintain the honor of the community and ensure that each individual is accountable for their actions before the indigenous community. However, *Parak* customary law also provides exceptions in certain situations. If one of the spouses (husband or wife) dies, the surviving spouse may remarry someone from the Hakim community without incurring a customary fine. This exception does not apply if the case falls under the condition of “*gulung tikar*,” which likely refers to serious violations or unusual circumstances. This demonstrates that customary law strikes a balance between enforcing norms and tolerating the social conditions of the community. The *Belah* Chief, A. Arita, emphasized that:

The reformulation of this customary law was based on helping to overcome the increasingly fading understanding and application of customary inheritance law. In addition, this initiative also aims to strengthen kinship ties among the communities divided by *Hakim*, even though they have now spread out and no longer reside in the same area (Rita, 2025).

According to him, the concept of *Belah* not only functions in the context of marriage, but also in social solidarity, protecting the honor of the village, as well as maintaining traditional values such as *mowen sara tamunen* (living together in one place) and *tulung berat berbantu* (mutual cooperation).

Rationales behind the Endurance of the Prohibition of *Kerje Sara Urang* in *Belah Hakim* Community

To this day, the people of *Belah Hakim* still strictly adhere to the customary rule prohibiting intermarriage between clans. This prohibition is not based solely on tradition, but is an integral part of a social system that aims to maintain harmony, stability, and continuity of kinship within the Gayo community. The preservation of the custom of prohibiting sara urang work in the Hakim community is not without reason. There are a number of considerations that form a strong basis for why this rule is still upheld and enforced today. The reasons why the Hakim community still strongly upholds this custom are as follows:

First, the *Belah Hakim* community believes that all current clans originate from the same lineage, as stated by Najimudin, a traditional leader of the Hakim Dedamar clan, “*that one clan originates from the same ancestor, sara Belah sara keturunan (one clan, one lineage)*” (Najimuddin, 2025). Therefore, consanguineous marriages have the potential to reduce the health quality of future generations, As explained by Al-Gayoni, a prominent figure in Gayo tradition:

From a genetic perspective, consanguineous marriages increase the likelihood of inheriting recessive traits that can cause physical abnormalities and health disorders. In the long term, this practice poses risks to immune system resilience, reduces genetic diversity, and impacts the quality of future generations (Al-Gayoni, 2025).

This belief forms the basis for the collective identity of the *Belah Hakim* community as a single, unified kinship group or clan. This view continues to be upheld and serves as the main reference point for determining social boundaries, especially those related to the prohibition of *Kerje sara urang* within a single *Belah*. The continuity of this belief reflects how traditional values continue to play a central role in maintaining social cohesion, preserving the purity of lineage, and safeguarding the cultural integrity of the Gayo community.

Second, the prohibition of *kerje sara urang* continues to be enforced because it can be used as a village fence (*parak*) because it is thought that *kerje sara urang* can cause social conflict that can disrupt the peace of the community itself (Sirwan, 2025). As stated by A Arita:

This prohibition is a precautionary measure because this act *Nume i lehah ni belang* (it is not done in front of other people), so that with this prohibition in place, people will not be afraid to leave their children at home when they go to the fields for a few days because they watch out for each other, as the Gayo people often say, ‘*Beloh koro tareng tunah beloh heme tareng umah*’ (go to the field, leave the house; go to the garden, leave the house), so someone has to watch over those left behind. Therefore, this prohibition on leaving children alone is enforced for all the villagers in that village (Rita, 2025).

Therefore, this prohibition on *kerje sara urang* was enforced on all members of the village community, as each individual must protect others.

Third, that violating customary prohibitions, particularly regarding marriage within a single marriage without implementing customary sanctions, can invite disaster or calamity. This belief

was removed from the *sumpah tetue jemen* (Rita, 2025), (ancestral oath) which is passed down from generation to generation. which if not implemented will result in a curse from their ancestors (Jamhir & Gayo, 2020). Several traditional leaders recounted real stories that reinforce this belief. Nasrun, one of the traditional leaders, said, “In the past, there was a member of the Belah Hakim clan who married someone from the same clan without going through the *parak* process because the woman did not acknowledge her origins. Shortly after the wedding, the woman suddenly became paralyzed” (Nasrun, 2025). Sirwan also recounted, “There was also another case where someone died suddenly without any apparent cause after entering into a marriage without undergoing the customary sanctions” (Sirwan, 2025). Out of fear of this curse, *Belah Hakim* still upholds this customary law.

Fourth, in an effort to maintain the dignity and honor of religion As explained by Bokhari, a religious figure in *Belah Hakim* “In Gayo society, there is a term known as *Syariet kin senuen, edet kin peger e*. (Sharia is like a plant and customs are like its fence)” (Bokhari, 2025). To protect against things that could undermine the Sharia itself, the Gayo tribe is known for its strong adherence to traditional values that have been passed down from generation to generation, binding the Gayo community together with various values and norms (Linge, 2023). When Sharia law has already set limits on who can be married and who is prohibited from being married, and Sharia law prohibits acts that are close to adultery. Then, the custom of prohibiting ‘*kerje sara urang*’ emerged as an effort to maintain the purity of marriage because if marriage between relatives were permitted, it would often lead to actions prohibited by religion or actions that approach adultery.

Although the prohibition on *sara urang* often faces obstacles due to rigid and non-contextual interpretations of custom. Many people believe that this practice has evolved from a form of social solidarity into an unfair burden, especially when customary laws are applied in a discriminatory manner or without considering the evolving conditions of modern society and other challenges such as massive population migration, which leads to increasing social, cultural, and ethnic diversity within a region. This diversity has the potential to cause social friction if not balanced with inclusive integration policies. However, despite the challenges mentioned above, *Belah Hakim* remains steadfast in upholding customary practices, demonstrating that local values still hold significant power. They believe that customs are not obstacles to progress but rather serve as an important foundation for building a strong, harmonious, and self-identifying society. This commitment reflects a spirit of preserving cultural heritage to prevent its extinction, while also proving that customs can coexist with change without losing their original meaning.

Sanctions for Violating the *Kerje Sara Urangon* in *Belah Hakim* Tradition

Sanction *dene* this fine in Gayo traditional terms is money for cleaning the village (cleaning the village) for the actions of the perpetrators who have dirty the village due to the actions they have done (Surya & Basri, 2020). Violators of customary law are required to cleanse or wash their bodies (*tete or lante*) (village cleansing). Those who continue to practice *sara urang* marriages are required to undergo customary law and face the most severe customary sanction, *jeret naru*. *Jeret naru* is a term used to refer to the customary law imposed on individuals who violate the prohibition of *kerje sara urang* (marriage within the same clan or lineage) (Fattah et al., 2024). This customary law is enforced in cases where the couple shares the same guardian (*wali*) a sign of close familial ties. According to tradition, both individuals involved may be executed by the surrounding community wherever they are found, and their bodies buried together in a single grave. The term *jeret* means grave, while *naru* means long. Alternatively, violators may be permanently exiled and forbidden from ever returning to their original *Belah* (lineage group or community) (Coubat, 1984). And the lightest and most commonly applied form of sanction is known as *parak* customary law. *Parak* is a form of customary sanction involving the exile of an individual or couple to another area as a consequence of violating customary norms. This sanction is typically imposed on married couples who engage in *kerje sara urang* (marriage between individuals from the same *Belah* or kinship group). In this context, the offenders are no longer recognized as members of their original

community and must undergo a period of exile as determined by local customary law (Rahmayanti, Saifullah, et al., 2024).

As has been determined by the judge, this roasting period is carried out for 6 months after this roasting period is over and when wanting to return to the original part, there must be a peace agreement with the other part members by paying a traditional fine. Efendi said:

In this case, the groom's side is responsible for providing a buffalo, while the bride's side prepares sufficient rice, as well as spices or money. *si rawan menyedie sara koro sibanan mujangkat oros segenap dirie* (the groom's side provides one buffalo, the bride's side provides sufficient rice) (Efendi, 2025).

A Arita adds an explanation:

Meanwhile, firewood and cooking equipment are provided by the families of both parties and then handed over to the village community of *Renye I Mai Ku Mersah I Talu Bewene Masyarakat Ken Mangan Morom* (Then it is taken to the menahah and a meal is held together by all the division members) (Rita, 2025).

This procession is not merely a ceremonial activity, but has deep social and cultural significance as a form of accountability for customary violations that have occurred. The ceremony is seen as a means of seeking forgiveness and atoning for mistakes that have caused a breakdown in kinship relations between the two parties. By carrying out the peace procession, the perpetrators of the violation are socially recognized again, thereby restoring kinship relations and reinforcing the values of togetherness and harmony in Gayo society. All family members from both sides participate in preparing the ceremony's paraphernalia, emphasizing the principle of mutual cooperation and collective responsibility for restoring the violated norms. This demonstrates that customary law not only serves as a guide for life but also as a corrective mechanism ensuring social order.

When the time comeshero has not been completed or the customary fine has not been paid, then the customary offender is still prohibited from returning to his/her home village, Ruwaida, a traditional leader, explains "*During the period of exile or until the fine has been paid, they cannot return to their village even if their relatives hold a sinte morêp (party) or a sinte matê (funeral feast)*" (Ruwaida, 2025). As stated by R, one of the perpetrators, "*Even just attending the event was not allowed, melibet pê atan kampung ni gere ngok (even passing through the village was not allowed)*" (R, 2025). Their presence in the community is not permitted until all customary requirements have been fulfilled. As long as these customary laws remain unfulfilled, they are still considered to be committing a disgrace that could bring disaster upon the community.

This customary law has elicited various responses from the community. Some parties accept it well, as explained by Ruwaida: "*We believe that these provisions can deter those who violate customary law. With the imposition of fines and the requirement to undergo a peace-making ceremony, the Belah Hakim community will think twice before marrying within their own community*" (Ruwaida, 2025) This mechanism essentially serves as a preventive measure to maintain social order while reaffirming the customary norms that have been passed down through generations.

There are also those who believe that this customary law needs to be reviewed because its impact can be categorized as negative in the context of contemporary social dynamics. As explained by S, one of the practitioners of *kerje sara urang*:

Some individuals who form relationships with members of the same clan are forced to face social sanctions, including exclusion (*parak*), which often leads to emotional conflict, stigma, and disintegration within the clan. Because the community believes *I deret ni tarak I pangan supak, I deret nuwer I pangan kule* (within the community, they are eaten by oaths; outside the

community, they are eaten by tigers), this practice can create psychological pressure due to exclusion and the surrounding community's perception that they have committed a disgraceful act that damages the village's honor (R, 2024)

R added, “*This customary law also hinders freedom of choice in selecting a life partner. It is not uncommon for those who force themselves to remain married to take a shortcut, namely by engaging in extramarital relations so that the marriage procession in kerje nek*” (R, 2025). *Kerje nek* is a marriage that occurs when a young man elopes with a girl and takes her to Imem's house in the village to make her his wife. Usually, the wife is already pregnant (Chalid & Kasbi, 2021). The community also still believes in the existence of curses that are believed to arise as a result of violations of customary law. Such beliefs have the potential to lead to practices of shirk, as they contain elements of traditional beliefs that are not in line with the principles of *tawhīd* in Islamic teachings. This phenomenon shows the existence of syncretism between local traditions and religious teachings that needs attention in religious approaches and the socialization of customary law.

Evaluating the Impact of the Kerje Sara Urang Prohibition through the Lens of ‘Urf

In Islamic law, the prohibition on marriage only applies to someone called a *maḥram* (Aisyah, 2025). *Maḥram* is a prohibition on marriage between a man and a woman according to Islamic law (Rahman, 2006). According to Imām Ibn Qudāmah, *maḥram* are all people who are forbidden to marry forever because of heredity (*nasab*), because of breast milk (*radā’ah*) and the reason for marriage (*musāharah*) in Islamic law (Qudāmah, 2011). One crucial aspect in determining the validity of a marriage is the status of the woman to be married. If the woman falls into a category prohibited for marriage, then the marriage is legally impermissible. Conversely, if she falls into a category permitted for marriage, then the marriage is considered valid (Zuhri, 2024), and there is no prohibition in Islamic law that explicitly forbids marriage based on lineage, either from the mother or father, except for those called *maḥram*. Therefore, it can be concluded that the prohibition on *kerje sara Belah* in indigenous communities, especially in matrilineal kinship systems such as in Gayo, is not a *syar’i* prohibition, but is a form of ‘urf.

In Islamic studies, custom is called *al-‘ādah* or *al-‘urf*, which means custom or habit. Meanwhile, according to Abdul Wahab Khalaf, *urf* is: “*Al-Urf is something that is known by many people and done by them, in the form of words, deeds or something left behind. This is also called al-adah*” (Khallaf, 1986). Sa’ban said “*What has become a human habit and they agree with it, whether it is in actions that have spread widely among them or words that they say, they know the meaning specifically so that no other meaning will come to mind when they hear the word*” (Sa’ban, 1968).

Based on the various definitions above, *al-‘urf* or custom can be understood as a form of *ma'ruf*, namely something that is known, understood, and agreed upon by society within the framework of positive and constructive values. The use of ‘urf as one of the sources in the discovery of Islamic law can only be justified if it meets certain conditions. If we look at the *shar’i* arguments that form the basis for the permissibility of ‘urf as a method in determining the law, it can be emphasized that the form of ‘urf referred to is ‘urf that brings benefits and has value according to the views of society and sharia.

Types of ‘urf In the study of *Uṣūl Fiqh* (Principles of Islamic Jurisprudence), scholars divide ‘urf (custom) into three categories, namely:

In terms of its object, ‘urf is divided into two: *al-‘urf al-amali* (actions) which are the customs of society related to ordinary actions or civil transactions. *Al-‘Urf al-qauli* (words) which are the customs of society in using certain pronunciations/expressions in expressing something, so that the meaning of the expression is what is understood and crossed the minds of society (Haroen, 1997). In terms of its scope, ‘urf is divided into two categories: ‘Urf ‘Ām (general customary practice), which refers to customs that are widely accepted and practiced across various regions. ‘Urf Khāṣṣ

(specific or particular customary practice), which refers to customs that are practiced only in certain places and specific times, and therefore do not apply universally.

In terms of its validity, *al-'urf* is divided into *al-'urf al-ṣahīh*, namely customs that apply in the middle of society that do not contradict the text of the Qur'an and the Sunnah, do not eliminate benefits, and do not bring harm. *Al-'Urf al-fāsid*, namely customs that contradict the evidence of sharia and the basic rules contained in sharia or allow something that is forbidden and cancel something that is obligatory.

The use of *'urf* as a source for the discovery of Islamic law is only permitted if it meets certain requirements. When viewed from the Islamic legal arguments that underlie the permissibility of *'urf* as a method for establishing law, it can be affirmed that the form of *'urf* in question is *'urf* that brings benefits and has good values according to the views of society and sharia. For this reason, Islamic legal methodology experts (ushul experts) require several conditions as follows (Al-Zarqa, 1967).

First, *'urf* contains logical benefits. This condition is an absolute requirement for a valid *'urf* (Syarifuddin, 2011). This means that customs prevailing in society must provide tangible benefits to social life and not conflict with the principles of justice, humanity, and Islamic values. The benefit here is objective, so it can be accepted by the general public. And in the sense that it does not contradict the Quran and the Sunnah of the Prophet (Effendi, 2005). Conversely, if *'urf* brings harm and cannot be logically justified, then such *'urf* cannot be justified in Islam. Second, *'urf*, whether in general or specific forms, as well as in actions and speech, has universal validity. This means that *'urf* is accepted and used as a guideline in most social events that occur in society, and is widely adopted by the majority of society. Third, a *'urf* can be used as a legal basis if it has existed and taken root in society before the occurrence of the event or issue for which the law is to be determined. In other words, the existence of the *'urf* must predate the case that becomes the object of the law. Fourth, *'urf* cannot occur if it conflicts with an agreement explicitly stated in a transaction. Therefore, if the parties involved have clearly defined their respective rights and obligations, the validity of *'urf* is void and it is no longer used as a legal reference (Salam, 1990).

Based on the conditions mentioned previously, the scholars allow the use of *al-'urf* as one of the sources of Islamic legal provisions. These requirements certainly did not emerge suddenly, but were based on theological considerations as well as the social, historical, and anthropological context of society (Al-Zarqa, 1968). However, if there is a conflict between *al-'urf* and the text of the Qur'an, it will be difficult to determine which scholarly authority is most entitled to determine the validity of *al-'urf* as a source of law. Moreover, if the understanding of religious texts is only monopolized by a group of people without considering the broader dimensions of meaning, such a situation has the potential to give rise to authoritarianism within the Muslim community.

viewed from its object, the prohibition of marriage between *kerje sara urang* is a customary law of the Gayo people, especially those living in the *Belah Hakim* community. This prohibition can be classified as *al-'urf al-'amali*, which is a form of *'urf* (custom) that is directly related to actual and repeated social practices, not merely verbal expressions or normative beliefs. In this context, *kerje sara urang* is not merely a symbolic customary rule but has become a living law that is consistently upheld and practiced by the community in their daily lives. This prohibition manifests itself in concrete actions, such as avoiding marriages between members of the same *Belah*, imposing customary sanctions on violators, and reinforcing norms through social pressure. Thus, the prohibition is not only upheld by formal customary institutions but also enforced through collective social mechanisms that function as regulators of individual behavior within the community. The existence and continuity of this prohibition serve as evidence that *al-'urf al-'amali* possesses significant social and cultural power in maintaining social order among the Gayo people, particularly in the context of family relations and marriage.

When viewed from its scope, the prohibition of marriage between *kerje sara urang* falls under the category of *al-'urf al-khāṣṣ* (special customs), because its application is not universal or widespread, but rather limited to certain communities, namely the Gayo indigenous community,

particularly those of the *Belah Hakim* lineage. This custom emerged and developed within a unique socio-cultural context characterized by a bilateral kinship system and a complex customary structure. As such, this norm does not apply outside the Gayo community and is not found in other communities nationwide, nor is it recognized within the broader framework of Islamic law, which tends to be more universal in nature. Therefore, this practice is more appropriately classified as *al-'urf al-khāṣṣ*, a local custom that is binding and relevant only to those who believe in and uphold it, in this case, the Gayo community. This custom is maintained as part of their collective identity and cultural heritage, passed down through generations, and serves as an important element in shaping social relationships and community structures. The strength of this norm does not lie in formal legitimacy derived from religious or state law, but rather in the social consensus and cultural authority deeply rooted in the life of the Gayo community.

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From a legal perspective in Islamic law, the prohibition of *sara urang* work is classified as *al-'urf al-fāṣid*, because the prohibition of *sara urang* work does not meet the requirements of a valid *'urf* to be used as a source of Islamic law, such as conformity with *shar'ī* arguments. In the case of *kerje sara urang*, this prohibition lacks explicit support from the Qur'an or Hadith, and the impact of enforcing the prohibition on *kerje sara urang* was initially intended as a collective effort to protect lineage and prevent potential conflicts arising from marriages between individuals considered to have close kinship ties. However, in practice, this rule can actually cause harmful social impacts, such as the severing of family ties within the clan, social exclusion due to being perceived as tarnishing the village's reputation, and facing severe social pressure for allegedly committing a shameful act that could bring misfortune, leading to extreme choices by individuals who still choose to marry within the clan. Additionally, there is the imposition of customary fines that are considered extremely burdensome for those who still choose to marry within the same clan. Furthermore, there is a belief in society that if this customary law is not enforced, it will bring misfortune or disaster due to the oaths of their ancestors in the past. Such beliefs, if held absolutely as the cause of disasters without being grounded in the will of Allah, can lead someone into acts of *shirk*. This is because such beliefs involve the worship of ancestors and the belief that they possess supernatural powers beyond the authority of Allah, which clearly contradicts the principle of *tawhīd* in Islam. This phenomenon indicates a shift in the meaning of the prohibition, from its original purpose of maintaining social harmony to now becoming a source of tension and division within the community.

Furthermore, there is a growing difference of opinion between traditional leaders and religious scholars regarding the legitimacy and relevance of this prohibition. As stated by one religious leader from the *Belah Hakim* region:

When viewed from a religious perspective, there is no strong sharia basis for upholding this customary law. Nevertheless, this custom is still preserved because it has been passed down

from generation to generation and serves as a social mechanism to maintain behavioral boundaries within the community (Bohari, 2025).

This is a lesson perhaps not explicitly expressed by the traditional elders of the past. However, over time, the *Belah Hakim* community has experienced rapid development. The population has increased and families have become more widespread, making clan identification increasingly difficult. Therefore, the public interest that underpinned prohibitions in the past is no longer relevant to the current societal context. Within this framework, customary law principles are also dynamic, subject to change in response to changing times and shifting social needs.

Therefore, it is necessary to re-examine this customary prohibition so that it is in line with *'urf*, which can be used as a source of Islamic law and does not conflict with the objectives of *Maqāṣid al-Sharī'ah*. First, what was the original purpose of this prohibition? Was it to maintain social harmony, prevent conflicts, or preserve lineage? By understanding its fundamental purpose, we can consider new ways to achieve it without violating Sharia values or infringing on individual rights.

Secondly, not all customary elements must be rejected. For example, maintaining the purity of bloodlines within a clan or family. Using these customs as boundaries for the community to maintain religion and harmony within society strengthens internal solidarity, clarifies kinship structures, and reinforces the values of customs that have been passed down from generation to generation. However, customary laws that have negative social impacts, such as harming individuals, such as severing family ties within a clan, being ostracized from the social environment for allegedly tarnishing the village's reputation, and facing severe social pressure for allegedly committing a shameful act that could bring misfortune, must be avoided as they are inconsistent with the objectives of Sharia law.

Third, review the kinship system or lineage (*Belah*) that forms the basis of the prohibition. Until now, this prohibition has generally been based on social and cultural restrictions that have been passed down from generation to generation, without critical examination of its relevance in the context of a modern community or its compatibility with the principles of Islamic law. This review aims to clarify who is still legally and socially considered part of the kinship group. In practice, many cases arise where the boundaries of lineage become blurred due to relocation, inter-village marriages, or the younger generation's lack of knowledge about their origins. By objectively, inclusively, and contextually reviewing this kinship system, the prohibition on *kerje sara urang* can be adjusted to avoid discrimination or violations of individual rights. This also allows for the separation of customary values that remain relevant from elements that need to be abandoned because they conflict with the principles of Islamic law, enabling the system to continue to be implemented and accepted by the broader community without opposition.

CONCLUSION

The study critically analyzed the *kerje sara urang* prohibition within the *Belah Hakim* community, a customary rule in Gayo society forbidding marriage between individuals of the same clan. The research found that this prohibition is enforced through a system of customary sanctions, primarily "*parak*" (exile), which can last for six months and requires a traditional fine (buffalo and rice) for readmission, as re-formulated in the 2015 customary law decision. The *Belah Hakim* community continues to uphold this custom due to a collective belief in shared lineage and the potential for reduced health quality in descendants from consanguineous marriages, the custom's role as a "village fence" to prevent social conflict and ensure mutual protection, and a deep-seated fear of ancestral curses if the prohibition is not observed. Furthermore, it is seen as a means to maintain religious dignity by preventing actions that could lead to adultery, aligning with the Gayo proverb *Syariet kin senuen, edet kin peger e* (Sharia is like a plant, and customs are like its fence). However, from the perspective of *'urf* (custom) in Islamic law, the *kerje sara urang* prohibition is classified as *al-'urf al-fāsid* (corrupt custom). This is because it lacks explicit textual basis in

Islamic law and, despite its original intent to protect lineage and prevent conflict, it now causes harmful social impacts such as family disintegration, social exclusion, psychological pressure, and limits individual freedom in choosing a spouse. The belief in ancestral curses also risks leading to shirk (polytheism) by attributing supernatural powers beyond Allah's authority. This research contributes to religious, social, and cultural knowledge by offering an integrative framework that links customary law, Islamic law, and positive law, providing a comprehensive and critical understanding of the applicability and relevance of this customary prohibition in contemporary Gayo society. It highlights the tension between customary norms and Islamic justice principles, emphasizing the need for a contextual Islamic legal approach to reconstruct customary law to align with *maqāṣid al-sharī'ah* (objectives of Islamic law) and ensure justice and adaptability to social dynamics.

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